

Procedure for the management of public interest disclosure (PID)

The Public Service Commission (PSC) is committed to assessing and responding to any public interest disclosures (PID). This means that we:

- encourage internal reporting of wrongdoing
- support and provide feedback to disclosures
- manage the risk of reprisal associated with a PID
- protect the rights of subject officers
- support an employee or others who make disclosures in the public interest.

1. What is a PID?

A disclosure in the public interest, of information about wrongdoing in the public sector. For an allegation to be considered a PID it must meet three criteria:

- i)* Public interest information about substantial and specific wrongdoings or danger

Any person, including a public sector officer, may disclose information about:

- a substantial and specific danger to the health or safety of a person with a disability
- a substantial and specific danger to the environment¹
- reprisal action following a PID.

A public sector officer may disclose information about:

- corrupt conduct by another person
- maladministration that adversely affects someone's interests in a substantial and specific way
- a substantial misuse of public resources
- a substantial and specific danger to public health or safety
- a substantial and specific danger to the environment.

- ii)* PID must be an appropriate disclosure

An appropriate disclosure meets the subjective and objective tests set out in the PID Act². This means:

- the discloser honestly and reasonably believes the information provided tends to show the conduct or danger; or
- the information tends to show the conduct or danger regardless of the discloser's belief.

- iii)* PID must be made to a Proper Authority

Proper authorities are persons and organisations authorised under the PID Act³ to receive public interest disclosures. Examples of proper authorities are:

¹ See PID Act Schedule 2

² See PID Act ss 12(3) and 13(3)

³ See PID Act s15

- the public sector organisation that is the subject of the PID
- an agency that has authority to investigate the matter (for example, the Queensland Ombudsman (the Ombudsman) or the Crime and Corruption Commission (CCC))
- a Member of the Legislative Assembly (an MP).

2. Why make a PID?

Employees who are prepared to speak up about public sector misconduct, wastage of public funds, suspected unlawful activity or danger to health, safety or the environment can be the most important sources of information to identify and address problems in public sector administration.

When making a PID, the discloser receives the protections provided under the [Public Interest Disclosure Act 2010](#) (the Act), including:

- confidentiality – the disclosers' name and other identifying information will be protected to the extent possible
- protection against reprisal – the discloser is protected from unfair treatment by the PSC and employees of PSC as a result of making the PID
- immunity from liability – the discloser cannot be prosecuted for disclosing the information but is not exempt from action if they have engaged in wrongdoing
- protection from defamation – the discloser has a defence against an accusation of defamation by any subject officer.

3. Making a PID

A discloser can make a PID, anonymously, verbally or in writing. To assist in the assessment, and any subsequent investigation, disclosers are requested to:

- provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number)
- provide as much information as possible about the suspected wrongdoing, including:
 - those involved
 - what happened
 - when it happened
 - where it happened
 - whether there were any witnesses, and if so, who they are
 - any evidence that supports the PID, and where the evidence is located
 - any further information that could help the investigation.

A PID may be provided in writing either to:

The PID Coordinator

Public Service Commission

PO BOX 15190

Brisbane, QLD 4002

OR

Email: commission.psc@psc.qld.gov.au

For further information on how to submit a PID online, visit the [PSC Website](#).



4. PID management program

The Commission Chief Executive (CCE) has overall responsibility for ensuring that PSC develops, implements and maintains a PID management program. The PID management program encompasses:

- commitment to encouraging the internal reporting of wrongdoing
- senior management endorsement of the value to PSC of PIDs and the proper management of PIDs
- a communication strategy to raise awareness among employees about PIDs and PSC's Public Interest Disclosure procedure (the procedure)
- a training strategy to give employees access to training about how to make a PID, information on the support available to a discloser, and advice on how PIDs will be managed
- specialist training and awareness for senior management and other staff who may receive or manage PIDs, disclosers or workplace issues relating to PIDs
- the appointment of a specialist officer/unit to be responsible for issues related to the management of PIDs
- ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls
- regular review of the procedure and evaluation of the effectiveness of the PID management program.

5. Roles and responsibilities

5.1 Commission Chief Executive

The CCE, as Chief Executive Officer of the PSC has overall responsibility for ensuring that:

- all employees are aware that they are required to conduct their duties to high professional ethical standards and always act in the public interest ([Code of Conduct for the Queensland Public Service](#))
- reasonable procedures are in place and that those procedures are published to enable members of the public and employees to access them
- PIDs are promptly and properly assessed, investigated and dealt with, including appropriate action being taken in relation to any wrongdoing
- employees making a PID receive support and protection from reprisal
- all legislative obligations in relation to reporting and investigation are met
- all matters involving suspected corrupt conduct are assessed in accordance with the [Crime and Corruption Act 2001](#) and treated accordingly, including referral to the CCC where appropriate.

5.2 PID coordinator

The Manager, Governance and Business Services is the PSC complaints coordinator and delegated PID coordinator (the coordinator). This role is responsible for the overall coordination and implementation of the PID process within PSC and has direct access to the CCE.



The key responsibilities of the coordinator include:

- receiving and assessing PIDs
- documenting and managing the implementation of the PID management program
- acknowledging receipt of the PID to a discloser
- referring PIDs to other agencies where required and involving higher authorities (i.e. CEO, Audit Committee and external agencies) in management decisions
- taking action, which may involve making recommendations to the CCE for the appointment of an investigator
- identifying how issues raised in PIDs can be used to inform improvements to service delivery, business processes and internal controls
- regularly evaluating and monitoring the effectiveness of policies and procedures
- promoting awareness of PIDs throughout the PSC as part of a complaints management awareness strategy to all staff, including targeted promotion to officers who may be required to manage a PID
- allocating an investigator and support officer to a PID matter
- retaining records of and reporting on PIDs to the Ombudsman as required
- regularly participating in training for managers and supervisors.

5.3 Executive directors, managers and supervisors

Executive directors, managers and supervisors are responsible for maintaining an ethical culture and leading by example through:

- providing clear guidance to staff on how to handle complex issues which may involve misconduct, while maintaining confidentiality and natural justice
- ensuring that employees in their business area are aware of their obligations in relation to the requirements of this procedure
- continually monitoring and assessing the workplace for signs of reprisal against a discloser taking appropriate actions to protect that person or persons
- ensuring that subject officers are afforded natural justice
- ensuring that, if allegations are substantiated, investigation recommendations are implemented quickly to reduce the risk of reoccurrence
- retaining management responsibility for their workplace and staff to the maximum extent possible during any PID process
- where any detrimental action is taken against the discloser take appropriate steps to prevent further detrimental action taking place
- regularly participate in training for managers and supervisors.

5.4 PID investigator

An investigator is a person assigned to investigate a PID or possible PID. The key responsibilities include:

- conducting an investigation of information in accordance with the Act
- assessing the risks of reprisal (this will include consultation with the discloser)
- putting in place means to monitor for any signs of reprisal
- informing the discloser of reasonable information
- preparing a report for the delegated officer who will review and determine whether alleged wrongdoing is substantiated
- regularly participating in training.



5.5 PID support officer

A support officer is an officer of the PSC delegated by the CCE or the coordinator with responsibility for providing support to a discloser, subject officer or witness. The key responsibilities of a support officer include:

- providing information about the support available
- proactively contacting and updating on the progress of the investigation
- discussing working arrangements
- regularly participating in training.

6. Assessing a PID

All disclosures made to the PSC or referred to it by another entity or member of the Legislative Assembly will be assessed by the coordinator with reference to the Act, and the PID Standards⁴. In assessing a disclosure, the coordinator will determine if:

- the person making the disclosure is able to receive the protection of the Act and if the disclosure concerns a matter about which a PID can be made⁵
- the person making the disclosure honestly believes on reasonable grounds that the information tends to show the conduct or if the person has information that tends to show the conduct⁶
- the disclosure has been made to an individual or entity who may receive a PID and has the disclosure been made in accordance with the agency's procedure or in a way permitted by the Act⁷.

If there is doubt whether the disclosure is a PID, the coordinator should assume that the disclosure is protected by the Act and manage the disclosure as if it were a PID. It is not necessary for the discloser to identify a matter as a PID, as it is the PSC's responsibility to identify a PID and address it accordingly.

Each separate allegation will be reported as a separate PID, unless the matters are clearly linked and it would be reasonable to view them as a single disclosure.

The PSC will not decline to receive and/or assess any disclosure as a PID.

7. Internal action or investigation

A determination will be made as to whether the PSC is able to investigate the matter or if it can be dealt with in another way.

The coordinator will request the CCC liaison officer (under PSC human resource delegations) for assessment of the PID for referral to the CCC if there is a possibility of corrupt conduct.

If a PID is to be investigated by the PSC, the coordinator will oversee the investigation which may be completed independently.

⁴ See the Queensland Ombudsman's PID Standard

⁵ See PID Act ss 12, 13 and 19

⁶ See PID Act ss 12(3), 13(3) and 19(3)

⁷ See PID Act s 17



In all cases the coordinator will outline their involvement in the investigation process and will ensure that reasonable information is provided to the discloser in writing regarding the progress of any PID.

This will include:

- confirmation that the PID has been received
- a description of the action proposed to be taken. This should include:
 - the likely timeframes for the matter to be assessed
 - the discloser's involvement in the investigation process
 - the protections available to the discloser under the Act
 - the importance of maintaining confidentiality
 - a commitment to comply with confidentiality requirements
- a commitment to advise the discloser on the progress of intended action and outcomes
- contact details if the discloser wants further information or is concerned about reprisals
- if any action is to be taken, a description of the results of that action.

Once an investigation is completed and relevant agencies consulted, any necessary corrective or disciplinary action will be taken.

Action taken on a PID does not prevent reasonable management action in relation to an employee who is also a discloser (i.e. performance review, management or disciplinary action).

8. Disclosures made about an individual

The PSC will ensure that all people involved in PIDs (such as discloser, subject officer or witness) are offered an appropriate level of support and case management. Action will be taken to ensure where possible that people's identities and the details of the disclosure remain confidential.

While the PSC will make every attempt to protect confidentiality, a discloser's identity may need to be disclosed to:

- provide natural justice to subject officers
- respond to a court order, legal directive or court proceedings.

The PSC will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.

Providing procedural fairness does not mean that the subject officer should be advised of the allegation as soon as it is received.

The subject officer need not be told about an allegation if it is:

- misleading
- has no substance
- if it is not intended to act on the allegation.

Persons against whom an allegation has been made should be reassured by the PID Coordinator that the PID will be assessed impartially, objectively and reasonably. They should be provided with information about their rights, and the progress and outcomes of any investigation undertaken.



Employees who are the subject of an allegation may seek assistance from their legal representative or union or may utilise the services of the PSC's employee assistance program for advice and counselling.

Protection exists for those against whom an intentionally false PID is made. It is an offence under section 66 of the Act, punishable by up to two years imprisonment, to intentionally make a false or misleading statement intending it to be acted upon as a PID. Making a false and misleading disclosure may also result in disciplinary action being commenced against the discloser.

[Code of Conduct: For the Queensland Public Service](#) provides that "we will support employees who report genuine concerns of wrongdoing and manage any reports of wrongdoing in a fair transparent and consistent manner". As such, staff will have performed their duty in participating in an investigation and should not be treated adversely because of any involvement in this process. Any substantiated allegations of adverse treatment on these grounds may result in disciplinary action being taken.

It is the responsibility of the coordinator to provide feedback to the discloser about the progress and the outcome of the PID. The PSC also undertakes to keep a discloser who is not a public officer informed of progress on their PID.

9. Referral to another agency

If the PSC decides there is another proper authority that is better able to deal with the PID, it may be referred to that agency. This is because:

- the PID concerns wrongdoing by that agency or an employee of that agency
- that agency has the power to investigate or remedy the matter.

Before referring the PID to another agency, the PSC will conduct a risk assessment, and will not proceed with the referral if there is an unacceptable risk of reprisal. It may also be necessary to refer the PID to another agency because of a legislative obligation, for example, refer a matter to the CCC where there is a reasonable suspicion that the matter involves or may involve corrupt conduct (as required by section 38 of the [Crime and Corruption Act 2001](#)).

The confidentiality obligations of the Act permit appropriate officers of the PSC to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contacts with any other agency.

In considering whether an unacceptable risk exists, the coordinator will, wherever possible, consult with the discloser.

10. A decision not to investigate the disclosure

Action must be taken on a PID unless it is assessed that no action may be taken⁸. The PSC will provide written reasons to a discloser of its decision not to investigate or otherwise deal with a PID where:

- the matter has already been investigated or dealt with through another appropriate process

⁸ See PID Act s 30



- the PSC reasonably considers that the disclosure should be dealt with by another appropriate process
- the age of the information disclosed makes it impractical to investigate
- the PSC reasonably considers that the disclosure is minor enough not to warrant an investigation and that treating the matter as a PID would not be using PSC resources appropriately
- another entity that has jurisdiction to investigate the disclosure has notified the PSC that investigation of the disclosure is not warranted.

A discloser may apply to the CCE for a review of a decision not to consider information as a PID or not to investigate or deal with a PID within 28 days of receiving such reasons. Alternatively the discloser may contact another appropriate agency in relation to the PID. See section 2 above.

Even if no action is taken by the PSC, PID confidentiality requirements and protections continue to apply.

Under the Act⁹, a discloser may make a PID to a journalist if they have already made essentially the same disclosure to a public sector entity that is a 'proper authority' and:

- the entity has decided not to investigate or deal with the disclosure, or
- the entity investigated the disclosure but did not recommend taking any action, or
- the discloser was not notified within six months of making the disclosure whether or not the disclosure was to be investigated or dealt with.

A matter not assessed as PID can be managed in accordance with the PSC customer complaints management policy or the PSC employee complaints policy.

11. Risk assessment

As soon as possible after receiving a PID, a risk assessment (that includes consultation with the discloser) will be conducted to determine the level of risk of a reprisal to the discloser and to any other persons associated with the disclosure.

Appropriate protections, proportionate to the level of risk and the potential consequences of a reprisal, will be put in place where a risk has been identified. This may include developing specific strategies to reduce the level of risk to the discloser in the workplace and may include consideration of the suspension or secondment of the person about who the disclosure is made (the subject officer).

If the risk is determined to be sufficiently high, a protection plan will be developed for the discloser and ongoing support provided including:

- acknowledging that the making of the PID was the right thing to do and is valued
- making a clear statement that the PSC will support the discloser through this process
- ensuring that the discloser has appropriate support and protection from reprisal
- regularly checking the discloser's well-being where warranted
- providing information to the discloser about the PSC's employee assistance mechanisms
- liaising with the officers responsible for occupational health and safety if the discloser's health becomes a concern.
- where a reprisal is alleged or suspected of occurring:

⁹ See PID Act s 20



- the discloser's safety and/or that of any other affected parties will be attended to as a matter of priority
- all practical steps will be taken to minimise the possibility of reprisal by reviewing the risk assessment and protective measures provided to the discloser
- any allegation of reprisal will be managed as a PID in its own right.

The discloser will be advised when all organised support arrangements have been completed, although the obligation to provide protection from reprisal and maintain confidentiality about PID matters continues after the investigation is closed. The discloser's welfare may continue to be monitored (in association with the relevant manager) for an additional period after the PID has been finalised so that any unreported support needs can be identified and resolved.

12. Reporting responsibilities

The coordinator is responsible for recording and reporting information regarding PIDs received by the PSC. The coordinator will maintain a record of each PID which will include the details set out in the latest [PID Standard 3](#) issued by the Ombudsman.

Anonymised data will be reported to the Ombudsman in their role as the oversight agency, through the PID reporting database.

All documentation relating to a PID will be stored in a confidential file and secured in a locked area. No details will be placed on personal files.

If an employee is transferred to another agency the PID file remains the property of PSC.

The coordinator will regularly analyse the PSC PID's to inform improvements to service delivery, management and business processes.

13. Review process

The coordinator is responsible for the preparation, review and maintenance of this document. It will be reviewed annually, unless circumstances dictate that a review should be undertaken sooner to ensure that the contents accord with relevant legislation and standards.

14. Approval

Approved by the Commission Chief Executive on 3 September 2021.

