

Public interest disclosure procedure

Human Resources

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1 Purpose

The Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (the department) is committed to maintaining public confidence in the integrity, accountability, honesty and impartiality of departmental operations and decisions. This procedure provides information on the process for reporting and managing disclosures made under the *Public Interest Disclosure Act 2010* (PID Act).

1.1 What is a Public Interest Disclosure

Under the PID Act, any person, including a member of the public, can make a disclosure about a:

- substantial and specific danger to the health or safety of a person with a disability
- the commission of an offence, or contravention of a condition imposed under a provision of legislation mentioned in Schedule 2 of the PID Act, if the offence or contravention would be a substantial and specific danger to the environment
- reprisal because of a belief that a person has made or intends to make a disclosure.

In addition, public sector officers (which includes departmental employees) can make a disclosure about the following public interest matters:

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

A discloser can have either a reasonable belief that wrongdoing has occurred or provide evidence which tends to show the wrongdoing has occurred. Neither management nor an employee should conduct their own enquiries locally as it may jeopardise any future process.

A disclosure amounts to a PID and is covered by the PID Act even if the:

- discloser reports the information as part of their duties
- disclosure is made anonymously – the discloser is not required to give their name or any identifying information
- discloser has not identified the material as a PID – it is up to the department to assess information received and decide if it is a PID
- disclosure is unsubstantiated following an appropriate process – the discloser is protected when the information they provide is assessed as a PID, whether or not it is subsequently found to be substantiated.

1.2 Why make a Public Interest Disclosure

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 source of information to identify and address problems in public sector administration.

The department supports the disclosure of information about wrongdoing because:

- implementing systems for reporting and dealing with wrongdoing contributes to the integrity of the department
- the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to the department
- the community's trust in public administration is strengthened by having strong processes in place for reporting wrongdoing.

When making a PID the discloser receives the protections provided under the PID Act, including:

- confidentiality – the discloser's name and other identifying information will be protected to the extent

possible

- protection against reprisal – the discloser is protected from unfair treatment by the department and employees of the department 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

The *Code of Conduct for the Queensland Public Service* (the Code of Conduct) requires employees to report suspected wrongdoing when they become aware of it or suspect it occurring. If the disclosure is not a PID matter, it may still be an important and/or serious issue that requires reporting.

2 Authority

- [Public Interest Disclosure Act 2010](#)
- [Public Interest Disclosure Standard 1/2019](#)
- [Public Interest Disclosure Standard 2/2019](#)
- [Public Interest Disclosure Standard 3/2019](#)
- [Ombudsman Act 2001](#)
- [Public Sector Ethics Act 1994](#)
- [Crime and Corruption Act 2001](#)
- [Public Sector Act 2022](#)
- [Financial Accountability Act 2009](#)

3 Scope

This procedure applies to all departmental employees, whether their employment status is permanent or fixed-term temporary, trainee, cadet, casual, volunteer or seconded from another department. This procedure also applies to members of the public.

4 Delegations

Delegations are to be exercised in accordance with the department's Human Resource Management Delegation and Authorisation. Delegation Schedules are reviewed on a regular basis to ensure they remain current and relevant to the operational needs of the department. It is recommended that delegate authority levels are confirmed prior to exercising any powers in relation to determination.

5 Procedure

5.1 How to make a Public Interest Disclosure

It is important that the disclosure is made to a proper authority, which refers to a person or organisation authorised to receive such disclosures. The department is the designated proper authority to receive PIDs and accepts disclosures in any form, including anonymously, either verbally or in writing.

While it is at the discretion of the discloser as to whether they wish to remain anonymous or fully disclose their identity, remaining completely anonymous can prove difficult to progress enquiries into the matter and can be a barrier to provide the necessary protections afforded under the PID Act, including protection against reprisal.

5.1.1 Internal authorities

Employees are encouraged to report any suspected wrongdoing internally by contacting their direct manager in the first instance. However, if the employee believes their manager is involved in the wrongdoing or prefers not to discuss the matter with their manager, they may instead report the issue to one of the following:

- Any other person in a management role within the department
- The Director-General
- The PID Coordinator (Chief Human Resources Officer)
- [Workplace Relations](#)

Members of the public can disclose suspected wrongdoing to the department through the following channels:

- The PID Coordinator (Chief Human Resources Officer)
 - o **Email:** ethics@nrmrrd.qld.gov.au
 - o **Post:** Clearly labelled as 'Private and Confidential' to PO Box 15216, City East QLD 4002
 - o **Telephone:** 0457 519 716

- o **In person:** 1 William Street, Brisbane City, QLD 4000 (*please phone 0457 519 716 to arrange an appointment*)
- The Director-General
- The Minister
- Any other employee responsible for receiving the type of information being disclosed

5.1.2 External authorities

Disclosures can be made to an agency that has a responsibility for assessing the information disclosed:

- Crime and Corruption Commission (CCC) for disclosures concerning corrupt conduct — including reprisal
- Queensland Ombudsman for disclosures concerning maladministration
- Queensland Audit Office for disclosures concerning a substantial misuse of resources
- Department of Families, Seniors, Disability Services and Child Safety and the Office of the Public Guardian for danger to the health and safety of a person with a disability
- Department of Environment, Tourism, Science and Innovation for danger to the environment
- a Member of the Legislative Assembly (MP) for any wrongdoing or danger
- a Chief Judicial Officer of a court or tribunal for any wrongdoing by a judicial officer.

5.1.3 Disclosure to journalists

Disclosures to journalists are an **avenue of last resort**. A disclosure can only be made to a journalist if the following conditions have been met:

- the disclosure was initially made to a proper authority, and the information was determined to be a disclosure under the PID Act
- the proper authority;
 - o decided not to investigate or manage the disclosure
 - o investigated the disclosure but did not recommend taking any action
 - o did not notify the discloser within 6 months of the disclosure being made whether or not the disclosure was to be investigated or otherwise dealt with.

A person who makes a disclosure to a journalist in compliance with these requirements is entitled to the protections provided under the PID Act. However, it is important to note that only the discloser is afforded these protections, not any other witnesses or third parties who may be involved in the matter. Disclosers should also be aware that journalists are not bound under the confidentiality provisions outlined in section 65 of the PID Act.

If these conditions are not met, the disclosure of information to a journalist or the external sharing of information (for example on a social media platform) by an employee is likely to constitute a breach of confidentiality and may result in disciplinary action.

5.1.4 Information to be provided

Disclosers are requested to provide:

- Contact details. This could be an anonymous email address that is created for the purpose of making the disclosure (subject to restrictions on the handling of public records) or a telephone number. If an anonymous email account is used, the email account should be monitored for any response from the department.
- As much information as possible about the suspected wrongdoing, including:
 - o who was involved
 - o what happened
 - o when it happened
 - o where it happened
 - o whether there were any witnesses, and if so, who they are
 - o any evidence that supports the PID, and where the evidence is located
 - o any further information that could help investigate the PID.

5.2 Handling the disclosure

5.2.1 Receipt

All disclosures of suspected wrongdoing that are not reported directly to the PID Coordinator must be referred to the PID Coordinator as soon as practicable. A discloser cannot elect for information they provide not to be treated as a

public interest disclosure (PID). Where a disclosure meets the requirements of the *Public Interest Disclosure Act 2010*, the department must assess and manage the matter as a PID and has no discretion to decline to do so.

Upon receipt of the disclosure, the department will provide an acknowledgement of receipt to the discloser and a timeframe for a response.

5.2.2 Assessment

The individual making the disclosure does not need to explicitly label the alleged wrongdoing as a PID. All incoming information will be assessed by the PID Coordinator, supported by Workplace Relations, to determine whether it meets the requirements of the PID Act. The assessment conducted involves the use of the PID Assessment Guide issued by the Office of the Queensland Ombudsman. If there is any doubt whether a disclosure is a PID, it should be assumed that it is protected by the PID Act and managed as if it is a PID.

If the disclosure is assessed as a PID, the PID Coordinator will advise the discloser of the following where a discloser has provided their contact details:

- that their information has been received and assessed as a PID
- the action to be taken by the department in relation to the disclosure, which could include referring the matter to an external agency
- the likely timeframe involved
- the name and contact details of the allocated PID Support Officer and Case Manager they can contact for updates or advice
- of the discloser's obligations regarding confidentiality
- the protections the discloser has under the PID Act
- the commitment of the department to keep appropriate records and maintain confidentiality, except where permitted under the PID Act
- how updates regarding intended actions and outcomes will be provided to the discloser
- contact details for the department's Employee Assistance Program.

At this time a risk assessment will be made for the safety of the discloser and appropriate action will be taken to reduce the risk of reprisal. The discloser will be kept informed through all stages of this risk assessment process and any changes that will need to be made to ensure their safety.

If a discloser has stated they are making a PID, but it is assessed that the matter is not a PID, the PID Coordinator will advise the discloser of the following where a discloser has provided their contact details:

- that their information has been received but was not assessed as a PID
- the reasons for the decision
- the review rights available if the discloser is dissatisfied with the decision and how to request review
- an action the department proposes to take in relation to the matter
- any other options the discloser has in relation to the matter.

The department has a statutory obligation under the *Crime and Corruption Act 2001* to refer suspected corrupt conduct to the Crime and Corruption Commission (CCC). If the matter is assessed and found to meet the corrupt conduct criteria it is referred to the CCC for direction on action to be taken. If the disclosure is not assessed as suspected corrupt conduct, the matter is referred to Workplace Relations for action as suspected misconduct.

5.2.3 Further action

An appropriate delegate will be assigned to consider all available information and to determine appropriate action.

5.2.3.1 Management action

The following management actions may be taken to deal with a disclosure:

- providing an explanation to the discloser (for example, where the discloser was not aware of the whole circumstances surrounding an action which appeared to them to be improper)
- resolving the disclosure managerially
- conducting an internal audit, or a review of an issue or the operations of a particular unit
- implementing or changing policies or procedures.

5.2.3.2 Investigation

If a decision is made to formally investigate a PID, this will be done with consideration for the:

- principles of natural justice

- obligation under the PID Act to protect confidential information
- obligation under the PID Act to protect officers from reprisal
- interests of subject officers.

If as a result of investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken. This may include:

- disciplinary action being commenced
- a recommendation that there be administrative changes
- a recommendation that corruption prevention strategies be developed
- a criminal charge.

Where the investigation does not substantiate wrongdoing, the department may still review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

5.2.3.3 No further action

The department may decide to take no further action on a PID where:

- the information disclosed has already been dealt with by another appropriate process
- the information disclosed should be dealt with by another appropriate process
- the age of the information makes it impractical to action
- the information disclosed is too trivial and dealing with it would substantially and unreasonably divert the department from the performance of its functions
- the agency with jurisdiction to investigate the matter has notified the department that action is not warranted.

Written reasons for not taking any further action must be provided to the person making the disclosure. Once received, if the person making the disclosure is not satisfied, they may apply to the department for a review of the decision within 28 days after receiving the written reasons.

5.2.3.4 Referral to another agency

If the PID relates to suspected wrongdoing by employees of another Queensland Government agency, the matter will be referred to the relevant agency. The department must assess the risk of reprisal before referring the disclosure to another agency.

5.3 Support for disclosers

Speaking up about wrongdoing can be a challenging process. The department recognises that providing appropriate support to a discloser is an important feature of effective PID management.

An assessment will be undertaken to identify the support needs of the discloser with a PID Support Officer and Case Manager assigned to the discloser. The PID Support Officer and Case Manager will assist the discloser to access information about PIDs, protections available under the PID Act and the PID management process. They will also proactively contact the discloser to offer support and maintain regular communication.

Information about the discloser's identity or personal affairs, the information disclosed in the PID and the fact that a PID has been made will be kept confidential. Only departmental employees directly involved in dealing with the matter will be advised of the details of the PID. In circumstances where it is not possible to maintain confidentiality surrounding the identity, personal affairs or other identifying information for the person or person's subject of the disclosure to sufficiently respond, the discloser will be consulted about the risk of reprisal and will receive protection and support. The subject officer will be advised that the department has a zero tolerance of reprisal action and to maintain confidentiality.

Employees and their families can seek free, professional and confidential counselling through the department's Employee Assistance Provider.

5.3.1 Managing reprisals

One of the main objectives of the PID Act is to protect those who make PIDs from suffering reprisal action. Reprisal is defined in the PID Act as causing or attempting to cause detriment to another person because a PID has been made. Schedule 4 of the PID Act defines 'detriment'. It includes such actions as intimidation, discrimination, adverse treatment at work and damage to reputation. Disclosers should not suffer any form of detriment because of making a PID. Committing reprisal is an offence under the PID Act. A person who is found to have taken reprisal action faces a

penalty of 167 penalty units or up to 2 years' imprisonment.

Upon receiving a PID, the department will conduct a risk assessment to assess the likelihood of the discloser (or witnesses or affected third parties) suffering reprisal action because of having made the disclosure. This assessment will consider the actual and reasonably perceived risk of the discloser (or witnesses or affected third parties) suffering detriment and will include consultation with the discloser. The risk assessment will also consider the risk to persons who may be suspected of making the PID.

Consistent with the assessed level of risk, the department will develop and implement a risk management plan and arrange any reasonably necessary support or protection for the discloser (or witnesses or affected third parties). The department will regularly reassess the risk of reprisal while the PID is being managed, in consultation with the discloser, and review the risk management plan if required.

If the discloser is anonymous, a risk assessment will be undertaken on the basis of the information available in the PID.

In the event of reprisal action being alleged or suspected, the department will:

- attend to the safety of the discloser (or witnesses or affected third parties) as a matter of priority
- review its risk assessment, risk management plan and any protective measures needed to mitigate any further risk of reprisal
- manage any allegation of a reprisal as a PID in its own right.

Any employees found to have engaged in reprisals may be subject to disciplinary action.

IF reprisal action occurs, a discloser may lodge a complaint with the Queensland Human Rights Commission or seek an injunction from the Queensland Industrial Relations Commission (QIRC) or Supreme Court to prevent or remedy the reprisal (s48 and 49 of the PID Act). A discloser may also commence civil proceedings against the person responsible for the reprisal or against the department to seek damages.

5.3.2 Reasonable management action

Making a PID does not prevent reasonable management action. That means the discloser will continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

The manager's reasons for taking the action must not be simply due to the employee being a discloser and must be in accordance with departmental policies and processes including positive performance management and procedural fairness principles. Reasonable management action includes a fair appraisal of work performance, a requirement to undertake counselling, suspension from the workplace or a disciplinary action that is appropriate or relevant to the circumstances. If unsure, managers should seek advice from Workplace Relations before commencing reasonable management action.

5.3.3 Case management support

Disclosers will be offered and provided appropriate support and advice by a suitable Case Manager. The selection of a Case Manager must be made in consultation with the PID Coordinator. It is important that the Case Manager is impartial and has no involvement in the matter, either as a witness or potential subject officer. The discloser and Case Manager will be in regular contact through a mutually agreed method and schedule.

The discloser or the entity that referred the disclosure will be provided with reasonable information under section 32 of the PID Act including:

- confirmation the PID was received
- a description of the action proposed to be taken
- if action has been taken, a description of the results of the action (in general terms).

The department is not obligated to provide information to the discloser if it would be likely to adversely impact:

- the safety of any party
- the investigation of an offence or possible offence
- necessary confidentiality about an informant's existence or identity.

The department will also take all reasonable action to support members of the public who make PIDs through regular contact and advice throughout the process.

5.3.4 Action on false or misleading information

It is an offence under section 66 of the *Public Interest Disclosure Act 2010* (PID Act) to intentionally provide false or misleading information with the intention that it be relied upon as a public interest disclosure (PID).

Employees who knowingly make false declarations may also be in breach of the Code of Conduct. Where it is established that a discloser has intentionally made a false report, acted maliciously or vexatiously, or made allegations without any reasonable basis, they may be subject to disciplinary action.

False or misleading information provided as a purported public interest disclosure may also be referred to the Crime and Corruption Commission (CCC) or other appropriate authority for consideration and investigation.

5.4 Support for subject officers

The department acknowledges that for an employee who is the subject of a PID, the experience may be challenging.

The department will protect their rights by:

- dealing with the disclosure impartially, fairly and reasonably in accordance with the principles of natural justice
- treating the PID as an allegation until information or evidence obtained throughout an appropriate process substantiates the allegation
- providing information about the process and outcome of any actions taken
- where appropriate, assigning a PID Support Officer
- providing support options including the department's Employee Assistance Program
- advising assistance may be sought from the relevant union or legal representative.

Employees who are subject officers in a PID have the right to:

- be informed of the alleged wrongdoing at a time considered appropriate
- make a response
- be treated fairly
- have the matter handled confidentially and impartially.

Subject officers and their families can seek free, professional and confidential counselling through the department's employee assistance provider.

5.4.1 Confidentiality & natural justice

Affording natural justice does not mean the department must advise the subject officer(s) of the allegation as soon as it is received or an assessment is commenced. Furthermore, there is no obligation to inform the subject officer(s) of the allegation if it is found unsubstantiated. Each matter will be assessed on its own merits.

Section 65(4) of the PID Act provides that confidential information may be disclosed where necessary to meet the requirements of natural justice. However, before confidential information is disclosed, the following conditions must be satisfied:

- Disclosure of the information must be necessary to afford procedural fairness to the subject officer. Where allegations can be put to a subject officer in a manner that allows them to respond without identifying the discloser, disclosure of the discloser's identity will generally not be necessary.
- It must be unlikely that disclosure of the information will result in reprisal being taken against the discloser.

The department should notify the discloser before revealing any information regarding the discloser's identity for any reason.

5.5 Internal and external review avenues

5.5.1 Internal review

The department may, upon written application by an affected employee or discloser, conduct a review of the decision made or action taken at the conclusion of the appropriate process, or otherwise take action to respond to the applicant. Reviews are to be conducted in accordance with the department's complaints management process.

5.5.2 External Review

Where the affected employee or other discloser remains dissatisfied after completion of the internal review, they may seek an external review by the Queensland Ombudsman. There may also be a right to apply to the Industrial Registry (of the Queensland Industrial Relations Commission (QIRC)) or the Supreme Court for an injunction about reprisal in certain circumstances (s48 and 49 of the PID Act).

6 Responsibilities

Employees **must**:

- Report alleged wrongdoing or danger in accordance with this procedure.
- Maintain confidentiality to ensure the integrity of any process and reduce the risk of reprisal.
- Assist in the management of a disclosure by providing all relevant information if requested.

Managers and supervisors **must**:

- Promote an environment in which the reporting of wrongdoing is encouraged.
- Report information or complaints for disclosure assessment.
- Maintain confidentiality about a potential disclosure and consider the risk of reprisal.
- Provide or facilitate support to a person who has made a disclosure.
- Provide or facilitate support for a person who is the subject of a disclosure and afford them natural justice.
- Monitor the workplace for signs of reprisal against a discloser, or any other person.
- Escalate any disclosure to the PID Coordinator (either directly or via Workplace Relations) for assessment and management.

The Chief Human Resources Officer is the nominated officer with overall responsibility for issues related to the management of PIDs within the department as the PID Coordinator. Supported by Workplace Relations, the PID Coordinator **must**:

- Develop, maintain and communicate the PID procedure.
- Manage all disclosures in accordance with the PID Act, independently of any investigation and the resultant decision-making process.
- Properly assess and appropriately deal with disclosures.
- Consider human rights when dealing with disclosures.
- Consider the Charter of Victims' Rights when dealing with disclosures.
- Effectively manage the risk of reprisal against disclosers or third parties.
- Provide appropriate information to disclosers and oversee the coordination of support and protection
- Implement a secure and confidential reporting system to record and manage disclosures.
- Meet reporting requirements to the Office of the Queensland Ombudsman.
- Monitor, review and provide advice on legislative obligations relevant to disclosures.
- Provide reports to the Director-General, relevant senior executives and the Audit and Risk Committee regarding PIDs as required
- Have regard to any corrupt conduct matters as the CCC Liaison Officer.
- Provide training on disclosures for employees, supervisors and managers as part of the department's ethics-related training.
- Lead regular reviews of this procedure at two-yearly intervals or more frequently if required.

PID Support Officers and Case Managers **must**:

- Provide advice and information to discloser on the department's PID procedure.
- Ensure disclosers are aware of the department's Employee Assistance Program.
- Assess the immediate protections needed and review as required.
- Listen and respond to any concerns of reprisal for making a PID.

- Keep the discloser informed through a mutually agreed method and schedule.
- Coordinate and provide support to the discloser.
- Keep records of all aspects of case management of the PID covering all contact and follow-up action including but not limited to contact with:
 - o an investigator to conduct a workplace investigation into the alleged wrongdoing in accordance with the terms of reference issued to them.
 - o the delegate in their capacity as decision-maker for the matter.
- Endeavour to ensure that the expectations of the discloser are realistic.

The assigned delegate **must**:

- Act as the decision-maker for matters arising from a PID, ensuring decisions are fair, impartial, and in accordance with the PID Act and relevant departmental policies.
- Consider all relevant information provided, including findings and recommendations, before making a decision.
- Ensure that decisions are documented, transparent, and communicated appropriately to relevant parties, while maintaining confidentiality.
- Ensure that the principles of natural justice are upheld.
- Consult with the PID Coordinator to ensure compliance with legislative and procedural requirements.
- Implement appropriate actions or remedies to address the findings of the disclosure.
- Listen and respond to any concerns of reprisal for making a PID.

The Director-General **must**:

- Communicate the expectation that all employees are required to conduct their duties to high professional and ethical standards and always act in the public interest in accordance with the Code of Conduct.
- Ensure clear procedures for reporting disclosures are in place and readily accessible to staff and the general public.

7 Employee complaints and appeals

Employees who are the subject of allegations of wrongdoing do not have any grievance or appeal rights against a person who makes a PID, providing the discloser is acting in good faith and the information is not intentionally false or misleading.

An employee who is the subject of an administrative decision or action is entitled to lodge a grievance in accordance with the departmental *Individual Employee Grievance Protocol* should they feel that the administrative decision is unfair or biased.

Employees who are unsatisfied with the outcome of their employee grievance may be entitled to lodge an appeal in accordance with *Directive – Appeals* which can be found on the Public Service Commission website at [Directives, policies, circulars, and guidelines | For government | Queensland Government](#).

An appeal may be started by giving the Industrial Registrar an appeal notice. Further information on starting an appeal and appeal rights is available from the Queensland Industrial Relations website [Public sector appeals | Queensland Industrial Relations](#).

8 Definitions and glossary of terms

Administrative action	(a) means any action about a matter of administration, including, for example: (i) a decision and an act; and (ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and (iii) the formulation of a proposal or intention; and (iv) the making of a recommendation, including a recommendation made to a Minister; and (v) an action taken because of a recommendation made to a Minister; and (b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.
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Confidential information	(a) includes — (i) information about the identity, occupation, residential or work address or whereabouts of a person — (A) who makes a public interest disclosure; or (B) against whom a public interest disclosure has been made; and (ii) information disclosed by a public interest disclosure; and (iii) information about an individual's personal affairs; and (iv) information that, if disclosed, may cause detriment to a person; and (b) does not include information publicly disclosed in a public interest disclosure made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.
Corrupt conduct	As defined in section 15 of the <i>Crime and Corruption Act 2001</i>: (1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that— (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— (i) a unit of public administration; or (ii) a person holding an appointment; and (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that— (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and (c) would, if proved, be— (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment. (2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that— (a) impairs, or could impair, public confidence in public administration; and (b) involves, or could involve, any of the following— (i) collusive tendering; (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)— (A) protecting health or safety of persons; (B) protecting the environment; (C) protecting or managing the use of the State's natural, cultural, mining or energy resources; (iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets; (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; (v) fraudulently obtaining or retaining an appointment; and (c) would, if proved, be— (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
Detriment	includes — (a) personal injury or prejudice to safety; and (b) property damage or loss; and (c) intimidation or harassment; and (d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and (e) financial loss; and (f) damage to reputation, including, for example, personal, professional or business reputation.

Disability	As defined in section 11 of the <i>Disability Services Act 2006</i>, for the purposes of this procedure: (1) A disability is a person's condition that— (a) is attributable to— (i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or (ii) a combination of impairments mentioned in subparagraph (i); and (b) results in— (i) a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self-care or management; and (ii) the person needing support. (2) For subsection (1), the impairment may result from an acquired brain injury. (3) The disability must be permanent or likely to be permanent. (4) The disability may be, but need not be, of a chronic episodic nature.
Maladministration	As defined in schedule 4 of the <i>Public Interest Disclosure Act 2010</i>, maladministration is administrative action that— (a) was taken contrary to law; or (b) was unreasonable, unjust, oppressive, or improperly discriminatory; or (c) was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or (d) was taken— (i) for an improper purpose; or (ii) on irrelevant grounds; or (iii) having regard to irrelevant considerations; or (e) was an action for which reasons should have been given, but were not given; or (f) was based wholly or partly on a mistake of law or fact; or (g) was wrong.
Natural justice	Natural justice, also referred to as 'procedural fairness' applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected. The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are: • avoid bias; and • give a fair hearing. • act only on the basis of logically probative evidence.
Proper authority	A person or organisation that is authorised under the <i>Public Interest Disclosure Act 2010</i> to receive disclosures.
Reasonable management action	Action taken by a manager in relation to an employee, includes any of the following taken by the manager— (a) a reasonable appraisal of the employee's work performance; (b) a reasonable requirement that the employee undertake counselling; (c) a reasonable suspension of the employee from the employment workplace; (d) a reasonable disciplinary action; (e) a reasonable action to transfer or deploy the employee; (f) a reasonable action to end the employee's employment by way of redundancy or retrenchment; (g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f); (h) a reasonable action in relation to the employee's failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee's employment.
Reprisal	The term 'reprisal' is defined under the <i>Public Interest Disclosure Act 2010</i> as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else: • has made or intends to make a disclosure; or • has been or intends to be involved in a proceeding under the disclosure Act against any person. Reprisal under the <i>Public Interest Disclosure Act 2010</i> is a criminal offence and investigations may be undertaken by the Queensland Police Service.

9 Related documents

The department's intranet has information regarding [public interest disclosures](#).

10 References

[Code of Conduct for the Queensland Public Service](#)

[Public interest disclosures - Queensland Ombudsman](#)

[Complaints Management Framework](#)

[Charter of Victims' Rights | The Office of the Victims' Commissioner](#)

11 Further information

For further information regarding this policy and procedure refer to:

- your manager/supervisor
- [Workplace Relations](#)
- the PID Coordinator (Chief Human Resources Officer)

12 Storage of information

All information must be managed and stored in accordance with the *Information Privacy Act 2009* and the *Code of Conduct for the Queensland Public Service*. Records about disclosures, investigations and related decisions will be held in the strictest confidentiality. Information may only be accessible to officers who have a genuine need to know or provide support or advice about the process.

In accordance with its obligations under the PID Act and the *Public Records Act 2002*, the department will ensure that:

- accurate data is collected about the receipt and management of PIDs
- anonymised data is reported to the Office of the Queensland Ombudsman in their role as the oversight agency, through the PID reporting database.

13 Human rights compatibility

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department and its officers have an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. To the extent an act or decision under this document may engage human rights under the *Human Rights Act 2019*, regard will be had to that Act in undertaking the act or making the decision.

14 Review

This procedure shall be reviewed within two years of the 'Last Reviewed' date.

15 Approval

Signed:



Tina Hocking

A/Chief Human Resources Officer and Executive Director
Human Resources and Corporate Operations
Business and Corporate Partnership
Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development

Date: 02/10/2026