



INDUSTRIAL REGISTRY
Industrial Court of Queensland and Queensland Industrial Relations Commission

Public Interest Disclosure Policy 2021

1. Purpose

To outline the key principles and requirements for the management of public interest disclosures (PIDs).

2. Introduction

A Public Interest Disclosure (PID) enables any person, as well as public officers, to make protected disclosures under the [Public Interest Disclosure Act 2010](#) (PID Act) concerning:

Any person (under s 12 of the PID Act)

- a substantial and specific danger to the health or safety of a person with a disability; or
- 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; or
- reprisal because of a belief that a person has made or intends to make a disclosure.

A public officer (under s 13 of the PID Act)

In addition to those above, a public officer may also make a disclosure in relation to:

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

This policy is to be read in conjunction with the [Industrial Registry Public Interest Disclosure Procedure](#) (the procedure), the [Office of Industrial Relations Public Interest Disclosure Procedure](#); [Office of Industrial Relations Public Interest Disclosure Policy](#), relevant pieces of legislation, and the [Queensland Ombudsman's Public Interest Disclosure Standards](#).

The Industrial Registry Public Interest Disclosure Policy and Procedure are available for public viewing at www.girc.qld.gov.au. They will be reviewed annually and updated as required to ensure it meets the requirements of the PID Act and the [Queensland Ombudsman's Public Interest Disclosure Standards](#).

3. Policy Statement

The Industrial Registry for the Industrial Court of Queensland (Court) and the Queensland Industrial Relations Commission (Commission) is committed to fostering an ethical, transparent culture. In pursuit of this, the Industrial Registry values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated.

The Industrial Registry is committed to providing appropriate support to an employee, or others, who make disclosures about matters in the public interest and ensures that practical and effective procedures are implemented which comply with the requirements of the PID Act.

4. Application

This policy applies to all Industrial Registry employees and any external person making a PID under the PID Act.

The Ethical Standards Unit (ESU) of the Office of Industrial Relations (OIR), has been delegated the authority to deal with PIDs on behalf of the Industrial Registrar for the Industrial Registry.

PIDs in relation to a Member of the Court or the Commission, should be forwarded to the Chief Justice of the Supreme Court of Queensland.

PIDs in relation to an Associate to a Member of the Court or the Commission should be forwarded to the President of the Court and Commission.

5. Principles

The Industrial Registrar is committed to creating a workplace culture which will:

- encourage the reporting of inappropriate conduct which may constitute a PID;
- ensure that PIDs are properly assessed and, where appropriate, properly investigated and dealt with;
- ensure appropriate consideration is given to the interests of persons who are the subject of a PID;
- ensure protection from reprisal is afforded to persons making PIDs.

6. Requirements

Industrial Registrar

The Industrial Registrar will implement procedures to ensure that:

- any public officer who makes a PID is given appropriate support;
- PIDs made to the Industrial Registry or to the ESU are properly assessed and, where appropriate, properly investigated and dealt with in accordance with the Act and all [Queensland Ombudsman's Public Interest Disclosure Standards](#);
- appropriate action is taken in relation to any wrongdoing which is the subject of a PID;
- a management program for PIDs made to the Industrial Registry, consistent with the standards issued by the Queensland Ombudsman, is developed and implemented;
- public officers who make PIDs are offered protection from reprisal;
- a PID Management Program is developed, implemented and maintained in accordance with the PID Act and [Public Interest Disclosure Standard No. 1/2019 - Public Interest Disclosure Management Program](#);
- PIDs are assessed, investigated and dealt with in accordance with the PID Act and [Public Interest Disclosure Standard No. 2/2019 - Assessing, Investigating and Dealing with Public Interest Disclosures](#);
- PID data is recorded and reported in accordance with the PID Act and [Public Interest Disclosure Standard No. 3/2019 - Public Interest Disclosure Data Recording and Reporting](#); and
- all relevant record keeping requirements are adhered to in accordance with the PID Act and the [Public Records Act 2002](#).

Any Person/Employees

All employees (public officers) are required to report suspected wrongdoing affecting the Industrial Registry or its staff.

Associates of Members of the Court and Commission are, for the purposes of the PID Act, considered to be public officers in accordance with section 7(1) of the PID Act.

A disclosure about any of the following types of wrongdoing may be assessed and managed as a PID, under sections 12 and 13 of the PID Act:

- corrupt conduct; or
- maladministration that adversely affects a person's interests in a substantial and specific way; or
- a substantial misuse of public resources; or
- substantial and/or specific danger to public health or safety; or
- a substantial and specific danger to the environment; or
- a substantial and specific danger to the health or safety of a person with a disability; or
- 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; or
- reprisal because of a belief that a person has made or intends to make a disclosure.

Chapter 2, Part 2, Division 2 of the PID Act outlines to whom a disclosure may be made (the proper authority), including:

- a member of the Legislative Assembly (for a disclosure made under sections 12 or 13 of the PID Act) except in the case of a judicial officer (i.e. a Member of the Court or Commission);
- a public sector entity (for a disclosure made under sections 12 or 13 of the PID Act) if the disclosure relates specifically to that entity; or
- the chief judicial officer of the relevant court or tribunal (which in the case of the Court or Commission would be the Chief Justice of the Supreme Court of Queensland), or if in relation to corrupt conduct of a judicial officer, the Crime and Corruption Commission. A disclosure made in relation to an Associate of a Member of the Court or Commission should be made to the head of the tribunal, being the President of the Court and Commission.

Further, section 17 of the PID Act provides that a person may make a disclose to a proper authority in any way, including anonymously. However, if a disclosure is being made to a proper authority, and if that proper authority has a reasonable procedure, the disclosers should use that procedure to ensure it is assessed and appropriately dealt with.

Right to review

If a decision is made by the ESU not to investigate or deal with a PID under section 30 of the PID Act, written reasons for the decision will be provided to the discloser. The discloser may apply to the Industrial Registrar for a review of the decision within 28 days after receiving the written reasons for the decision. The review will be undertaken in accordance with the procedure.

7. Definitions

For the purpose of this policy the following definitions apply:

Term:	Definition:
Appropriate Support	<p>Appropriate support for disclosures and officers who are the subject of PIDs includes (but is not limited to):</p> <ul style="list-style-type: none"> • appointing separate support officers to assist and maintain contact with the discloser and the subject office of the PID throughout the process; • ensuring the discloser and the subject officer of the PID are aware of the availability of the Employee Assistance Program (EAP); and • advising the discloser and the subject office of the PID of resources which may be available to them to handle any concerns they have as a result of making their disclosure.
Chief Executive Officer	<p>A person mentioned in Schedule 1 of the PID Act as Chief Executive Officer of the entity.</p> <p>The Industrial Registrar is the proper officer of the Industrial Registry and is therefore the named Chief Executive Officer.</p>

Corrupt conduct	<p>The PID Act references the definition of 'corrupt conduct' as set out in section 15 of the Crime and Corruption Act 2001:</p> <p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <p>(i) a unit of public administration; or</p> <p>(ii) a person holding an appointment; and</p> <p>(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—</p> <p>(i) is not honest or is not impartial; or</p> <p>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</p> <p>(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</p> <p>(c) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p> <p>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) impairs, or could impair, public confidence in public administration; and</p> <p>(b) involves, or could involve, any of the following—</p> <p>(i) collusive tendering;</p> <p>(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)—</p> <p>(A) protecting health or safety of persons;</p> <p>(B) protecting the environment;</p> <p>(C) protecting or managing the use of the State's natural, cultural, mining or energy resources;</p> <p>(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;</p> <p>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p> <p>(v) fraudulently obtaining or retaining an appointment; and</p> <p>(c) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p>
Detriment	<p>As defined in Schedule 4 of the PID Act, detriment includes:</p> <p>(a) personal injury or prejudice to safety; and</p> <p>(b) property damage or loss; and</p> <p>(c) intimidation or harassment; and</p> <p>(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and</p> <p>(e) financial loss; and</p> <p>(f) damage to reputation, including, for example, personal, professional or business reputation.</p>
Disability	<p>As defined in section 11 of the Disability Services Act 2006, a disability is a person's condition that is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment, or a combination of impairments mentioned above, and results in:</p> <ul style="list-style-type: none"> • a substantial reduction of the persons capacity for communication, social interaction, learning, mobility or selfcare or management; and • the person needing support.
Discloser	A provider of information that is assessed as a PID.

Employee	A public service employee as defined under section 9 of the Public Service Act 2008 . For the purposes of this policy, an 'employee' of an entity includes a person engaged by the entity under a contract of service.
Investigation	For the purposes of this policy, investigation includes any enquiry undertaken to establish whether the information provided in the PID can be substantiated, including a review, an audit and/or taking evidence.
Maladministration	As outlined in Schedule 4 of the PID Act, is administrative action that: <ul style="list-style-type: none"> was taken contrary to law; or was unreasonable, unjust, oppressive, or improperly discriminatory; or 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 was taken for an improper purpose, on irrelevant grounds, or having regard to irrelevant considerations; or was action for which reasons should have been given, but were not given; or was based wholly or partly on a mistake of law or fact; or was wrong.
Public officer	A public officer of a public sector entity, is an employee, member, or officer of the entity, as defined in section 7 of the PID Act.
Public Interest Disclosure	A disclosure of information as specified under Chapter 2 of the PID Act.
Public resources	A public resource is a government owned property, material, or facility including tangible and intangible assets such as information and intellectual property.
Proper authority	As referenced in section 5 of the PID Act, a public sector entity as defined in section 6 of the PID Act, or a Member of the Legislative Assembly. The Industrial Registry is a public sector entity, and therefore a proper authority, as an 'administrative office attached to a court or tribunal'.
Proper officer	In accordance with Schedule 4 of the PID Act, the proper officer of a court or tribunal is the administrative officer in charge of the administrative office attached to the court or tribunal The Industrial Registrar is the proper officer of the Industrial Registry and is therefore the named Chief Executive Officer.
Protection	Sections 36 to 38 and 40 of the PID Act provide the following protections to disclosers: <ul style="list-style-type: none"> confidentiality - the discloser's name and other identifying information will be protected to the extent possible; protection against reprisal - persons are protected from others causing or attempting to cause them detriment, as defined in Schedule 4 of the Act, as a result of them, or someone else: <ul style="list-style-type: none"> making or intending to make a PID; or being, or intending to become involved, in a proceeding under the Act against any person; immunity from liability - a person who makes a PID is not subject to any civil, criminal, or administrative liability, including disciplinary action, for making the disclosure; protection from defamation - the discloser as a defence against an accusation of defamation by any officer who is the subject of the PID. <p>Section 39 of the PID Act provides that a person's liability for their own conduct is not affected by the disclosure of that conduct under the PID Act.</p> <p>Section 64(1) of the PID Act stipulates that a person who is responsible for discharging a function or part of a function under the PID Act is not civilly liable for an act done, or omission made, honestly and without negligence under the PID Act.</p>

	Section 64(2) provides for any civil liability prevented from attaching to an employee under subsection (1) instead attaching to the State.
Reprisal	<p>Under section 40 of the PID Act, 'reprisal' constitutes attempting or conspiring to cause detriment to another person in the belief that they or someone else:</p> <ul style="list-style-type: none"> • have made, or intend to make, a PID; or • have been, or intend to be, involved in a proceeding under the disclosure Act against any person. <p>Reprisal under the PID Act is an indictable offence and investigations may be undertaken by the Queensland Police Service.</p>
Subject officer	A person about whom a PID is made
Substantial and specific	<p>The Queensland Ombudsman defines 'substantial' as meaning 'of a significant or considerable degree'. It must be more than minimal and have some weight or importance.</p> <p>The Queensland Ombudsman defines 'specific' as meaning 'precise or particular'. This refers to conduct or detriment that can be identified or particularised as opposed to broad or general concerns or criticisms.</p>

8. Relevant Legislation

- [Crime and Corruption Act 2001](#)
- [Disability Services Act 2006](#)
- [Local Government Act 2009](#)
- [Ombudsman Act 2001](#)
- [Public Interest Disclosure Act 2010](#)
- [Public Records Act 2002](#)
- [Public Sector Ethics Act 1994](#)
- [Public Service Act 2008](#)
- [Work Health and Safety Act 2011](#)

9. Related Policies and Procedures

[Code of Conduct for the Queensland Public Service](#)
[Queensland Industrial Registry - Public Interest Disclosure Procedure 2021](#)
[Office of Industrial Relations Public Interest Disclosure Procedure](#)
[Office of Industrial Relations Public Interest Disclosure Policy](#)

10. Supporting information

- [Public Interest Disclosure Standard No. 1/2019 - Public Interest Disclosure Management Program](#)
- [Public Interest Disclosure Standard No. 2/2019 - Assessing, Investigating and Dealing with Public Interest Disclosures](#)
- [Public Interest Disclosure Standard No. 3/2019 - Public Interest Disclosure Data Recording and Reporting](#)
- [Disclosure Fact sheet 1: What is a disclosure](#) (Queensland Ombudsman)
- [Disclosure Fact sheet 2: Checklist for making a disclosure](#) (Queensland Ombudsman)
- [Disclosure Fact sheet 3: Discloser information and support](#) (Queensland Ombudsman)

11. Contact

For further information, please contact:

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12. Version Control

Version	Amendments	Approved	Date
1.	Nil	M. Shelley, Industrial Registrar.	8 December 2021