



INDUSTRIAL REGISTRY
Industrial Court of Queensland and Queensland Industrial Relations Commission

Public Interest Disclosure Procedure 2021

1. Purpose

To outline the process under which a Public Interest Disclosure (PID) can be made, ensuring that information disclosed is properly assessed and dealt with, and that all parties involved in a disclosure, or affected by a disclosure, are supported and, where appropriate, offered protections.

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
- substantial and/or specific danger to public health or safety; or
- a substantial and specific danger to the environment.

This procedure is to be read in conjunction with the [Industrial Registry Public Interest Disclosure Policy](#) (the policy), 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 Procedure and Policy are available for public viewing at www.qirc.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. Responsibilities

Employees

Employees (public officers) have a responsibility to make a PID to a proper authority if they believe they have disclosable information or can provide evidence which shows a wrongdoing has occurred.

Employees involved in a PID in any capacity are required to:

- maintain confidentiality, to ensure process integrity and mitigate the risk of reprisal;
- immediately raise any concerns about reprisal with the Industrial Registrar or the Director of the Ethical Standards Unit (ESU) of the Office of Industrial Relations (OIR); and
- assist in any investigation involving a PID, by providing all requested relevant information.

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

Managers and supervisors

Managers and/or supervisors have the responsibility to:

- immediately forward any disclosure to the Director of the ESU for assessment, management, and possible investigation;
- maintain confidentiality about potential and actual PIDs and all parties associated with them;
- where required or requested, manage those employees involved in a PID;
- monitor the behaviour and actions of a subject officer for signs of reprisal against a complainant or discloser, or any other person, and report all related concerns to the Director of the ESU; and
- report any concerns about potential or actual reprisal against any person involved in the PID to the Director of the ESU.

Industrial Registrar and the ESU

The Industrial Registrar is the proper officer of the Industrial Registry and is therefore the named Chief Executive Officer (CEO). The Industrial Registrar can delegate or designate responsibilities under the PID Act as they consider appropriate.

The responsibilities of the Industrial Registrar, (which have been delegated by the Industrial Registrar to the Director of the ESU), are:

- provide training on identifying conduct and making disclosures and role responsibilities for employees, supervisors and managers in accordance with [Public Interest Disclosure Standard No. 1/2019 - Public Interest Disclosure Management Program](#);
- assess, investigate and deal with all PIDs in accordance with the PID Act and [Public Interest Disclosure Standard No. 2/2019 - Assessing, Investigating and Dealing with Public Interest Disclosures](#);
- record and report on PID data in accordance with the PID Act and [Public Interest Disclosure Standard No. 3/2019 - Public Interest Disclosure Data Recording and Reporting](#);
- undertake and record a risk assessment (assess risk of reprisal) in consultation with complainants or disclosers and other relevant parties;
- oversee the coordination of support and risk mitigation strategies;
- communicate in writing with a complainant or discloser as soon as practicable, providing confirmation of the disclosure and the description of the action proposed or already taken;
- keep a written record of assessments that determine information does not meet PID requirements, including factors or reasons for the decision;
- providing the complainant or discloser with written reasons for a decision explaining if the complaint is not a PID, the information relied upon in making that decision, the name of the delegated officer responsible for making the decision, the person's right of review, and how to exercise that review right as soon as practicable;
- implement a secure and confidential reporting system to record and manage disclosures; and
- providing disclosure information to the Queensland Ombudsman,

The Industrial Registrar is responsible for the establishment, annual revision and updating of the policy and procedure.

Public Interest Disclosure Coordinator

The Industrial Registrar has delegated the Director of the ESU the responsibility of PID coordination and decision making, which involves:

- acting as a principal contact for PIDs;
- documenting and managing implementation of the PID Management Program;
- liaison with other agencies about possible referrals of PIDs;
- referring PIDs to other agencies where required, in consultation with the Industrial Registrar;
- referring relevant PID information and details of the parties to the responsible PID Support Officer within the ESU;
- arrangement of the investigation or other management of the PID;
- liaison with the PID Support Officer to ensure organisational support for the complainant or discloser and subject officer, including during the investigation process and, if any action is to be taken, a description of the outcome of the action;
- revision of the investigation report (if an investigation has been undertaken) and making a determination of whether the alleged wrongdoing has been substantiated;
- revision and endorsement of alternative management actions in response to the PID;
- provision of the investigation outcome advice to the subject officer;
- preparation of the outcome advice to the complainant or discloser; and
- reporting data on PIDs to the Queensland Ombudsman

PID Support Officer for the Discloser

The PID Support Officer allocated the task of supporting the discloser is responsible for:

- contacting the complainant or discloser to:
 - provide advice and information about the procedure;
 - offer professional support by assisting the complainant or discloser to access information about PIDs, protections available under the PID Act, and the PID management process;
 - refer the complainant or discloser to other sources of advice or support as required;
- updating the complainant or discloser about the progress of the process involved in responding to the PID;
- maintaining and updating internal records of PIDs received;
- proactively contacting the complainant or discloser throughout the process until finalisation; and
- providing professional support to witnesses as required.

PID Support Officer for Subject Officers

The PID Support Officer for Subject Officers has the following responsibilities:

- advising subject officers that they are the subject of a PID and providing information regarding confidentiality, reprisal, and consequences;
- providing or facilitating support to a person who is subject of a disclosure by applying the principles of natural justice in that impartiality is demonstrated; and
- maintaining and updating internal records of PIDs received, on a dedicated case recording system, and submit to the PID Coordinator at the conclusion of the matter.

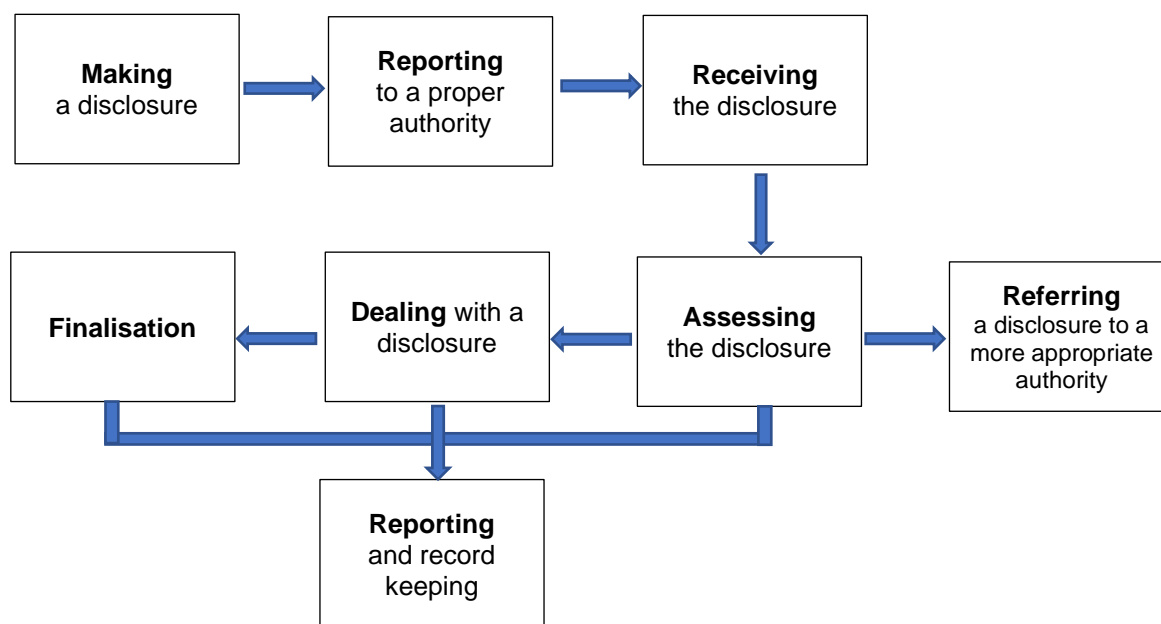
Investigator

An investigator must:

- maintain impartiality by understanding that the role does not include the provision of support to complainants or disclosers, subject officers, or interviewees/witnesses, in order to avoid any potential, perceived or real conflicts of interest;
- conduct the investigation of the PID in accordance with the terms of reference;
- ensure investigations comply with the principles of natural justice; and
- prepare the report for the delegated decision maker.

4. The Process

The PID process is as follows:



Making a Public Interest Disclosure

Under section 12 the PID Act, any person can make a disclosure about a:

- 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.

In addition, section 13 of the PID Act provides for public sector officers to make disclosures 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 (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes, or priorities of expenditure);
- a substantial and specific danger to public health or safety; or
- a substantial and specific danger to the environment.

A complainant or discloser can either have a reasonable belief that wrongdoing has occurred or provide evidence which tends to show the wrongdoing has occurred.

Under section 17 of the PID Act, a person can make a disclosure to a proper authority in any way (verbally or in writing), including anonymously. The person making the disclosure does not need to state that the information, or complaint, is a PID for the matter to be assessed as a PID under the PID Act. 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.

To assist in the assessment, and any subsequent investigation of a PID, complainants or disclosers are requested to:

- ensure their own awareness of, and compliance with, the policy and this procedure;
- 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:
 - who was 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; and
 - any further information that could help investigate the PID.

False or misleading information and misconduct

Under section 66 of the PID Act, a person must not make a false or misleading statement with the intent that it be acted on as a PID, or in the course of inquiries, intentionally give information that is false or misleading.

Under section 67 of the PID Act, a public officer is guilty of misconduct if the officer contravenes the following sections of the PID Act:

- section 41 Offence of taking reprisal;
- section 65 Preservation of confidentiality; or
- section 66 False or misleading information.

Appropriate reporting avenue - the Proper Authority

In accordance with section 17 of the PID Act, a PID must be made to a proper authority. Section 5 of the PID Act defines 'proper authority' as a public sector entity or a Member of the Legislative Assembly.

The proper authorities are outlined as follows:

Internal authorities	External authorities
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> • the Industrial Registrar; • any person in a supervisory or management position; or • the Ethical Standards Unit of the Office of Industrial Relations: <p>Director (Ethical Standards) Office of Industrial Relations</p> <p>By phone: 3406 9811</p> <p>By email: oir.ethicalstandards@oir.qld.gov.au</p> <p>By post:</p> <p>Director (Ethical Standards) Office of Industrial Relations GPO Box 69 Brisbane QLD 4001</p>	<p>Disclosures can be made to an agency that has a responsibility for investigating the information disclosed:</p> <ul style="list-style-type: none"> • Crime and Corruption Commission Queensland (CCC) for disclosures about corrupt conduct including reprisal. • Queensland Ombudsman for disclosures about maladministration. • Queensland Audit Office for disclosures about a substantial misuse of resources. • Department of Children, Youth Justice and Multicultural Affairs for disclosures about danger to the health and safety of a child or young person with a disability. • Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships for disclosures about danger to the health and safety of a person with a disability. • Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability. • Department of Environment and Science, Queensland for disclosures about danger to the environment.

	<ul style="list-style-type: none"> • A Member of the Legislative Assembly for any wrongdoing or danger. • The Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer. Any PIDs concerning a Member of the Industrial Court of Queensland or Queensland Industrial Relations Commission must be made to the Chief Justice of the Supreme Court of Queensland. • Any PIDs concerning an Associate to a Member of the Industrial Court of Queensland or Queensland Industrial Relations Commission should be made to the head of the tribunal, being the President of the Court and Commission.
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Disclosure to a journalist

A disclosure can also be made to a journalist (in accordance with section 20 of the PID Act) if the following conditions have been met:

- a valid PID was initially made to a proper authority; and
- the proper authority:
 - decided not to investigate or deal with the disclosure, or
 - investigated the disclosure but did not recommend taking any action, or
 - failed to notify the discloser within six months of making the disclosure whether the disclosure was to be investigated or otherwise dealt with.

A person who makes a disclosure to a journalist in these circumstances is protected under the PID Act. However, disclosers should be aware that journalists are not bound under the confidentiality provisions of section 65 of the PID Act. Persons considering making a disclosure to a journalist are encouraged to obtain legal advice prior to making such disclosure.

Receiving the disclosure

PIDs are received and assessed in accordance with the Queensland Ombudsman's [Public Interest Disclosure Standard No. 2/2019](#).

The receiving officer must notify the ESU as soon as practicable and forward all information, material and evidence provided as part of the disclosure, including:

- the complainant's or discloser's name and contact details, unless anonymous;
- the name (and position) of the person, or people, subject of the PID;
- information about the suspected wrongdoing or danger, relevant events, dates, and places;
- names of those who may be able to provide further information e.g., witnesses;
- correspondence and support documentation (e.g., diary of events, file notes); and
- advice about whether any action had been taken in response to the suspected wrongdoing.

The PID Coordinator undertakes an assessment to identify the support needs of the complainant or discloser and, where applicable, refers relevant PID information and details of the parties to PID Support Officers to provide support until the matter is finalised, particularly if the complainant or discloser advises of, suffers from, or identifies a fear of reprisal as a result of their disclosure.

It is also acknowledged that subject officers may require support. Their rights are ensured by:

- assuring them that the PID will be dealt with impartially, fairly, and reasonably, in accordance with the principles of natural justice;
- provide them with information about their rights and the progress and outcome of any investigation;

- advising them of the Employee Assistance Program (EAP); and
- providing them with information and process support until the matter is finalised.

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

While every attempt is made to protect confidentiality, a discloser's identity may need to be disclosed to:

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

Disclosers should be aware that while every attempt is made to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

Receipt from another entity

If a PID is received from another entity, the PID Coordinator will acknowledge receipt of the PID in writing as soon as practicable and provide the referring entity with reasonable information about the disclosure. In circumstances where concerns have been reported anonymously and referred for action, the written advice need only be provided to the entity in accordance with section 32 of the PID Act.

If there is any doubt as to whether a disclosure is a PID, further information may be sought in order to make the decision. If doubt remains, the matter will be considered and managed in accordance with the requirements of the disclosure.

Assessing the disclosure

Assessment

All incoming complaints and disclosures are assessed by the ESU to determine whether the disclosure meets the requirements of the PID Act, PID standards, the policy, this procedure and any other relevant legislation, policies and procedures.

In relation to concerns and reports of wrongdoing made by any person, the assessment process must assess the disclosure in accordance with section 12 of the PID Act.

In relation to concerns of wrongdoing reported by a public officer, the assessment must consider section 13 of the PID Act. These sections set out the tests to apply by the assessor to determine whether the disclosure is considered to be a PID.

Assessed as a disclosure

An electronic disclosure file is created with a unique number and the discloser is advised of the following:

- that the PID has been received and assessed as correctly meeting the requirements;
- the action to be taken - including referral to an external agency or investigation;
- the responsibility of the discloser to maintain confidentiality;
- the protections available to the discloser under the PID Act;
- the commitment of the ESU 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 disclosure, and the frequency of those updates;
- the name and contact details of the PID Support Officer for advice, support, and additional information;
- contact details of the EAP (if applicable).

If not considered a disclosure

Under the PID Act, the ESU may decide not to investigate or deal with a PID in various circumstances, including:

- the information disclosed has already been investigated or dealt with by another process;
- the information disclosed should be dealt with by another process;
- the age of the information makes it impractical to investigate;
- the information disclosed is too trivial and dealing with it would substantially and unreasonably divert the Industrial Registry from the performance of its functions;
- another agency with jurisdiction to investigate the information has informed the ESU that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID, the ESU will provide written advice to the discloser or complainant about:

- the reasons for the decision, including the information relied on to make the decision;
- the name of the delegated officer;
- the review rights available if the complainant or discloser is dissatisfied with the decision and how to request a review;
- any action the ESU or Industrial Registrar proposes to take in relation to the matter;
- any other options the complainant or discloser has in relation to the matter.

Review Rights

If the discloser is dissatisfied with the decision, they may make a written request to the Industrial Registrar for an internal review of the decision within 28 days of receiving the decision from the ESU.

If the discloser remains dissatisfied following the internal review, they may seek external review by raising the matter with an appropriate external entity (e.g. [Queensland Ombudsman](#) or, if in relation to corrupt conduct, the [Crime and Corruption Commission Queensland](#)).

Dealing with a Disclosure

When dealing with a PID, the following actions may be taken:

- providing an explanation to the discloser (e.g., where the discloser was not aware of the whole circumstances surrounding an action which appeared to them to be improper);
- resolving the PID managerially;
- conducting an internal audit, or a review of an issue;
- implementing or changing policies, procedures, or practices;
- formally investigating the allegations; or
- referring the allegations to an external entity.

Risk Assessment and Protection from Reprisal

Disclosers should not suffer any form of detriment as a result of making a PID. Upon receiving a PID, the ESU 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.

A risk assessment will be undertaken if the discloser is anonymous based on information available in the PID. The risk assessment will also take into account the risk to persons who may be suspected of making the PID.

Consistent with the assessed level of risk, the ESU 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 ESU 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.

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 PID Act defines 'detriment' as including:

- personal injury or prejudice to safety;
- property damage or loss;
- intimidation or harassment;
- adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade, or business;
- financial loss; and
- damage to reputation including personal, professional, or business reputation.

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

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

The PID Act also provides protection for complainants or disclosers reporting suspected wrongdoing by imposing penalties on anyone who takes detrimental action proven to be substantially in reprisal for their making of the PID.

All employees must notify the Industrial Registrar or the ESU of any allegations of reprisal action against a complainant or discloser if they suspect reprisal action against a complainant or discloser is occurring.

In the event of reprisal action being alleged or suspected, the ESU 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;
- assess the alleged reprisal to determine if the conduct is required to be referred to another agency within the jurisdiction to deal with the conduct (for example the [Crime and Corruption Commission Queensland](#), Queensland Police Service, [Public Service Commission](#), or [Office of the Independent Assessor](#));
- inform the person reporting the alleged reprisal of the process for making a PID of reprisal in accordance with section 12 of the PID Act;
- provide any necessary support to the person reporting the alleged reprisal to make a PID of reprisal; and
- manage information about alleged or suspected reprisal in accordance with the PID Act.

Any allegations of reprisal must be reported. Reprisal under the PID Act is an indictable offence and investigations may be undertaken by the Queensland Police Service.

However, under section 45 of the PID Act, a manager is not prevented from taking reasonable management action in relation to an employee who has made a public interest disclosure. This means that the discloser will continue to be managed in accordance with normal, fair, and reasonable management practices during and after the handling of the PID.

Investigation

If a decision is made to investigate the PID, the following will be taken into consideration:

- principles of natural justice;
- obligations under the PID Act to protect confidential information;
- obligations under the PID Act to protect public service officers from reprisal; and
- interests of disclosers and subject officers.

Irrespective of whether the matters investigated as a result of the PID are substantiated, or if the investigation is discontinued for any reason, consideration will still be given to:

- any systemic issues that gave rise to the PID or identified during the investigation and any action that should be taken to address those systemic issues; and
- any action that should be taken (apart from disciplinary action) to address any such systematic issues, whether that be a change to policy, procedure, or governance arrangements.

If, because of the investigation, the complaint or information about wrongdoing contained within the PID is substantiated, appropriate action will be taken.

If the conduct is considered to be a reprisal, the ESU may refer the matter to the Queensland Police Service. In the case of corrupt conduct, the matter will be referred to the [Crime and Corruption Commission Queensland](#).

Complainants, disclosers, or subject officers who are dissatisfied with a PID management process may seek an internal review with the OIRs Employee Complaints procedure. If they remain dissatisfied after exhausting all internal review avenues, they may seek external review by the [Queensland Ombudsman](#), in accordance with section 20 of the [Ombudsman Act 2001](#).

Referral of a Disclosure

If there is another more appropriate entity/authority that is better able to deal with the PID, the PID Coordinator may refer it to that entity, unless after a risk assessment it is determined there would be an unacceptable risk of reprisal. Reasons for a referral may be as follows:

- the PID concerns wrongdoing by that agency or an employee of that agency;
- the agency has the power to investigate or remedy the matter;
- because of a legislative obligation, for example referring a matter to the [Crime and Corruption Commission Queensland](#) where there is reasonable suspicion that the matter involves corrupt conduct.

A risk assessment is also conducted, in consultation with the complainant or discloser, prior to referral to determine whether there would be an unacceptable risk of reprisal. In conducting a referral risk assessment, the ESU:

- protect the confidential information of the complainant or discloser;
- seek consent from the complainant or discloser if it is practicable to confer with the proper authority to which it is proposed to refer the PID;
- identify and detail the steps that will be followed to assess the risk of reprisal to the complainant or discloser, witnesses, or other persons associated with the PID;
- implement the steps to follow where a risk has been identified; and
- develop and record a risk management plan for the complainant or discloser, witnesses, and other persons associated with the PID as soon as practicable after completing the risk assessment.

The PID Coordinator will provide the other entity with reasonable information about the disclosure if giving the information would not be likely to adversely affect:

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

Finalisation of a Disclosure

On the finalisation of a matter, the ESU will do the following:

- debrief disclosers, subject officers and witnesses involved in the PID, as well as any other relevant person to clarify any decisions or outcomes, without breaching confidentiality, and to emphasise the opportunities to learn from the situation;
- provide written advice to the complainant or discloser about the action taken in relation to their PID; and
- where necessary, ensure a final report is prepared which considers opportunities for operational/ administrative improvements and/or recommendations. This report will be disseminated at the Industrial Registrar's discretion.

Reporting and Record Keeping

In accordance with obligations under the PID Act and the [Public Records Act 2002](#), ESU will ensure:

- accurate data is collected about the receipt and management of PIDs;
- deidentified data is reported to the Office of the Queensland Ombudsman as the oversight agency, through the PID reporting database;
- maintenance of a confidential case management system by the ESU which will have the ability to:
 - record all PIDs and possible PIDs;
 - ensure the information kept is searchable;
 - enable data to be extracted for reporting purposes.
- maintenance of procedures to ensure PIDs are accurately recorded, including conducting regular audits to identify and address deficits in recordkeeping;
- update and maintain PID records in a timely manner; and
- protect the security and confidentiality of PID records by:
 - applying appropriate security protocols to the record keeping system;
 - limit direct access to the system to the PID Coordinator and other officers with the delegated responsibility for maintaining the records; and
 - ensuring the details about disclosures, investigations and related decisions will be kept secure and accessible only to people involved in the management of the disclosure.

4. Definitions

For the purpose of this procedure 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 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 because 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>

Complaint or information	A matter reported to a receiving officer. A complaint or information is not considered a disclosure unless it is assessed as meeting the requirements of a PID.
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> <ul style="list-style-type: none"> (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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. <p>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) impairs, or could impair, public confidence in public administration; and (b) involves, or could involve, any of the following— <ul style="list-style-type: none"> (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)— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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	<p>As defined in Schedule 4 of the PID Act, detriment includes:</p> <ul style="list-style-type: none"> (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	<p>As defined in section 11 of the Disability Services Act 2006:</p> <p>(1) A disability is a person's condition that—</p> <p>(a) is attributable to—</p> <p>(i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</p> <p>(ii) a combination of impairments mentioned in subparagraph (i); and</p> <p>(b) results in—</p> <p>(i) a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self care or management; and</p> <p>(ii) the person needing support.</p> <p>(2) For subsection (1), the impairment may result from an acquired brain injury.</p> <p>(3) The disability must be permanent or likely to be permanent.</p> <p>(4) The disability may be, but need not be, of a chronic episodic nature.</p>
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	<p>As outlined in Schedule 4 of the PID Act, is administrative action that:</p> <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.
Natural justice	<p>Natural justice is, at law, a safeguard which applies to any decision that can affect the rights, interests, or expectations of individuals in a direct or immediate way.</p> <p>The rules of natural justice, which have been developed to ensure that decision making is fair and reasonable, are to avoid bias, to give a fair hearing, and to act only based on logically probative evidence.</p>
Organisational support	<p>For the purposes of this procedure, organisational support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> • providing professional support; • advising complainants or disclosers about departmental resources available to handle any concerns they have because of making their disclosure; • appointing separate support officers to assist the complainant or discloser and the subject officer through the process; • referring the complainant or discloser and the subject officer to the EAP; • arranging support for the complainant or discloser and the subject officer in their work unit where appropriate; • ensuring that any suspicions of victimisation or harassment are dealt with; • maintaining contact with the complainant or discloser and the subject officer; and • negotiating with the complainant or discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need assistance.

PID Coordinator	<p>An officer of the entity delegated by the Chief Executive Officer or their delegate with responsibility for the implementation of the PID management program.</p> <p>The Industrial Registrar is the proper officer of the Industrial Registry and is therefore the named Chief Executive Officer.</p>
PID Support Officer	<p>An officer of the entity, delegated by the PID Coordinator, with responsibility for providing support to a complainant or discloser, subject officer or witness who is involved in the management of a PID.</p>
Proper authority	<p>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.</p> <p>The Industrial Registry is a public sector entity, and therefore a proper authority, as an 'administrative office attached to a court or tribunal'.</p>
Proper officer	<p>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</p> <p>The Industrial Registrar is the proper officer of the Industrial Registry and is therefore the named Chief Executive Officer.</p>
Protection	<p>Sections 36 to 38 and 40 of the PID Act provide the following protections to disclosers:</p> <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> <p>Section 64(2) provides for any civil liability prevented from attaching to an employee under subsection (1) instead attaching to the State.</p>
Public officer	<p>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.</p>
Public Interest Disclosure	<p>A disclosure of information as specified under Chapter 2 of the PID Act.</p>
Public resources	<p>A public resource is a government owned property, material, or facility including tangible and intangible assets such as information and intellectual property.</p>
Reasonable management action	<p>Reasonable management action taken by a manager in relation to an employee's performance or conduct may include any of the following:</p> <ul style="list-style-type: none"> • appraisal of the employee's work performance; • requirement that the employee undertakes counselling;

	<ul style="list-style-type: none"> • suspension of the employee from the workplace; • disciplinary action; • action to transfer or redeploy the employee; • action to end the employee's employment by way of redundancy or retrenchment; • action in relation to the employee's failure to obtain a promotion, reclassification, transfer, or benefit, or to retain a benefit in relation to their employment. <p>Reasonable management action in relation to a complainant or discloser must:</p> <ul style="list-style-type: none"> • be based on sufficient grounds; • be reasonable, as well as proportionate and consistent with similar cases; • have considered the complainant's or discloser's particular circumstances; • not involve taking action because the complainant or discloser has made a disclosure.
Receiving officer	The person to whom a suspected PID is reported.
Referral risk assessment	An assessment of the risk of reprisal to the complainant or discloser if a PID received by an entity under section 15 of the PID Act or received by way of referral under section 34 of the PID Act, is referred to another proper authority.
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>
Risk assessment	A risk assessment is the process by which information obtained by the PID is analysed to determine the risks of reprisal to complainants or disclosers, witnesses and others involved in the management and environment of the PID process.
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>

5. 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](#)

6. Related Policies and Procedures

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

7. 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)

8. Contact

For further information, please contact:

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Office of Industrial Relations

By phone: 07 3406 9811

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9. Version Control

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