

PUBLIC INTEREST DISCLOSURE MANAGEMENT

Intent To inform staff, Councillors and the community of established procedures for the lodgement and management of a Public Interest Disclosure (PID).

Scope Applies to all Councillors, Council officers and members of the public.

DEFINITIONS: To provide clarity, a list of definitions is included in Appendix A.

PROVISIONS

WHAT IS A PUBLIC INTEREST DISCLOSURE?

Under the *Public Interest Disclosure Act 2010* (PID Act), any person 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 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.

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

- the discloser reports the information as part of their duties – such as an auditor reporting a fraud or an occupational health and safety officer reporting a safety breach
- the disclosure is made anonymously – the discloser is not required to give their name or any identifying information
- the discloser has not identified the material as a PID – it is up to Council to assess information received and decide if it is a PID
- the disclosure is unsubstantiated following investigation – the discloser is protected when the information they provide is assessed as a PID, whether or not it is subsequently investigated or found to be substantiated.

WHY MAKE A PID?

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

- implementing systems for reporting and dealing with wrongdoing contributes to the integrity of Council operations.
- the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to Council.
- 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 Council and employees of Council 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.

WHO CAN A PID BE DISCLOSED TO?

A PID must be made to the ‘**proper authority**’ to receive disclosures of the type being made.

Disclosers are encouraged to make a disclosure to an appropriate officer of Council first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

Who to contact within Council:	Other agencies that can receive PIDs:
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> • any person in a supervisory or management position, • Human Resources, • the Chief Executive Officer or • Ethical Standards Unit. 	<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 (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 disclosures about danger to the environment • A Member of the Legislative Assembly (MP) 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.

A disclosure can also be made to a **journalist** 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 or not 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.

HOW TO MAKE A PID

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

- provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number)
- provide as much information as possible about the suspected wrongdoing, including:
 - 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
 - any further information that could help investigate the PID
- provide this information in writing.

Contact details for the Ethical Standards Unit:

Phone: **1300 692 247** - Request to be transferred to the Ethical Standards Unit

In Writing: STRICTLY CONFIDENTIAL
 Ethical Standards Unit
 Cairns Regional Council
 PO BOX 359
 Cairns QLD 4870

Email: EthicalStandardsUnit@cairns.qld.gov.au

PROCEDURE FOR DEALING WITH PUBLIC INTEREST DISCLOSURES

Council and its Executive Leadership Team encourage the making of PIDs and are committed to the protection of persons who make such disclosures.

PID MANAGEMENT PROGRAM

The Chief Executive Officer has overall responsibility for ensuring that Council develops, implements and maintains a PID management program. Council's PID management program encompasses:

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

Council has an Ethical Standards Unit (ESU). The ESU is a team comprising of senior staff from Governance and Human Resources, which has been established with the endorsement of the Executive Leadership Team based on a recommendation from the Public Services Commission.

The role of the ESU is to:

- classify complaints as workplace matters, complaints of a minor administrative nature, PIDs (i.e. potential serious ethical or legal breaches) or complaints about failure to perform works;
- monitor and report on trends through the CEO to the Audit committee as appropriate;
- notify the CEO of any suspected PIDs so that the CEO can fulfil their mandatory reporting requirement to the Queensland Ombudsman;

- ensure that complaints are appropriately investigated and finalised and if necessary actions taken to remediate or amend procedures etc.;
- protect the dignity, wellbeing, career interests and good name of all persons involved;
- protect the discloser from any adverse action taken as a result of making the disclosure;
- treat any bullying, harassment, unfair treatment, victimization or discrimination that results from a disclosure being made as a breach of Code of Conduct and Council's PID Administration Instruction;
- respond to the disclosure thoroughly and impartially;
- where some form of wrongdoing has been found, taking appropriate action to deal with it
- keep the discloser informed of the progress and outcome.

The Chief Executive Officer has designated the following roles and responsibilities for managing PIDs within Council:

Role:	Responsibilities:	Officer:
Ethical Standards Unit (ESU)	<ul style="list-style-type: none"> ▪ providing staff training regarding PID awareness and PID management; ▪ applying consistent and appropriate assessment procedures to determine which complaints meet the requirements of the PID Act for treatment as a PID; ▪ monitoring the investigation and resolution of PIDs; ▪ managing or coordinating the support and protection offered to disclosers; ▪ collecting, reporting and reviewing data via a secure and confidential reporting system about PIDs received; ▪ reporting PID information to Council's Executive Team (as required) and to the Queensland Ombudsman, via the PID Database, within two (2) weeks of receiving the disclosure; ▪ when updating the PID database applying the outcome classification options ('substantiated', 'not substantiated', or 'partially substantiated'), where an unusual condition/issues apply the ESU is asked to provide notes to explain the outcome. 	ESU consists of the following roles: <ul style="list-style-type: none"> - Director People and Organisational Performance - Executive Manager, Organisational Performance - Human Resources Co-ordinator - Team Leader Governance
PID Coordinator	<ul style="list-style-type: none"> ▪ principal contact for PID issues within Council ▪ document and manage implementation of PID management program ▪ review and update PID procedure annually ▪ maintain and update internal records of PIDs received ▪ report data on PIDs to Queensland Ombudsman ▪ assess PIDs received ▪ provide acknowledgment of receipt of PID to discloser ▪ undertake risk assessments in consultation with disclosers and other relevant officers ▪ liaise with other agencies about referral of PIDs 	Team Leader Governance

	<ul style="list-style-type: none"> ▪ allocate Investigator and Support Officer to PID matter 	
PID Support Officer	<ul style="list-style-type: none"> ▪ provide advice and information to discloser on Council PID procedure ▪ provide personal support and referral to other sources of advice or support as required ▪ facilitate updates on progress of investigation ▪ proactively contact discloser throughout PID management process 	Appointed for each case by the PID Coordinator.
Investigator	<ul style="list-style-type: none"> ▪ conduct investigation of information in PID in accordance with terms of reference ▪ prepare report for delegated decision-maker 	An appropriate internal or external investigator will be appointed for each PID investigated depending upon the type of disclosure and other relevant considerations.
Delegated decision-maker	<ul style="list-style-type: none"> ▪ review investigation report and determine whether alleged wrongdoing is substantiated 	Director, People and Organisational Performance.

DECIDING WHETHER A MATTER IS A PID

It is the role of the Ethical Standards Unit to assess information received and decide if a matter is a PID.

The disclosure will be assessed in accordance with the PID Act, the PID standards, Council Public Interest Disclosure Administrative Instruction and any other relevant procedure(s). Council uses the [CRC PID Assessment Template](#) to record and assess the matter.

If there is any doubt as to whether a matter is a PID, further information may be obtained to inform the decision. If doubt still remains, the matter will be considered and managed as a PID.

Mere disagreements over policy do not meet the threshold for a PID under the PID Act.

It is an offence under the PID Act to intentionally give false or misleading information intending it be acted on as a PID. Employees may be subject to disciplinary action for intentionally giving false or misleading information in a PID, or during an investigation into a PID.

Where a discloser states they are making a PID, but it is assessed that the matter is not a PID Council will advise the discloser:

- 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
- any action Council proposes to take in relation to the matter
- any other options the discloser has in relation to the matter.

ASSESSING A DISCLOSURE AS A PID

If the matter has been assessed as a PID, Council will advise the discloser:

- that their information has been received and assessed as a PID
- the action to be taken by Council in relation to the disclosure, which could include referring the matter to an external agency, or investigating
- the likely timeframe involved
- the name and contact details of the Council support officer 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 Council 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 Council's Employee Assistance Program.

If the PID has been made anonymously and the discloser has not provided any contact details, Council will not be able to acknowledge the PID or provide any updates.

REFERRING A PID

If Council decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency.

This may be because:

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

Before referring the PID to another agency, Council will conduct a risk assessment, and will not proceed with the referral if there is an unacceptable risk of reprisal.

It may also be necessary to refer the PID to another agency because of a legislative obligation, for example, refer a matter to the Crime and Corruption Commission where there is a reasonable suspicion that the matter involves or may involve corrupt conduct (as required by section 38 of the [Crime and Corruption Act 2001](#)).

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

The discloser will be advised of the action taken by Council.

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, Council will conduct a risk assessment to assess the likelihood of the discloser (or witnesses or affected third parties) suffering reprisal action as a result of having made the disclosure using the [CRC PID Risk Assessment template](#). This assessment will take into account 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 on the basis of 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, Council 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).

Council 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.

In the event of reprisal action being alleged or suspected, Council 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.

DECLINING TO TAKE ACTION ON A PID

Under the PID Act, Council 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 Council from the performance of its functions

- another agency with jurisdiction to investigate the information has informed Council that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID Council will give the discloser written reasons for that decision.

If the discloser is dissatisfied with the decision they can request a review by writing to the Chief Executive Officer within 28 days of receiving the written reasons for decision.

COMMUNICATION WITH DISCLOSERS

Under the PID Act, the Council must give reasonable information to a discloser.

Council will acknowledge receipt of the PID in writing as soon as practicable. The discloser will be provided with information that meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman, including:

- the action that will be taken in response to the PID
- the protections under the PID Act
- confidentiality obligations of the discloser and the Council
- support arrangements.

Council will maintain contact with the discloser and provide regular updates during the management of the PID.

In accordance with the PID Act, after finalising action in response to the PID, Council will advise the discloser in writing of the action taken and the results of the action.

CONFIDENTIALITY

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

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

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

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

SUPPORT FOR DISCLOSERS

Council recognises that providing appropriate support to a discloser is an important element of effective PID management.

An assessment will be undertaken to identify the support needs of the discloser. Where appropriate, a PID Support Officer will be assigned to the discloser. The PID Support Officer will assist the discloser to access information about PIDs, protections available under the PID Act and the PID management process. The PID Support Officer will proactively contact the discloser to offer support.

Information and support will be provided to the discloser until the matter is finalised.

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

INVESTIGATING A PID

If a decision is made to 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 an investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken.

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

RIGHTS OF SUBJECT OFFICERS

Council acknowledges that for officers who are the subject of a PID the experience may be stressful. Council will protect their rights by:

- assuring them that the PID will be dealt with impartially, fairly and reasonably in accordance with the principles of natural justice
- confirming that the PID is an allegation only until information or evidence obtained through an investigation substantiates the allegation
- providing them with information about their rights and the progress and outcome of any investigation
- supporting them directly or referring them to Council's Employee Assistance Program for support.

Information and support will be provided to a subject officer until the matter is finalised.

RECORD-KEEPING

In accordance with its obligations under the PID Act and the [Public Records Act 2002](#), Council 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.

Records about disclosures, investigations, and related decisions will be kept secure and accessible only to appropriately authorised people involved in the management of the PID.

Additional Resources

Queensland Ombudsman - <http://www.ombudsman.qld.gov.au/PublicationsandReports/PublicInterestDisclosures/tabid/339/Default.aspx>

Crime and Conduct Commission Queensland - [CCC - Crime and Corruption Commission Queensland](#)

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This Administrative Instruction is to remain in force until otherwise determined by the Chief Executive Officer.

Director Responsible for review:

People and Organisational Performance

ORIGINALLY APPROVED: 05/09/2011

CURRENT APPROVAL: 30/01/2023

DUE FOR REVISION: 30/01/2027

REVOKED/SUPERSEDED:



MICA MARTIN
Chief Executive Officer

DEFINITIONS

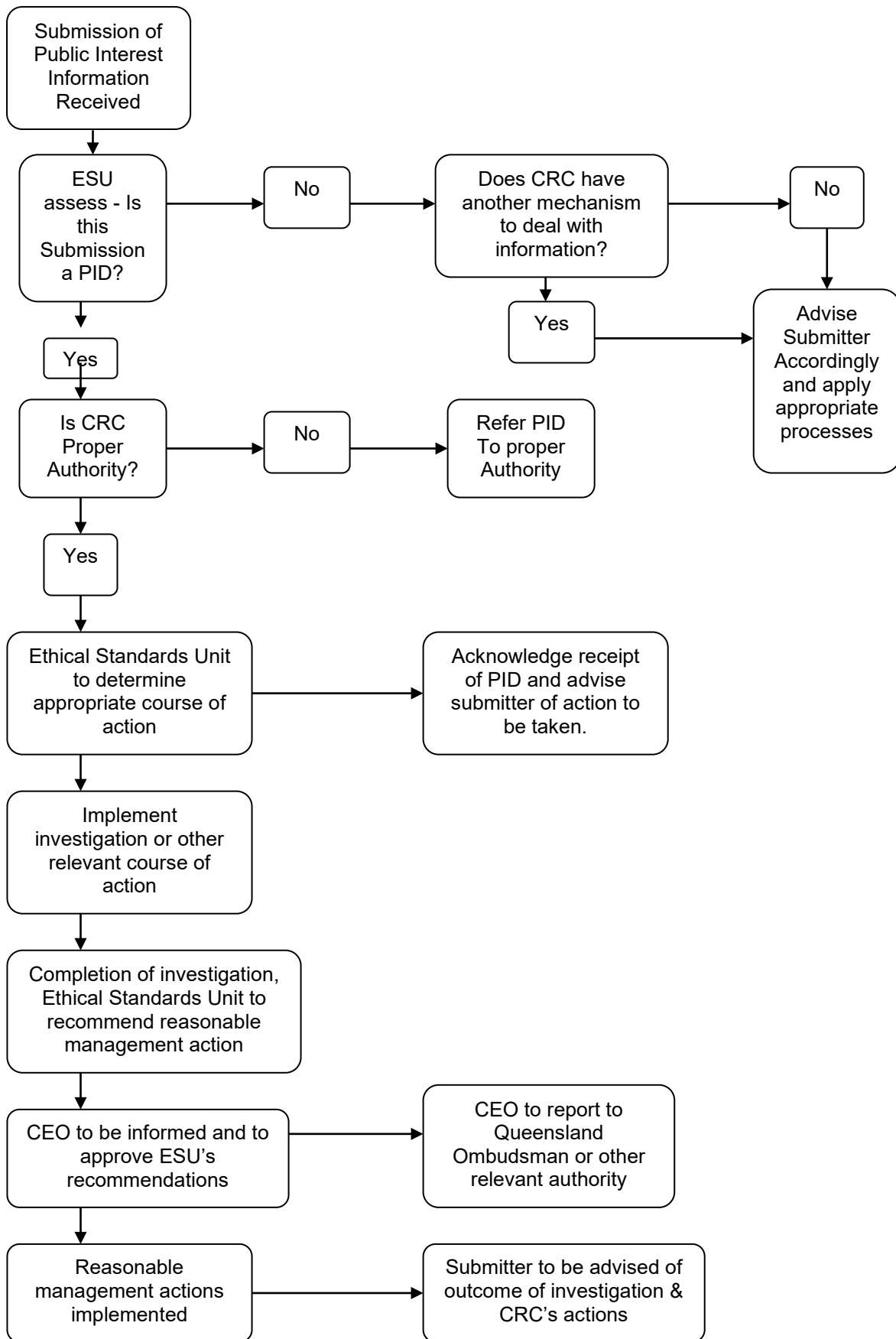
Term	Definition
Administrative action	<p>(a) means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> (i) a decision and an act; and (ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for 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 <p>(b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
Confidential information	<p>(a) includes —</p> <ul style="list-style-type: none"> (i) information about the identity, occupation, residential or work address or whereabouts of a person — <ul style="list-style-type: none"> (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 <p>(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.</p>
Corrupt conduct	<p>As defined 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> <ul style="list-style-type: none"> (i) a unit of public administration; or (ii) a person holding an appointment; and <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> <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 <p>(c) would, if proved, be—</p> <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> <p>(a) impairs, or could impair, public confidence in public administration; and</p> <p>(b) involves, or could involve, any of the following—</p> <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;

	<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>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, for the purposes of this procedure:</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> <p>.</p>
Discloser	<p>A person who makes a disclosure in accordance with the Public Interest Disclosure Act 2010.</p>
Employee	<p>of an entity, includes a person engaged by the entity under a contract of service.</p>
Investigation	<p>For the purposes of this procedure, investigation includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.</p>
Journalist	<p>a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.</p>
Maladministration	<p>As defined in schedule 4 of the Public Interest Disclosure Act 2010, maladministration is administrative action that:</p> <p>—</p> <p>(a) was taken contrary to law; or</p> <p>(b) was unreasonable, unjust, oppressive, or improperly discriminatory; or</p> <p>(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</p> <p>(d) was taken—</p> <p>(i) for an improper purpose; or</p> <p>(ii) on irrelevant grounds; or</p> <p>(iii) having regard to irrelevant considerations; or</p> <p>(e) was an action for which reasons should have been given, but</p>

	<p>were not given; or (f) was based wholly or partly on a mistake of law or fact; or (g) was wrong.</p>
Natural justice	<p>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.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none"> • avoid bias; and • give a fair hearing. • act only on the basis of logically probative evidence.
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 moral and emotional support • advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure • appointing a mentor, confidante or other support officer to assist the discloser through the process • referring the discloser to the agency's Employee Assistance Program or arranging for other professional counselling • generating support for the discloser in their work unit where appropriate • ensuring that any suspicions of victimisation or harassment are dealt with • maintaining contact with the discloser • negotiating with the 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.
Proper authority	<p>A person or organisation that is authorised under the Public Interest Disclosure Act 2010 to receive disclosures.</p>
Public officer	<p>A public officer, of a public sector entity, is an employee, member or officer of the entity.</p>
Reasonable belief	<p>A view which is objectively fair or sensible.</p>
Reasonable management action	<p>Action taken by a manager in relation to an employee, includes any of the following taken by the manager:—</p> <ul style="list-style-type: none"> (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	<p>The term 'reprisal' is defined under the Public Interest Disclosure Act 2010 as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:</p> <ul style="list-style-type: none"> • 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. <p>Reprisal under the Public Interest Disclosure Act 2010 is a criminal offence and</p>

	investigations may be undertaken by the Queensland Police Service.
Subject officer	An officer who is the subject of allegations of wrongdoing made in a disclosure.
Substantial and specific	<p>Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.</p> <p>Specific means "precise or particular". This refers to conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms.</p>

Appendix B – Flow chart of PID Process



PUBLIC INTEREST DISCLOSURE INFORMATION SHEET



1. What is a public interest disclosure?

A public interest disclosure (PID) involves the supply of information, to an appropriate authority, including Council, which reasonably indicates a wrongdoing in the public sector, that serves the public interest. For an allegation to be considered a PID under the *Public Interest Disclosure Act 2010* (PID Act) it must be:

- public interest information about serious wrongdoing or danger
- an appropriate disclosure
- made to a proper authority.

2. Why make a Public Interest Disclosure?

Disclosures about wrongdoing by public sector workers help to uncover corruption and other misuses of public resources.

The PID Act encourages the disclosure of information about suspected wrongdoing in the public sector so that it can be properly evaluated and investigated. Disclosures help public sector organisations identify wrongdoing and continuously improve systems.

3. Who can make a disclosure and what can it be about?

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

- a substantial and specific danger to the health or safety of a person with a disability
- a substantial and specific danger to the environment (as set out in the PID Act)
- reprisal action in relation to a PID

A public sector officer may also disclose information about:

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

Preliminary Assessment

Assess whether the subject matter qualifies as a PID within the meaning of the PID Act. In assessing a disclosure, the Ethical Standards Unit will determine if;

- the PID protections are available to the discloser;
- the disclosure concerns a matter about which a PID can be made;
- the disclosure has been made to an individual or entity who may receive a PID
- referral to an external agency is required

The discloser will be provided with response regarding the PID, including reasonable information. At this stage Council may decide not to investigate or deal with a PID. If this is the case, the response will include the reasons for this decision.



Investigation Process

An investigator will be engaged for the purposes of investigating the PID. This may be either an internal investigator or an external investigator, however they will be sufficiently removed from the issue as not to have a conflict of interest.



Response to Discloser

The discloser will be provided with written response on completion of the investigation into their PID. This response will include;

- Whether the PID was substantiated or unsubstantiated
- Any referral to external agencies
- Councils actions

4. What is an appropriate disclosure?

An appropriate disclosure is where:

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

Information that 'tends to show' wrongdoing or danger must be more than a mere suspicion. There must be information that indicates or supports a view that the wrongdoing or danger has or will occur. The discloser is not required to undertake any investigative action before making a PID.

A disclosure may still be a PID even if the information turns out to be incorrect or unable to be substantiated provided the discloser had a genuine and reasonable belief that it did occur. This allows for genuine misinterpretations of information to fall within the scope of a PID.

5. What protection does the Public Interest Disclosure Act provide?

Disclosers are entitled to reasonable information about the action taken as a result of a PID. This includes information about the action proposed and, if action is taken, the results of that action.

Reprisal against a discloser is an offence. The PID Act also makes the public sector entity vicariously liable if any of the entity's employees attempt or cause reprisal against a discloser (whether public officer or a member of the public). Public sector entity Chief Executive Officers have specific obligations to ensure public officers who make a PID are supported and offered protection from reprisal.

If you are a public sector officer, you cannot be disciplined for the action of making a PID. However, the discloser is still liable for their own conduct both before and after making a PID. Making a PID does not prevent reasonable management action being taken in regards to the conduct of the discloser.

The PID Act also provides that appropriate consideration be given to the interests of the person subject to a PID. Sometimes a PID is an honest but mistaken claim and it is important that all public sector officers are treated fairly.

6. Are public interest disclosures confidential?

Strict confidentiality requirements apply to PIDs. Confidential PID information can only be recorded or disclosed:

- to administer the PID Act or to discharge a function under another Act (for example, to investigate something disclosed by a PID)
- for a proceeding in a court or tribunal
- with the consent of the person the information relates to (or if the consent of the person cannot be reasonably obtained, if the information is unlikely to harm the interests of the person) or
- if it is essential under the principles of natural justice and reprisal is unlikely.

7. What information should a PID include?

If a PID is to be made, the disclosure should detail the incident or issue of concern in sufficient detail to enable an appropriate investigation to be conducted. Depending on circumstances, disclosers should supply:

- their name and contact details (desirable);
- the nature of the wrongdoing;
- who they think did the wrongdoing (if possible);
- when and where the wrongdoing occurred;
- events surrounding the issue;
- whether they did anything in response to the wrongdoing; and
- others who know about the wrongdoing and have allowed it to continue.

8. How to make a Public Interest Disclosure?

A PID may be made either verbally or in writing and the discloser may also remain anonymous. However where a PID is of a complex nature or involves serious allegations, it is recommended that the disclosure be submitted in writing and marked 'Confidential' for the attention of the Ethical Standards Unit.

Phone: 1300 69 22 47 Request to be transferred to the Ethical Standards Unit

In Writing: STRICTLY CONFIDENTIAL
Ethical Standards Unit
Cairns Regional Council
PO BOX 359
Cairns QLD 4870

Email: EthicalStandardsUnit@Cairns.qld.gov.au