



Queensland Parliamentary Service

PUBLIC INTEREST DISCLOSURE POLICY

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1. Purpose

The purpose of this policy is to:

- support and maintain high standards of professional and ethical conduct in the Parliamentary Service;
- demonstrate the Parliamentary Service's commitment to developing, implementing and maintaining a management program for public interest disclosures (PIDs) and ensuring effective compliance with legislation and policy;
- assist employees and others to understand their rights and responsibilities in reporting fraudulent or corrupt behaviour or making a PID under the [Public Interest Disclosure Act 2010 \(Qld\)](#) (the Act);
- outline the legislative provisions and Parliamentary Service procedures in place to protect any person who makes a PID (discloser) or is the subject of a PID.

2. Application

This policy applies to all Parliamentary Service employees and any external person making a PID to the Parliamentary Service.

3. Policy statement

The Parliamentary Service is committed to creating and sustaining an ethical work environment through:

- eliminating unlawful, negligent or improper conduct from the workplace;
- facilitating complaints and PIDs that relate to the Parliamentary Service;
- encouraging employees and others to disclose information about suspected wrongdoing through employee awareness and training initiatives;
- ensuring that complaints and PIDs made to the Parliamentary Service, including those made anonymously, are properly assessed and appropriately dealt with; and
- affording support and protection from reprisals to disclosers or to those who are the subject of a PID.

4. Authority

[Public Interest Disclosure Standard No. 1 \(January 2011\)](#) (the PID Standard)
[Public Interest Disclosure Act 2010 \(Qld\)](#)
[Integrity Act 2009](#)
[Crime and Corruption Act 2001 \(Qld\)](#)
[The Public Sector Ethics Act 1994](#)

This policy should be read in conjunction with the Code of Conduct for the Parliamentary Service. (Attachment 1 – References).



5. Responsibilities

The Clerk of the Parliament, the PID Coordinator and nominated delegates are responsible for:

- communicating the expectation that all employees are required to conduct their duties to high professional and ethical standards ([Code of Conduct for the Parliamentary Service](#));
- ensuring reasonable procedures are in place to deal with a PID and that those procedures are published to enable members of the public and employees to access them (the Act);
- ensuring that PIDs are properly assessed, investigated and dealt with, including appropriate action being taken in relation to any wrongdoing in a PID (the Act);
- ensuring that employees making a PID receive support and protection from reprisal (the Act);
- ensuring that all legislative obligations in relation to reporting and investigation are met (the Act); and
- ensuring that all matters involving suspected official misconduct are referred to the Crime and Corruption Commission (CCC) ([Crime and Corruption Act 2001](#)).

The Manager Human Resource Services, is responsible as the Parliamentary Service's PID Coordinator and CCC contact officer for—

- a) the overall coordination of the Parliamentary Service PID process and for:
 - the implementation of all the above measures for employee-related PIDs;
 - feedback to the PID discloser about progress and the outcome of PIDs; and
 - required reporting on PID issues to the Public Service Commission (PSC).
- b) ensuring reasonable procedures are in place to receive and deal with PIDs made by:
 - members of the public making a PID to the Parliamentary Service;
 - ensuring employees are aware of the appropriate support and protection provided to disclosers and employees who may be the subject of an external PID; and
 - developing a "Management Plan" that deals with mitigating the risk of reprisals occurring.

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

- providing clear guidance to staff on how to handle complex issues which may involve misconduct, while maintaining confidentiality and natural justice;
- ensuring that employees in their service area are aware of their obligations in relation to the requirements of this policy and procedure;
- monitoring the workplace for signs of reprisal against a discloser or an employee who is the subject of a PID under the principles of natural justice; and
- ensuring that, if PID allegations are substantiated, investigation recommendations are implemented quickly to reduce the risk of re-occurrence.

Employees are responsible for:

- complying with this policy and the [Code of Conduct for the Parliamentary Service](#);
- reporting their concerns about suspected misconduct or unethical behavior in accordance with this policy; and
- participating in Parliamentary Service PID and Code of Conduct training.



6. Delegations

Duties and responsibilities to deal with PIDs as authorised under the Act and the [Crime and Corruption Act 2001](#).

7. Recording and reporting

From 1 January 2011, the PSC has had responsibility for oversight of PIDs across the Queensland public sector, including the publishing of an annual report on the operation of the Act. Under the PID Standard, all public sector entities are required to report PID data to a dedicated PSC database on a quarterly basis. The Act defines public sector entities to include a committee of the Legislative Assembly and the Parliamentary Service.

The Manager of Human Resources is responsible for recording and reporting on official misconduct matters and PIDs to the CCC through the Clerk, notifying members of the Parliamentary Service's Executive Management Group as required.

The Manager of Human Resources, through the Clerk, will ensure compliance with PID statistical reporting requirements under the Standard.

The Manager of Human Resources is responsible for the preparation, review and maintenance of this policy, and for the secure storage of PID documentation.



8. Making a PID

8.1. What is a PID?

A PID is the disclosure in the public interest of information specified in the Act (sections 12 and 13) and made to an appropriate public sector entity that has the responsibility to take appropriate action about the information.

The Act provides unique protection from reprisal for public officers disclosing information in the public interest to an appropriate entity about:

- official misconduct, as defined in the [Crime and Corruption Act 2001](#);
- maladministration that adversely affects anyone's interest in a substantial and specific way;
- negligent or improper management by a public officer, public sector entity or a government contractor resulting in a substantial waste of public funds; or
- conduct by another person causing a substantial and specific danger to public health or safety or to the environment.

The Act can also provide protection to members of the community who make a PID about a substantial and specific danger to:

- public health and safety including the health or safety of a person with a disability;
- the environment; or
- a reprisal taken against anybody as a result of a PID.

Some disclosures are not protected by the Act, including disclosures made to the media (except as provided for at 8.2), frivolous or vexatious disclosures, those which question the merits of government or agency policy and those that are made to avoid disciplinary action.

To intentionally make false disclosures is an offence under the Act (Section 66).

8.2. Who should I make a disclosure to?

To make a PID under the Act, or if anyone makes a PID against you, the steps are to contact the Parliamentary Service's PID Coordinator (Manager of Human Resource Services) directly, your supervisor or service area manager, the Clerk or Deputy Clerk of the Parliament, or an authorised person in the Parliamentary Service who has responsibility to receive and take action on the type of information disclosed (e.g. Senior Coordinator, Workplace Harassment Referral Officer Network).

PIDs can also be made directly to the CCC regarding misconduct, the Ombudsman concerning maladministration or a Member of Parliament.

A member of the public (not a public officer) may make a PID directly to the Clerk of the Parliament (Attachment 2).

A disclosure can be made to a journalist if (see section 20 PID Act):

- a) a person has made a PID; and
- b) the entity to whom it was made –
 - i) decided not to investigate or deal with the PID;
 - ii) investigated but decided not to take any action; or



- iii) did not notify the person within 6 months whether or not the disclosure was investigated or dealt with.

8.3. How do I make a disclosure?

Your disclosure can be made in writing (preferable) or orally. The disclosure may be anonymous although it should disclose as much information as possible to enable the Parliamentary Service to respond appropriately.

Your PID will be forwarded to the PID Coordinator who will assess the disclosure and determine if it constitutes a PID and whether it requires investigation. The PID Coordinator will advise the Clerk of the Parliament of the outcome of the assessment, including recommendations and a statement of reasons for action.

You should disclose anything you think may be a PID, and be prepared to provide evidence to support the PID to an investigating officer. If you make a disclosure you are reminded that the matters surrounding any investigation will be confidential and you are requested to maintain the integrity of the process by not discussing it with colleagues, and by keeping all correspondence confidential.

Under the Act (Section 46) disclosers have a right of appeal or review, internally and externally, in relation to the management and or decision regarding their PID.

Internal review avenues:

- appeal from PID coordinator decision is made to the Deputy Clerk;
- appeal from Deputy Clerk decision is made to the Clerk of the Parliament.

External review avenues include the Public Service Commission, Queensland Ombudsman and the CCC (Attachment 2).

8.4. What support and protection is available to me if I make a disclosure?

The Parliamentary Service and the PID Coordinator will treat all disclosures in the strictest confidence, including disclosures which do not finally qualify as PIDs. Your concerns will be taken seriously and your privacy and confidentiality protected as far as possible throughout any investigation process.

The PID coordinator is responsible for developing a “Management Plan” that deals with mitigating the risk of reprisals occurring.

As an employee you may share information with the Parliamentary Service Employee Assistance Service, your Union representative or support person.

For those making a PID, Section 36 of the Act states that a person is not liable civilly, criminally or under an administrative process for making a public disclosure. An employee cannot be dismissed on the basis of making a PID or intending to make a PID in accordance with the Act.

The Service is responsible under the Act for preventing any disclosers from reprisal and bullying; under Section 40 of the Act it is also an offence for an employee to make a reprisal because of a belief that another person has made, or intends to make a PID.

If you feel as though you have been disadvantaged or subjected to a reprisal for making a disclosure, you should raise the issue immediately with the PID Coordinator (Manager of Human Resource Services), or your manager/supervisor.



8.5. What if a disclosure is made against me

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

Employees who have had a PID made against them (subject officers) are assumed to be innocent of any adverse allegation until there is evidence to the required standard of proof to show otherwise. The rules of natural justice apply to any subject officer under investigation in respect of an allegation made against them.

It is the responsibility of the PID Coordinator to provide feedback to the PID discloser about the progress and the outcome of PIDs. The Parliamentary Service also undertakes to keep a discloser who is not a public officer informed of progress on his or her PID.

Any apparent conflict between disclosure and confidentiality will be risk-managed by the Parliamentary Service through a clear focus on the prevention of fraud, wrongdoing and unethical behavior as outlined in this policy.

9. Storage of information

All documentation relating to a PID will be stored in a confidential file, secured in a locked area. No details will be placed on personal files. If an employee is appointed to another service area/department/agency the file remains the property of the Parliamentary Service.

10. Policy review and evaluation

This policy will be reviewed and evaluated by the Manager of Human Resource Services on a regular basis and at least annually.



References

Legislation and regulations

[Public Interest Disclosure Act 2010 \(Qld\)](#)

[Public Service Act 2008 \(Qld\)](#)

[Integrity Act 2009](#)

[Crime and Corruption Act 2001 \(Qld\)](#)

[The Public Sector Ethics Act 1994](#)

Relevant documents

[Code of Conduct for the Parliamentary Service](#)

[Guideline for the Grant of Indemnities and Legal Assistance to State Employees \(PSC\)](#)

[Public Interest Disclosure Standard \(PSC\)](#)



Useful Contacts

Parliamentary service

PID Coordinator (for internal PIDs)
Manager, Human Resource Services
Level 5, Parliamentary Annexe, corner George and Alice Streets, Brisbane

Phone: (07) 3553 6444

Senior HR Advisor and Senior Coordinator, Workplace Harassment Referral Officer Network
Level 5, Parliamentary Annexe, corner George and Alice Streets, Brisbane

Phone: (07) 3553 6440

Clerk of the Parliament
Level 1, Parliament House, corner George and Alice Streets, Brisbane

Phone: (07) 3553 6450

Deputy Clerk of the Parliament
Level 2, Parliament House, corner George and Alice Streets, Brisbane

Phone: (07) 3553 6460

External to the parliamentary service

Ethics Advisory Service
Public Service Commission (for advice on rights and obligations under relevant legislation including the *Public Interest Disclosure Act 2010*)
Level 15, 53 Albert St, Brisbane
PO Box 15190, City East, Qld 4002

Phone: (07) 3227 6379

<http://www.ethics.qld.gov.au/>

Crime and Corruption Commission (for official misconduct complaints and witness protection)
Level 2, North Tower Green Square, 515 St Paul's Terrace, Fortitude Valley
GPO Box 3123, Brisbane Qld 4001

Phone: (07) 3360 6060

Toll free: 100 061 611

www.ccc.qld.gov.au

Queensland Ombudsman (for complaints regarding serious maladministration)
Level 17, 53 Albert St, Brisbane
GPO Box 3314 Brisbane Qld 4001

Phone: (07) 3005 7000

Toll free: 1800 068 908

www.ombudsman.qld.gov.au

Employee assistance

Davidson Trahaire Corpsych
Phone: 1300 360 364

<http://www.davcorp.com.au/>