



Policy

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Public Interest Disclosures (PIDs)

Cairns and Hinterland Hospital and Health Service

Policy Statement

The Cairns and Hinterland Hospital and Health Service (**CHHHS**) is committed to fostering an ethical and transparent culture. In pursuit of this, the CHHHS values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated. The CHHHS will provide support to an employee or others who make disclosures about matters in the public interest.

Intent of this policy

The intent of this policy is to:

- ensure the CHHHS complies with the *Public Interest Disclosure Act 2010 (PIDA)* and the Public Interest Disclosure Standards, and
- explain the procedure for making a Public Interest Disclosure (PID), or for when a PID has been made.

By complying with the PIDA, the CHHHS will:

- promote the public interest by facilitating PIDs of wrongdoing
- ensure that PIDs are properly assessed and, where appropriate, properly investigated and dealt with
- ensure appropriate consideration is given to the interests of persons who are the subject of a PID
- ensure protection from reprisal is afforded to persons making PIDs.

This policy does not replace the need to read or refer to the PIDA.



Public Interest Disclosures

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Scope

This policy applies to all employees working for the CHHHS, and members of the public who make a PID, in accordance with the PIDA.

Principles

The CHHHS has a zero-tolerance approach to wrongdoing or danger, including corrupt conduct, fraud and maladministration. These behaviours can erode the public confidence in our health system and undermine the good work carried out by the CHHHS.

To eliminate such conduct, the department is committed to creating and maintaining an environment that encourages disclosure of information about wrongdoing or danger.

This is achieved by:

- facilitating disclosures of information, or complaints, about wrongdoing or danger that relate to the CHHHS
- ensuring disclosures, including those made anonymously, are properly assessed and when appropriate, properly investigated or otherwise dealt with
- ensuring PID assessments, investigations and decision-making processes are completed within a reasonable timeframe
- affording appropriate and reasonable protection from reprisals, and support, for those who have made a PID
- ensuring appropriate consideration is given to the interests of those who are the subject of a PID.

By complying with the PID Act, CHHHS will:

- promote the public interest by facilitating public interest disclosures (PIDs) of wrongdoing
- ensure that PIDs are properly assessed and, where appropriate, properly investigated and dealt with
- ensure appropriate consideration is given to the interests of persons who are the subject of a PID
- ensure protection from reprisal is afforded to persons making PIDs.

As required under the PID Act, the Chief Executive Officer will implement procedures to ensure that:

- any public officer who makes a PID is given appropriate support
- PIDs made to CHHHS are properly assessed and, where appropriate, properly investigated and dealt with
- appropriate action is taken in relation to any wrongdoing which is the subject of a PID
- a management program for PIDs made to CHHHS consistent with the standards issued



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by the Queensland Ombudsman, is developed and implemented

- public officers who make PIDs are offered protection from reprisal by CHHHS or other public officers of CHHHS

1. What is Public Interest Disclosure (PID)

A PID is a disclosure of information about certain types of wrongdoing or danger.

For the information or complaint, to be considered a PID and attract the protections afforded by the PIDA, the information must be disclosed to a **proper authority**.

Under the PIDA, **any person** can make a disclosure about a:

- **substantial** and **specific** danger to the health or safety of a person with a **disability**
- 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 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 amounts to a PID and is covered by the PIDA 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
- disclosure is made anonymously – the discloser is not required to give their name or any identifying information
- discloser has not identified the material as a PID – it is up to the CHHHS to assess information received and decide if it is a PID
- 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.

2. 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

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sources of information to identify and address problems in public sector administration. The CHHHS supports the disclosure of information about wrongdoing because:

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

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

- confidentiality – the discloser's name and other identifying information will be protected to the extent possible
- protection against reprisal – the discloser is protected from unfair treatment by the CHHHS and employees of the CHHHS 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**.

3. Types of information that can be disclosed under the PIDA

Anyone (whether or not the person is a public officer) can disclose information under the PIDA about:

- a substantial and specific danger to the health or safety of a person with a disability
- the commission of an offence against a provision mentioned in Schedule 2 of the PIDA, or a contravention of a condition imposed under a provision, if the offence is or would be a substantial and specific danger to the environment
- the conduct of another person that could, if proved, be a reprisal.

A **public officer** can also disclose information under the PIDA about:

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

Often line managers, through the course of managing their employees, may disclose information as part of performing their duties. Internal auditors may disclose information as a consequence of an internal audit. The PIDA caters for voluntary disclosures as well as disclosures that are made during the course of a public officer completing their regular duties.



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4. Proper authority

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 the CHHHS first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

In general, a proper authority includes:

- a public sector entity if the disclosure is about the conduct of the entity or any of its officers, for example, the Department of Health,
- an entity the discloser believes is a proper authority that has the power to deal with or investigate the matter – for example, the Crime and Corruption Commission for matters of suspected corrupt conduct, and
- a Member of the Legislative Assembly (MLA).

The CHHHS is an appropriate authority under the PIDA that can receive disclosures of wrongdoing that:

- relates to the conduct of CHHHS or any of its employees
- is anything CHHHS has the power to investigate or remedy
- the conduct of another person that could if proved be reprisal.

CHHHS employees can make a PID to:

- any person in a supervisory or management position (internal)
- the Chief Executive of the CHHHS (internal)
- People and Engagement within the CHHHS (internal)
- the Crime and Corruption Commission for corrupt conduct including reprisal
- Queensland Ombudsman for maladministration
- Queensland Audit Office for the misuse of public 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.
- Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability
- Department of the Environment, Tourism, Science and Innovation for disclosures about danger to the environment
- 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.
- A person may make a complaint under the Anti-Discrimination Act 1991 about a reprisal in accordance with section 44 of the PID Act. A complaint can be lodged with the Queensland Human Rights Commission.



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It is preferable an employee who decides to report wrongdoing or danger reports the conduct to their manager. If the discloser believes their manager is involved in the wrongdoing or danger, the disclosure should be made to an alternative manager, senior manager or other internal authority listed above.

While the CHHHS strongly encourages internal reporting, a person may report to an external proper authority as a first step.

If a person is dissatisfied with how their disclosure has been assessed or managed, they may request a review, either internally or externally.

4.1 Internal Review

As a PID is a type of complaint – a complaints management process can be adopted for any internal review.

If a person who has made a PID is dissatisfied with the outcome, the person may be able to request an internal review to the Chief Executive (CHHHS) by email to CHHHS_HSCE@health.qld.gov.au when in the first instance the CHHHS decides to take no action. Provisions for a review are provided for in section 30(2) of the PIDA.

The request must be made in writing within 28 days after the written outcome is received. The request must clearly state the reasons for dissatisfaction with the outcome, and not merely state a belief the decision made was unfair or unreasonable. Special circumstances may be considered if a review request is lodged outside of this period.

4.2 External Review

Where a discloser remains dissatisfied after internal review, the person may make a complaint to the Queensland Ombudsman about the administrative decisions made by the department. Usually, the Ombudsman will only consider a complaint if it has already been considered by the department first. The Queensland Ombudsman's Office should be contacted direct for further information.

5. Disclosures – members of the public

A **member of the public** can disclose information to:

- any department officer who may receive information or a complaint that relates to the CHHHS - noting the complaint or information of alleged wrongdoing or danger may be forwarded to other officers or units within the CHHHS,
- another proper authority with the power to investigate or remedy the matter, or
- a Member of the Legislative Assembly.

A person disclosing information should be aware when disclosing to an external entity, the other proper authority may discuss the matter with the CHHHS, or refer the information, or complaint, to the CHHHS to deal with.



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A person who decides to make a PID to a proper authority other than the CHHHS should contact the other entity to find out the entity's procedure for disclosure. If a disclosure is made to a person or an entity other than a proper authority, the person making the disclosure will not receive the protections of the PIDA.

If there is any doubt to whether a disclosure is in fact a PID, CHHHS will deal with the matter as if it is a PID until otherwise confirmed.

6. Procedure for making a disclosure (written or verbal)

The PIDA states a disclosure of information to a proper authority can be made in any way, including anonymously. If the proper authority has a reasonable procedure for making a PID the person must use the procedure.

A PID can be made to the CHHHS in writing (preferable) or verbally. Disclosers are requested to provide the following where possible:

- the name and job title of the person who is the subject of the PID
- details of relevant events, dates and places
- details of any witnesses who may be able to corroborate the information being disclosed
- any other information that supports the PID.

If a disclosure is received verbally, the CHHHS may request the information in writing. If the discloser declines to forward the information in writing, then the information should be immediately documented, dated and signed by the person receiving the disclosure.

A PID, or complaint must still be assessed, and may be a PID regardless of how it is made - written, verbally or anonymously.

A person disclosing information does not need to state that the information, or complaint, is a PID for the matter to be assessed under the PIDA. The CHHHS cannot decline to assess information, or a complaint, to determine if it is a PID under the PIDA.

7.0 Anonymous disclosures

The PIDA provides for the making of anonymous PIDs. When information, or a complaint, is received anonymously about wrongdoing or danger, the information must still be assessed to determine if the tests within the PIDA have been met.

Disclosing anonymously can make it difficult for the CHHHS to investigate, to provide progress updates or feedback to disclosers, and to provide outcome advice. A discloser who wishes to remain anonymous may choose to create an anonymous email address to correspond with the CHHHS about the suspected wrongdoing or danger. The CHHHS commits to supporting anonymous disclosers to the extent reasonably possible.



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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 CHHHS 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 [Agency name] proposes to take in relation to the matter
- any other options the discloser has in relation to the matter

8.0 Assessing a PID

The disclosure will be assessed in accordance with the PIDA, the PID Standard and any other relevant legislative document.

Once the matter has been assessed as a PID, the CHHHS will advise the discloser:

- that their information has been received and assessed as a PID
- the action to be taken by CHHHS 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 internal support officer they can contact for updates or advice
- of the discloser's obligations regarding confidentiality
- the protections the discloser has under the PIDA
- the commitment of the CHHHS to keep appropriate records and maintain confidentiality, except where permitted under the PIDA
- how updates regarding intended actions and outcomes will be provided to the discloser
- contact details for the Employee Assistance Program (for CHHHS employees).

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

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Upon receiving a PID, CHHHS will conduct a risk assessment to assess the likelihood of the discloser suffering reprisal action as a result of having made the disclosure. This risk assessment can also extend to witnesses and other parties involved in the PID.

This assessment will consider the actual and reasonably perceived risk of the discloser and/ or those mistakenly believed to be a discloser who may be suffering detriment and will include consultation with the discloser.

Consistent with the assessed level of risk, CHHHS will arrange any reasonably necessary support or protection for the discloser.

9.0 Declining to act on a PID

Under the PIDA, the CHHHS 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 CHHHS from the performance of its functions
- another agency with jurisdiction to investigate the information has informed the CHHHS that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID the CHHHS will give the discloser written reasons for that decision. Where a purported PID does not meet the test of being a PID, a written record of the assessment, including determining factors will be kept on record.

If the discloser is dissatisfied with the decision, they can request a review by writing to the Chief Executive of the CHHHS within 28 days of receiving the written reasons for decision, by email to CHHHS_HSCE@health.qld.gov.au.

10. 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 PIDA to protect **confidential information**
- obligation under the PIDA to protect disclosers from reprisal
- interests of subject officers.

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

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



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11. Organisational Support for disclosers

Disclosers should not suffer any form of detriment as a result of making a PID. In the event of reprisal action being alleged or suspected, the CHHHS will:

- attend to the safety of disclosers or affected third parties as a matter of priority
- review its risk assessment 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.

Details about disclosures, investigations, and related decisions will be kept secure and accessible only to the people involved in the management of the PID. The CHHHS will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.

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

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

Disclosers should be aware that while the CHHHS will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity. Information and support will be provided to the discloser until the matter is finalised.

12. Roles and responsibilities

The roles and responsibilities for managing PIDs within the CHHHS are outlined below:

Role:	Responsibilities:	Officer:
PID Coordinator	<ul style="list-style-type: none"> ▪ principal contact for PID issues ▪ document and manage PID management program ▪ review and update PID policy regularly ▪ assess PIDs received ▪ provide acknowledgment of receipt of PID to discloser ▪ liaise with other agencies about referral of PIDs ▪ provide advice and information to discloser about the PID policy ▪ provide personal support and referral to other sources of advice or support as required 	Manager Ethics and Integrity

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	<ul style="list-style-type: none"> ▪ ensure confidentiality ▪ advising the relevant Executive when concerns arise in relation to non-compliance with the department's PID policy ▪ being the central contact point for the CHHHS on PIDs, including for the oversight agency ▪ reporting PIDs to the oversight agency ▪ maintain and update internal records of PIDs received ▪ maintaining locally held confidential PID and information securely, including information on risk assessments, reprisal protection plans or other information gathered when dealing with the disclosure 	
PID Support Officer	<ul style="list-style-type: none"> ▪ proactively contact discloser throughout PID management process ▪ ensure support is provided to the discloser ▪ facilitate updates on progress of investigation ▪ undertake risk assessments in consultation with disclosers and other relevant officers 	Integrity Officer
Investigator/Reviewer	<ul style="list-style-type: none"> ▪ conduct review of information in PID and whether it is necessary to appoint an investigator or review ▪ prepare report for delegated decision-maker 	An appropriate internal or external investigator or reviewer will be appointed for each PID depending upon the type of disclosure
Delegated decision-maker	<ul style="list-style-type: none"> ▪ review investigation report and determine whether alleged wrongdoing is substantiated 	Manager Ethics and Integrity.

In addition to the central coordination of PIDs through the PID Coordinator, all levels of management within the CHHHS are responsible for:

- reporting potential PIDs to the PID Coordinator to facilitate a PID assessment
- maintaining confidentiality and considering the risk of reprisal
- providing support for a person who has made a PID
- monitoring the workplace for signs of reprisal against a discloser, or any other person, where a PID has been made
- ensuring when allegations are substantiated and/or systemic recommendations are made, adopted recommendations are implemented

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- as a result of a PID, determining whether any other change is needed to policy, procedure, other process or control measure, and escalating and monitoring through to implementation.

13. PID Delegates (as per the CHHHS HR Sub-delegation's manual)

Delegates are responsible for:

- being aware that certain types of conduct reported by employees, or members of the public, may be a PID under the PIDA
- immediately consider the risk of reprisal, and where required, implement reasonable procedures and a protection plan
- review the procedures or protection plan, in consultation with the PID Support Officer and/or PID Coordinator
- act on, or deal with, information and alleged conduct disclosed in a PID, or take no action on a PID in accordance with the PIDA
- ensure PIDs are dealt with in a timely manner, subject to the complexity of the matter, alleged conduct disclosed, procedural fairness for any subject officer or any external agency involvement (e.g., Queensland Police Service)
- provide or facilitate support, or develop a support plan, for the discloser
- provide the discloser with regular updates about progress of dealing with the PID and/or a suitable support or contact person nominated by the discloser
- provide reasonable written outcome advice to a person who has made a PID on the action taken, including a description of the results of the action
- ensuring employees in their area of responsibility are aware of their obligations in relation to the requirements of this policy, including obligations about confidentiality and reprisal under the PIDA
- ensuring employees are aware of, and have access to, mandatory PID training and information, including this policy

14. PID Coordinator

The PID Coordinator is responsible for:

- providing advice on PIDs and the PIDA to the Chief Executive, management, employees and members of the public who wish to make a disclosure
- ensuring any complaints or reports of wrongdoing that could amount to Crime and Corruption and/or PIDs are processed for formal assessment
- assessment of information, or complaints, to determine whether the information is a PID pursuant to the PIDA
- advise a discloser when information is assessed as a PID
- providing information concerning a particular PID to the Chief Executive or management as required and as authorised by the PIDA
- communicating with the Chief Executive, management and external agencies about PID case management, including on matters of acting or no action to deal with PID and timeliness
- advising management when a PID is subject to specific requirements of the Crime and Corruption Commission



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- in certain circumstances, facilitate formal investigation of matters alleged in a PID
- in certain circumstances, correspond with a discloser at the conclusion of the PID matter
- maintaining a record of PIDs for the CHHHS
- ensure the CHHHS PID HR policy and online information is available and accurate
- monitoring the effectiveness of the CHHHS policy and processes
- coordinate face-to-face PID training to work groups upon request.

15. Patient Liaison Service

The Patient Liaison Service is responsible for:

- Referring any complaints to the PID Coordinator for formal assessment, if the complaint relates to patients or their advocates about:
 - a substantial and specific danger to the health or safety of a person with a disability, or
 - a substantial and specific danger to the environment, or
 - the conduct of another person that could, if proven, be a reprisal

16. Employees

Employees are responsible for:

- ensuring own awareness and compliance with this policy and relevant whole-of-Government policies and procedures, including the Code of Conduct for the Queensland Public Service, this policy and CHHHS HR Policy E9 requirements for reporting corrupt conduct
- completing mandatory training for Public Interest Disclosures, Ethics, Integrity and Accountability, and Fraud Awareness
- being aware of the possibility that corrupt conduct, maladministration, reprisal or a danger to public health and safety may exist in the workplace and reporting any concerns to their manager or supervisor
- when involved in a PID process, either as a discloser or witness, maintain confidentiality to help ensure the integrity of the process of dealing with the PID, and mitigate the risk of reprisal.

17. PID Support officer

An independent support officer may be assigned to offer support to a discloser, subject officer or other party impacted by the PID process, including witnesses. The duties of a support officer may include, but are not limited to:

- assessing the immediate protection needs of a discloser and communicating these needs to an appropriate supervisor, manager or People and Engagement
- listening to any concerns of harassment, intimidation or victimisation in reprisal of making a PID and responding by contacting an appropriate manager, supervisor or Senior HR Business Partner
- coordinating counselling or providing emotional support



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- working with management to foster a supporting work environment
- assist in record keeping of documents relating to the case management of a PID
- endeavour to ensure the expectations of the discloser are realistic.

18. Advice and assistance

Staff seeking information about making a PID can contact the following areas for confidential advice:

- People and Engagement, phone 4226 3700 or email CHHHS-People@health.qld.gov.au
- The Queensland Ombudsman (in relation to PIDs generally and maladministration) Phone 1800 068 908 or website www.ombudsman.qld.gov.au
- The Crime and Corruption Commission's Complaints Services (in relation to suspected corrupt conduct), phone 07 3360 6060, email mailbox@ccc.qld.gov.au or website www.ccc.qld.gov.au
- Their union.

Members of the public, including patients, can provide compliments, suggestions and complaints to the CHHHS Patient Liaison Service by email chhhs_feedback@health.qld.gov.au.

19. False or misleading information

Section 66 of the PIDA states a person who gives information to a proper authority, knowing it to be false or misleading, and intending it to be acted upon as a PID, commits a criminal offence.

The protections of the PIDA do not extend to those who intentionally make a disclosure of information known to be false or misleading.

Internal proper authorities who receive a disclosure of information and have concerns the information is false or misleading must refer the information to People and Engagement for assessment. In the event such information is received that raises reasonable suspicion a disclosure of information is false or misleading, the matter will be referred to the Queensland Police Service and the Crime and Corruption Commission.

An employee making a false or misleading disclosure may also face disciplinary action.

20. When a disclosure may be made to a journalist

The PIDA provides a PID may be made to a journalist in certain circumstances; however, a journalist is not considered a 'proper authority' under the PIDA.

A PID to a journalist can only occur if the following conditions of the PIDA have been met:



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- the PID was initially made to a proper authority and the information was determined to be a PID under the PIDA, and
- the proper authority:
 - decided not to investigate or deal with the PID, or
 - investigated the PID but did not recommend the taking of any action, or
 - did not notify the person, within six months after the date the PID was made, whether or not the PID was to be investigated or dealt with.

Before a disclosure is made to a journalist, a discloser may wish to consider seeking legal advice whether the criteria for making a disclosure to a journalist have been met.

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 PIDA.

21. Reasonable management action

The PIDA recognises taking reasonable management action is not prevented because a PID has been, or may be, made. The employment relationship between an employee who makes a PID and the CHHHS continues when a disclosure has been, or may be, made.

The PIDA confirms taking reasonable management action in relation to a person who has, or may make, a PID is not reprisal action.

For the action to be regarded as reasonable management action, the reason for taking the action cannot include the fact that a PID was made. Existing HR policies and procedures must be considered when taking reasonable management action. It is suggested managers consult with their Senior HR Business Partner before the proposed action is to be undertaken.

Reasonable management action is defined in the PIDA. It includes actions such as:

- an appraisal of an employee's work performance
- suspension of an employee from the workplace
- disciplinary action
- management decisions regarding transfer, deployment, or action to end the employee's employment by way of redundancy or retrenchment
- any reasonable action in relation to any of the above.

When it is confirmed to an employee that they have made a PID under the PIDA, the employee remains responsible for:

- achieving the performance expectation of their position,
- their own behaviour, and
- observing all workplace policy and procedures.



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22. Conduct of a discloser and liability for own conduct

Under the PIDA, a person is still liable for their own conduct even if the conduct forms part of, or is the basis, for the PID. The person who made the PID is not protected civilly, criminally or from any liability, including by way of an administrative process, including disciplinary action, for their own conduct.

An employee who has made a PID must ensure their conduct is at all times appropriate and in accordance with the Code of Conduct for the Queensland Public Service. In particular, a discloser must ensure their conduct towards a person who is the subject of a PID, or who has participated in the process of dealing with a disclosure, is proper and appropriate.

23. Protections under the PIDA

23.1 Reprisal and grounds for reprisal

A purpose of the PIDA is to provide protections for a person who makes a PID disclosure, including from reprisal.

A person must not reprise against another person, by causing detriment, because a PID has been made (Section 40 of the PIDA).

Schedule 4 of the PIDA lists types of detriment, which may include such things as:

- personal injury or prejudice to safety
- intimidation or harassment
- adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business.

To be considered a reprisal, there must be a *causal link* between the detriment and a PID.

23.2 Reasonable Procedures

The CHHHS is required to conduct a risk assessment on receipt of a PID to protect a person from reprisal. The procedures may include such actions as providing advice, counselling or training to staff or organising a temporary or permanent transfer for a discloser where the risk of reprisal is sufficiently high.

Having regard to the culture of the workplace, reasonable procedures may include early and/or ongoing intervention by managers or other delegates by:

- monitoring the workplace for any signs of detriment for making the PID
- reinforcing values in the workplace about wrongdoing or corruption, reporting and reminding staff we all must report wrongdoing
- increasing supervision of the workplace



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- conducting training about PIDs, ethics and integrity, the Code of Conduct or appropriate workplace behaviours
- proactively confronting general workplace prejudices, and misconceptions, about making a PID
- informing staff that committing a reprisal is a criminal offence and the department may take administrative action against those who are found to have committed a reprisal – the reprisal may also be reported to the Queensland Police Service
- reinforcing it is management's role to resolve the situation, including what action to take to deal with the disclosure and how to deal with subject officers
- exercising independent judgment and setting an example for staff.

Other procedures may include reasonable management decisions, including:

- approving leave entitlements for a discloser, when requested, during the review or investigation of a PID
- temporary adjustment in the workplace to change seating, work location or supervisory arrangements for a person who has made a disclosure or a subject officer
- facilitating a voluntary transfer or relocation of the discloser or the subject of the PID to another position
- where appropriate, provide reasonable lawful directions to the subject of a PID (e.g. maintaining confidentiality, attendance at certain work locations only) or written information about reprisal and detriment where there are grounds, suspension of a subject officer from the workplace (in accordance with CHHHS policy).

23.3 Immunity from liability and confidentiality provisions

A person who makes a PID under the PIDA is not subject to any civil or criminal liability or any liability arising by way of administrative process, including disciplinary action, for **making** the PID.

A person who makes a PID will have immunity from prosecution or other legal proceedings for a breach of any confidentiality requirements under another Act.

This means a person who makes a PID, does not breach an obligation by way of oath, or a rule of law (e.g. another Act), restricting or requiring the person to maintain confidentiality, provided the disclosure is made to a proper authority.

23.4 Protection from defamation action

A person who makes a PID will have a defence of absolute privilege in defamation proceedings from the making of the PID.

23.5 Confidentiality

The identity of a person who has made a PID will be protected, where possible. Confidentiality not only protects the rights of those who are involved in a PID, it also maintains the integrity of



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the CHHHS's reporting system, any investigation or review and is also a strategy in mitigating the risk of reprisal.

Confidentiality also protects the reputation of an employee whose (alleged) conduct is the subject of a disclosure.

The confidentiality provisions under the PIDA apply to persons who have gained the information because of their involvement in the administration (implementing or carrying out) of the PIDA.

Those who lawfully receive information in the administration of the PIDA must not disclose confidential information, intentionally or recklessly.

Confidential information may be disclosed to another person, or entity, in accordance with the allowable reasons under section 65 of the PIDA.

24. Employees who are the subject of a PID (subject officers)

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

- assuring them the PID will be dealt with impartially, fairly and reasonably in accordance with the principles of natural justice
- confirming 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
- referring them to the Employee Assistance Program for support.

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

A subject officer must ensure their conduct or workplace behaviour is not improper or detrimental towards a person who has, or is believed to have, made a PID, or a person who has participated in a process of dealing with a disclosure (e.g. a witness). To do so may be a reprisal under the PIDA and constitute a criminal offence.

A subject officer may not be advised about an allegation if it is misleading or of no substance and the decision maker intends to take no action, or make an adverse finding, in relation to it.

25. Referral to other entities

If the CHHHS 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
- the agency has the power to investigate or remedy the matter.



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In these cases, the discloser will be advised of the action taken by the CHHHS.

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 the CHHHS to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contacts with any other agency.

In some instances, public sector entities may need to work together and share confidential information to manage a PID.

26. Finalisation of PID matters

The PIDA requires a person who has made a PID to be given reasonable information about the disclosure.

Reasonable information under the PIDA includes at least the following:

- Confirmation that the disclosure was received by the public sector entity
- A brief description of the action proposed to be taken, or taken by the public sector entity in relation to the disclosure
- If action has been taken – a description of the results of the action (not specifically the action taken).

The information must be given to the person in writing (e.g. letter, secure email etc).

The CHHHS is committed to treating disclosures fairly. The rights of any person who is the subject of, or is associated with a disclosure, are important. If a PID is made against you, you are entitled to confidentiality and the presumption of innocence.

Employees who are the subject of a PID may seek assistance from their legal representative or union and may also wish to contact the Employee Assistance Program for advice and support.

All employees should remember their responsibilities under the Code of Conduct for Queensland Public Service ('the Code'). Employees who participate in any investigation are performing their duty as required under the Code. They should not be treated adversely because of their involvement and any employees found to have engaged in reprisals will be the subject of disciplinary action.



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27. Information and education

An online learning tool, 'Public Interest Disclosures' is available through iLearn and provides employees with information and awareness about PIDs, this policy and how to report wrongdoing or danger.

Completion of the online learning (or by face-to-face facilitation) is mandatory for all employees of the CHHHS and is to be completed within three months of commencement and a refresher must be completed every two years (minimum) thereafter. Line managers are responsible for ensuring employees are compliant with mandatory training requirements.

It is strongly encouraged that line managers raise PID awareness by providing information as part of other training, such as Ethics, Integrity and Accountability, Fraud Awareness, complaints management or other ethics training.

28. Evaluation and monitoring

The CHHHS will conduct periodic reviews, including jointly with external agencies, to ensure its policy and procedures are consistent with best practice, current legislation and any Standard in force.

Reviews will be consultative in nature and will seek to improve internal procedures for overall PID management including reporting, record keeping, risk management, confidentiality and awareness.

Reviews will consider how effectively the CHHHS deals with PIDs, the experience of officers involved in making or managing PIDs and actions taken to deal with PIDs.

Reviews will also aim to identify ongoing risks to the CHHHS and its officers by identifying any trends of information disclosed, and substantiated, and developing measures to prevent a reoccurrence of improper or inappropriate conduct, process or practice.

The CHHHS welcomes comments that can improve this policy. Feedback should be addressed to the Executive Director People and Engagement by email to CHHHS-People@health.qld.gov.au.

29. Reporting

The CHHHS is to keep records and report PIDs in accordance with the Public Interest Disclosure Standard No. 3/2019.

Delegation

The 'delegate' is as listed in the CHHHS Human Resource Sub-Delegations Manual, as amended from time to time.



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Business area contact

Integrity office

Definition of Terms

Term	Definition / Explanation / Details
Administrative Action	<p>Means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> • A decision and an act • A failure to decide or do an act, including a failure to provide a written statement of reasons for a decision • The formulation of a proposal or intention • The making of a recommendation, including a recommendation made to a Minister • An action taken because of a recommendation made to a Minister <p>Does not include an operational action of an officer of the Crime and Corruption Commission</p>
Allegation/Alleged Conduct	A stated belief or claim that is yet to be substantiated on the balance of probabilities
Anonymous	Where the person disclosing information does not identify themselves at any stage, to anyone
Corrupt Conduct	<p>(a) 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"> • 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"> ○ a unit of public administration, or ○ a person holding an appointment, and • 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"> ○ is not honest or is not impartial, or ○ involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly, or ○ 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 ○ would, if proved, be: <ul style="list-style-type: none"> ▪ a criminal offence, or ▪ a disciplinary breach providing reasonable grounds for terminating the person's services if the person is or were the holder of an appointment.

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	<p>Examples include:</p> <ul style="list-style-type: none"> • theft of departmental property, including medication and medical supplies • fraudulently obtaining a financial gain through the misuse of government funds or assets • unauthorised release or disclosure of confidential information • timesheet fraud, claiming for duties not performed • misuse of departmental assets and equipment e.g. vehicles, mobile telephones, computers etc. • maladministration and misappropriation including misuse of fuel cards and corporate credit cards • utilising departmental resources and/or conducting a private business during working hours • not declaring conflicts of interest • assault in the workplace of employees, patients or other persons • utilising the Queensland Health computer network for accessing or transmitting pornographic images or images which may depict child exploitation • causing, attempting to cause or conspiring to cause, detriment to another person because (or in the belief that) another person has made a public interest disclosure pursuant to the <i>Public Interest Disclosure Act 2010</i> • wilful neglect which may be defined as malicious or reckless conduct involves an allegation of 'professional misconduct (see definition below)
Danger	A threat or event that would cause harm or damage to both persons and/or property
Delegate	A delegate holds power and/or responsibility in relation to a particular person within the CHHHS for the effective and efficient operation of policy, function or activity
Detriment	<p>Includes:</p> <ul style="list-style-type: none"> • personal injury or prejudice to safety, • property damage or loss, • intimidation and harassment, • adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business, • financial loss, and • damage to reputation, including, for example, personal, professional or business reputation.
Disability	As defined in Section 11 of the <i>Disability Services Act 2006</i>

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Discloser	Means a person who makes a public interest disclosure in accordance with the PIDA
Environment	As defined in Section 8 of the <i>Environmental Protection Act 1994</i>
Journalist	As defined in Section 20(4) of the PIDA – a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media
Maladministration	<p>Schedule 4 of the PIDA defines maladministration as administrative action that:</p> <ul style="list-style-type: none"> • was taken contrary to law, • was unreasonable, unjust, oppressive, or improperly discriminatory, • was in accordance with a rule or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory in the particular circumstances, • was taken – <ul style="list-style-type: none"> ○ for an improper purpose, ○ on irrelevant grounds, ○ having regards to irrelevant considerations, • was an action for which reasons should have been given, but were not given, <p>was based wholly or partly on a mistake of law or fact, 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.</p> <p>Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The natural justice rules are:</p> <ul style="list-style-type: none"> • avoid bias - decision-makers are to be objective, free of bias and have no personal interest in the matter being decided, • fair hearing - an individual is to be informed of the substance of an allegation/s against them and have the opportunity to present their case prior to a decision being made, and • act only on the basis of logically probative evidence.
Public health or safety	<p>Includes the health or safety of persons:</p> <ol style="list-style-type: none"> a) under lawful care or control; or b) using community facilities or services provided by the public or private sector; or

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	<p>c) in employment workplaces</p> <p>For example, a patient under the care or control of a doctor, nurse or other health professional at a public health facility</p>
Public officer	A person employed pursuant to section 8 and 9 of the <i>Public Service Act 2008</i> .
Purported disclosure	A purported disclosure is when a person explicitly requests that their information is treated as a PID but the information does not meet the criteria of the PIDA
Reprisal	<p>The term 'reprisal' is defined under the PIDA 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 PIDA against any person. <p>Reprisal under the PIDA is a criminal offence and investigations may be undertaken by the Queensland Police Service</p>
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>

Legislative or other authority

Type	Title and ID
Legislation	<p>Legislation and standards - Queensland Ombudsman</p> <p>Anti-Discrimination Act 1991</p> <p>Crime and Corruption Act 2001</p> <p>Disability Services Act 2006</p> <p>Environmental Protection Act 1994</p> <p>Industrial Relations Act 2016</p> <p>Public Interest Disclosure Act 2010</p> <p>Public Sector Ethics Act 1994</p> <p>Public Service Act 2008</p> <p>Work Health and Safety Act 2011</p> <p>Workers' Compensation and Rehabilitation Act 2003</p> <p>Human Rights Act 2019</p> <p>Information Privacy Act 2009</p> <p>Judicial Review Act 1991</p> <p>Public Records Act 2023</p>



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	Health Ombudsman Act 2013 IPOLA Guidelines Public Sector Act 2022
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Supporting documents

Type	Title and ID
Protocols, Procedures and/or Guidelines	<ul style="list-style-type: none"> 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 Code of Conduct for the Queensland Public Service
Related documents	<ul style="list-style-type: none"> CHHHS Requirements for reporting corrupt conduct HR Policy Public Interest Disclosure HR Policy I5 - Public interest disclosure Policy E12 (QH-POL-140) Corrupt conduct complaints involving the Director-General HR Policy E15 (HQ-POL-419) PSC Directive 03/17: Appeals Orientation, induction and mandatory training HR Policy G6 (QH-POL-183)

Audit Strategy

Level of risk	Medium
Audit strategy	Review this Policy with the Queensland Ombudsman to ensure it is consistent with legislation and best practice
Audit tool attached	N/A
Audit date	As required
Audit responsibility	PID Coordinator
Key elements / indicators / outcomes	Review of Public Disclosure in conjunction with Ombudsman to identify and issues &/or learnings
Human Rights Act	This document is compatible with the Human Rights Act 2019

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Compatibility	Human Rights Act Queensland Health Intranet
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Document Communication and Implementation Plan

Action	Responsible Position
Identify the target group: <ul style="list-style-type: none"> All CHHHS employees 	Procedures coordinator
Provide a timeline for communication and implementation milestones: <ul style="list-style-type: none"> 6 weeks from effective date 	
Identify method of communication: <ul style="list-style-type: none"> Procedure's newsletter 	
List education and training available to support implementation: <ul style="list-style-type: none"> iLearn mandatory training 	The department's online learning can be accessed at https://ilearn.health.qld.gov.au/d2i/login .
Identify frequency of communication: <ul style="list-style-type: none"> Once on implementation 	

Approval

Executive Leadership Committee Approval Date:		
Authorising Date: 21/05/25	Effective Date: 21/05/25	Review Date: May 2027
Approving Officer:	Leena Singh Chief Executive Officer Signature:	
Supersedes:	Version 3.0	
Key Words:	Public Interest Disclosures, Whistleblower, Reprisal	
Accreditation references:	https://qheps.health.qld.gov.au/cairns/html/quality_home	
Document Status:	Primary	
Custodian Role:	Manager Ethics and integrity	

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Revision History

Version No.	Custodian (created/modified by)	Endorsing Officer/Committee	Authorising Approval
1.0 11/2014	Senior HR Advisor	Executive Director People and Culture	Chief Executive
2.0 02/2019	Industrial Relations Specialist	Executive Director People and Engagement	Chief Executive
3.0 10/2024	Industrial Relations Specialist	Executive Leadership Committee	Chief Executive
4.0 05/2025	Manager Ethics and Integrity	Executive Leadership Committee	Chief Executive