

PR3027 – Public Interest Disclosure

Responsible Owner: Director, Relations and Standards Branch

What I need to know and why

Introduction

- Queensland Fire and Emergency Services (QFES) is committed to fostering an ethical and transparent culture. In pursuit of this, QFES values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated.
- QFES will provide support an **employee** or others who make disclosures about matters in the public interest.
- This procedure demonstrates this commitment and ensures that practical and effective procedures are implemented which comply with the requirements of the *Public Interest Disclosure Act 2010* (PID Act).

Objective/Purpose

- By complying with the PID Act, QFES 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 Commissioner, QFES will implement procedures to ensure that:
 - any **public officer** who makes a PID is given appropriate support.
 - PIDs made to QFES 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 QFES, consistent with the standards issued by the Queensland Ombudsman, is developed and implemented.
 - public officers who make PIDs are offered protection from reprisal by QFES or other public officers of QFES.
- The QFES PID Procedure is available for public viewing on the QFES website. The PID Procedure will be reviewed annually and updated as required to ensure it meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman.

PID Management Program

- The Commissioner, QFES has overall responsibility for ensuring QFES develops, implements and maintains a PID management program. The QFES PID management program encompasses:
 - commitment to encouraging the internal reporting of wrongdoing.
 - senior management endorsement of the value to QFES of PIDs and the proper management of PIDs.
 - a communication strategy to raise awareness among employees about PIDs and QFES' PID procedure.
 - 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, disclosures 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 PID Procedure and evaluation of the effectiveness of the PID management program.
- The Commissioner, QFES has designated roles and responsibilities for managing PIDs within QFES as per Appendix A – Roles and Responsibilities for Managing PIDs within QFES.

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. QFES supports the disclosure of information about wrongdoing because:
 - implementing systems for reporting and dealing with wrongdoing contributes to the integrity of QFES.
 - the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to QFES.
 - 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 QFES and employees of QFES 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**.

What is a PID?

- Under the 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.
 - substantial misuse of public resources.
 - 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 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.
 - 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 QFES 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.

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 QFES 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 QFES	Other agencies that can receive PIDs
<p>Any person (including staff) can make a disclosure to:</p> <ul style="list-style-type: none"> Any person in a supervisory or management position 	<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.
<ul style="list-style-type: none"> Conduct Investigations Unit PID Coordinator Ph. (07) 3635 3571 QFES.complaints@qfes.qld.gov.au HR, Public Safety Business Agency (PSBA) HR Contacts, PSBA Commissioner, QFES Ph. (07) 3635 3072 commissioner@qfes.qld.gov.au Deputy Commissioner Chief Strategy Officer (CSO) Ph. (07) 3635 3643 Ph. (07) 3635 3239 Deputy Commissioner Chief Officer Fire and Rescue Service (FRS) Ph. (07) 3635 3370 Ph. (07) 3635 3812 Deputy Commissioner Chief Officer Rural Fire Service (RFS) Chief Officer State Emergency Service (SES) Ph. (07) 3635 3295 Ph. (07) 3635 3500 	<ul style="list-style-type: none"> Queensland Ombudsman (QO) for disclosures about maladministration. Queensland Audit Office (QAO) for disclosures about a substantial misuse of resources. Department of Child Safety, Youth and Women (DCSYW) for disclosures about danger to the health and safety of a child or young person with a disability. Department of Communities, Disability Services and Seniors (DCDSS) for disclosures about danger to the health and safety of a person with a disability. Office of the Public Guardian (OPG) for disclosures about danger to the health and safety of a person with a disability. Department of Environment and Science (DES) for 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.

Deciding whether a matter is a PID

- 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, QFES will advise the discloser:
 - 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 QFES proposes to take in relation to the matter.
 - any other options the discloser has in relation to the matter.

Assessing a PID

- The disclosure will be assessed in accordance with the PID Act, PID Standards, QFES Procedure PR3027.1.1 – Public Interest Disclosure and any other relevant procedure(s).
- Once the matter has been assessed as a PID, QFES will advise the discloser:
 - their information has been received and assessed as a PID.
 - the action to be taken by QFES 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 QFES support officer they can contact for updates or advice.
 - their obligations regarding confidentiality.
 - the protections they have under the PID Act.
 - the commitment of QFES to keep appropriate records and maintain confidentiality, except where permitted under the PID Act.
 - how updates regarding intended actions and outcomes will be provided.
 - contact details for the QFES Employee Assistance Program (EAP).
- If the PID has been made anonymously and the discloser has not provided any contact details, QFES will not be able to acknowledge the PID or provide any updates.

Referring a PID

- If QFES decides there is another proper authority which 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.
- Before referring the PID to another agency, QFES 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 CCC 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 QFES 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 QFES.

Risk assessment and protection from reprisal (organisational support)

- Disclosers should not suffer any form of detriment as a result of making a PID. Upon receiving a PID, QFES 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. 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, QFES 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).
- QFES 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, QFES 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, QFES 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 QFES from the performance of its functions.
 - another agency with jurisdiction to investigate the information has informed QFES an investigation is not warranted.
- If a decision is made not to investigate or deal with a PID, QFES 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 Commissioner, QFES within 28 days of receiving the written reasons for decision.

Communication with disclosers

- Under the PID Act, QFES must give reasonable information to a discloser.
- QFES 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 QO, including:
 - the action that will be taken in response to the PID.
 - the protections under the PID Act.
 - confidentiality obligations of the discloser and QFES.
 - support arrangements.
- QFES 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, QFES will advise the discloser in writing of the action taken and the results of the action.

Confidentiality

- While QFES 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.
- QFES will ensure communication with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.
- Disclosers should be aware that while QFES will make every attempt to keep their details confidential, it cannot guarantee others will not try to deduce their identity.

Support for disclosers

- QFES recognises providing appropriate support to a discloser is an important feature 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 the discloser will 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 investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken.
- Where the investigation does not substantiate wrongdoing, QFES may 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

- QFES acknowledges that for officers who are the subject of a PID, the experience may be stressful. QFES 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 unless information or evidence obtained through an investigation substantiates the allegation.
 - providing them with information about their rights and the progress (if appropriate) and outcome of any investigation.
 - referring them to the QFES EAP for support.
- Information and support will be provided to the subject officer until the matter is finalised.

Recordkeeping

- In accordance with its obligations under the PID Act and the *Public Records Act 2002*, QFES will ensure:
 - accurate data is collected about the receipt and management of PIDs.
 - anonymised data is reported to the Office of the Queensland Ombudsman (OQO) 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.

How I Do It

ACTION:	NOTES:
1. Requirement for disclosure identified.	1. Any employee may make a disclosure at any time to their supervisor, senior management or the PID Coordinator. Responsibility: Any person reporting wrongdoing.
2. Reporting.	2. An employee who receives information that may amount to a PID must report this to the Relations and Standards Branch (RSB). A disclosure about the PID Coordinator can be made to the Assistant Commissioner, QFES People, or the Commissioner, QFES. A disclosure about the Commissioner, QFES can be made to the Chief Executive of the Public Service Commission (PSC). Responsibility: Any employee who receives information which may amount to a PID.

ACTION:

3. Referral.

NOTES:

3. All PIDs must be referred to the RSB as soon as practicable.

The RSB will assess and determine:

- how the PID will be dealt with (which may range from taking no action to investigation, or referral to another Agency).
- the level of risk of reprisal to the discloser utilising an approved risk management tool.
- the appropriate level of protection and support to be provided to the discloser having regard to the level of risk.
- whether the allegation amounts to 'corrupt conduct' and requires referral to the CCC.
- whether the allegation requires referral to another public sector entity.

Responsibility: RSB.

4. PID Support Officer.

4. The PID Coordinator will ensure that an appropriate level of support is in place and will liaise with the discloser to appoint a suitable PID Support Officer.

The PID Support Officer will proactively contact the discloser to offer support.

The PID Support Officer's responsibilities are outlined in Appendix A – Roles and Responsibilities for Managing PIDs within QFES.

Responsibility: PID Coordinator.

5. Communication with the discloser.

5. The PID Coordinator will acknowledge receipt of the PID to the discloser in writing and advise the following:
- their information has been received and assessed as a PID.
 - the action to be taken by QFES in relation to the disclosure.
 - the likely timeframe involved.
 - the name and contact details of the PID Support Officer they can contact for updates or advice.
 - their obligations regarding confidentiality.
 - the protections they have under the PID Act.
 - the commitment of QFES to keep appropriate records and maintain confidentiality, except where permitted under the PID Act.
 - how updates regarding the progress of the matter will be provided to them.
 - contact details for the QFES EAP.
 - when finalised, the outcome of the matter.

Responsibility: PID Coordinator.

6. Reprisal.

6. Any person who believes they have been subject to a reprisal should report the matter immediately to their PID Support Officer or to the PID Coordinator.

The PID Coordinator will:

- attend to the safety of the discloser (or witnesses or affected third parties) as a matter of priority.
- review the risk assessment, risk management plan and any protective measures needed to mitigate any further risk of reprisal.
- manage any allegation of reprisal as a PID in its own right.

Responsibility: Any person reporting wrongdoing/PID Coordinator.

ACTION:
7. Dealing with PIDs.

NOTES:

7. PIDs may be dealt with by:
- declining to take action (refer to Step 8).
 - management action.
 - investigation.
 - referral to an appropriate external agency to deal with.

If the wrongdoing alleged in a PID is substantiated, appropriate action will be taken.

If the alleged wrongdoing is not substantiated, QFES may still take further action such as reviewing systems, policies or procedures or implementing relevant staff training.

Responsibility: RSB.

8. Where no action is warranted.

8. The RSB may determine no action is warranted in relation to a PID if it is reasonable to conclude:
- 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 QFES from the performance of its functions.
 - another agency with jurisdiction to investigate the information has informed QFES that an investigation is not warranted.

In such cases, written reasons for the decision will be provided to the discloser.

Responsibility: RSB.

9. Right to review.

9. Where a person reports information and is dissatisfied with the RSB's assessment as to whether it amounts to a PID, or how it is to be dealt with, the person should contact the PID Coordinator and seek an explanation of the assessment.
- If the person remains dissatisfied following the PID Coordinator's explanation, they may request a review of the decision by writing to the Commissioner, QFES within 28 days of receiving the written reasons for decision. Such requests will be treated as a request for an internal review of the decision, as per QFES Procedure PR3026.2.0 – Management of Complaints.
 - If the person is dissatisfied with the outcome of an internal review, they may refer the matter to the QO and seek an external review.

Responsibility: Any person reporting wrongdoing/PID Coordinator.

10. Recordkeeping and privacy.

10. Retain all records in accordance with QFES Policy 4.5 – Records Management.

All information collected, stored, used and disclosed is to be managed in accordance with QFES Policy 4.6 – Information Privacy.

All documents, emails, letters, file notes, voice recordings and any other material utilised in relation to a PID and/or investigation are to be retained on file.

Responsibility: Any employee involved in dealing with a PID.

Appendices

- [Appendix A – Roles and Responsibilities for Managing PIDs within QFES](#)
- [Appendix B – Definitions](#)
- [Appendix C – Public Interest Disclosure Management Program](#)

References

- [Public Interest Disclosure Act 2010](#)
- [Public Interest Disclosure Standards](#)
- [Ombudsman Act 2001](#)
- [Crime and Corruption Act 2001](#)
- [Disability Services Act 2006](#)
- [Public Service Act 2008](#)
- [Public Records Act 2001](#)
- [Public Sector Ethics Act 1994](#)
- [Code of Conduct for the Queensland Public Service](#)
- [QO PID resources](#)
- [QFES Policy 1.2 – Governance](#)
- [QFES Policy 3.12 – Management of Complaints](#)
- [QFES Policy 3.13 – Workforce Conduct](#)
- [QFES Policy 3.16 – Discipline](#)
- [QFES Policy 3.24 – Health, Safety and Wellbeing](#)
- [QFES Policy 4.3 – Information Asset Management](#)
- [QFES Policy 4.4 – Information Access and Use Management](#)
- [QFES Policy 4.5 – Records Management](#)
- [QFES Policy 4.6 – Information Privacy](#)
- [QFES Policy 4.7 – Information Security](#)
- [QFES Public Interest Disclosure Management Program](#)
- [QFES Employee Assistance Program](#)
- [QFES Procedure PR3026.2.0 – Management of Complaints](#)
- [Crime and Corruption Commission \(CCC\)](#)
- [Queensland Ombudsman](#)
- [Queensland Audit Office](#)
- [Department of Child Safety, Youth and Women](#)
- [Department of Communities, Disability Services and Seniors](#)
- [Office of the Public Guardian](#)
- [Department of Environment and Science](#)
- [Public Service Commission](#)
- [Fire and Emergency Services Support Network](#)
- [QFES Document Feedback](#)

Contacts

- RSB, QFES
Phone: (07) 3635 3571
Email: QFES.complaints@qfes.qld.gov.au



Licence URL: [Creative Commons Attribution 4.0 licence](#)

Please give attribution to © State of Queensland ([Queensland Fire and Emergency Services](#)) 2021