Public Interest Disclosure Procedure

1 Purpose

To establish the process for dealing with a Public Interest Disclosure.

2 Scope

This procedure applies to Information disclosures made under or pursuant to the *Public Interest Disclosure Act 2010*.

3 Procedure Overview

The Vice-Chancellor has overall responsibility for ensuring that the University develops, implements and maintains a Public Interest Disclosure Management Program. The University's program encompasses:

- commitment to encouraging the internal reporting of wrongdoing;
- senior management endorsement of the value to the University of Public Interest Disclosures and the proper management of Public Interest Disclosures;
- a communication strategy to raise awareness among Employees about Public Interest Disclosures and the University's Public Interest Disclosure Procedure;
- a strategy to give Employees access to training about how to make a Public Interest Disclosure, Information on the support available to a Discloser, and advice on how Public Interest Disclosures will be managed;
- specialist training and awareness about Public Interest Disclosures for senior management and other staff who make Public Interest Disclosures;
- the appointment of a Public Interest Disclosure Coordinator to be responsible for issues related to the management of Public Interest Disclosures;
- ensuring effective systems and procedures are in place so that issues and outcomes from Public Interest Disclosures inform improvements to the University's service delivery, business processes and internal controls;
- regular review of the Public Interest Disclosure Procedure and evaluation of the effectiveness of the Public Interest Disclosure Management Program.

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The Vice-Chancellor has designated the following roles and responsibilities for managing Public Interest Disclosures within the University:

Role	Responsibilities	Employee
Public Interest Disclosure Coordinator	• principal contact for Public Interest Disclosure matters within the University • document and manage implementation of the Public Interest Disclosure Management Program • review and update the Public Interest Disclosure Procedure annually • maintain and update internal records of Public Interest Disclosures received • report data on Public Interest Disclosures as required by the Queensland Ombudsman • assess Public Interest Disclosures received • provide acknowledgement of receipt of Public Interest Disclosure to Discloser • undertake risk assessments in consultation with the Disclosers and relevant officers • liaise with other	Chief People Officer (or Nominee) E: ChiefPeopleOfficer@unisq.edu.au P: (07) 4631 2298

	agencies about referral of Public Interest Disclosures • allocate Public Interest Disclosure Investigator and Public Interest Disclosure Support Officer to a Public Interest Disclosure matter	
Public Interest Disclosure Support Officer	• provide advice and Information to a Discloser on the University Public Interest Disclosure Procedure • provide personal support and referral to a Discloser to other sources of advice or support as required • facilitate updates on progress of Investigation to a Discloser • proactively contact a Discloser throughout Public Interest Disclosure Management Program process	Public Interest Disclosure Coordinator The Public Interest Disclosure Coordinator may allocate a Public Interest Disclosure Support Officer for each Public Interest Disclosure depending upon the type of disclosure and other relevant considerations.
Public Interest Disclosure Investigator	• conduct Investigation of Information in Public Interest Disclosure in accordance with terms of reference • prepare report on the facts related to the alleged conduct for the Public Interest	Public Interest Disclosure Coordinator The Public Interest Disclosure Coordinator may allocate a Public Interest Disclosure Investigator for each Public Interest Disclosure depending upon the type of disclosure and other relevant

	Disclosure Administrator	considerations.
Public Interest Disclosure Administrator	• review Investigation report and determine whether alleged wrongdoing is substantiated including whether mitigating circumstances are evidence • forward the Investigation report to the Vice-Chancellor with the determination and any recommendations where requested	Public Interest Disclosure Coordinator Vice-Chancellor's Executive Member The Public Interest Disclosure Coordinator may appoint a Public Interest Disclosure Administrator for each Public Interest Disclosure depending upon the type of disclosure and other relevant considerations.
Vice-Chancellor	• review the determination, make Decision and, as appropriate, assign the matter for further action.	Vice-Chancellor

4 Procedures

4.1 Why make a Public Interest Disclosure?

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. The University supports the disclosure of Information about wrongdoing because:

- implementing systems for reporting and dealing with wrongdoing contributes to the integrity of the University;
- the outcomes of Public Interest Disclosures can include improvements to systems that prevent Fraud and other economic loss to the University;

- the community's trust in public administration is strengthened by having strong processes in place for reporting wrongdoing.

When making a Public Interest Disclosure the Discloser receives the protections provided under the *Public Interest Disclosure Act 2010*, 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 University and Employees of the University as a result of making the Public Interest Disclosure;
- 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.

4.2 What is a Public Interest Disclosure?

Under the *Public Interest Disclosure Act 2010*, 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 *Public Interest Disclosure Act 2010*, if the offence or contravention would be a Substantial and Specific danger to the environment;
- a Reprisal because of a belief that a person has made or intends to make a disclosure.

In addition, public sector officers can make a disclosure about the following public interest matters:

- Corrupt Conduct;
- Maladministration that adversely affects a person's interests in a Substantial and Specific way;
- a substantial misuse of public resources;
- a Substantial and Specific danger to public health or safety;

- Substantial and Specific danger to the environment.

A Discloser can have either a 'Reasonable Belief' that wrongdoing has occurred or provide evidence which tends to show the wrongdoing has occurred.

A disclosure amounts to a Public Interest Disclosure and is covered by the *Public Interest Disclosure Act 2010* 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 Public Interest Disclosure - it is up to the University to assess Information received and decide if it is a Public Interest Disclosure;
- disclosure is unsubstantiated following Investigation - the Discloser is protected when the Information they provide is assessed as a Public Interest Disclosure, whether or not it is subsequently investigated or found to be substantiated.

4.3 Who can a Public Interest Disclosure be disclosed to?

A Public Interest Disclosure 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 University 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 the University:	**Other agencies that can receive Public Interest Disclosures:**
Any person (including Employees) can make a disclosure to: • **the Public Interest Disclosure Coordinator** • **any person in a Supervisor or Manager position** • **Chief People Officer**	Disclosures can be made to an agency that has a responsibility for investigating the Information disclosed: • Crime and Corruption Commission (CCC) for disclosures about Corrupt Conduct including Reprisal • Queensland Ombudsman for disclosures about Maladministration

• **the Vice-Chancellor or Vice-Chancellor Executive members** • **Complaint resolution officers authorised under or pursuant to a University Policy**	• Queensland Audit Office for disclosures about a substantial misuse of resources • Department of Child Safety, Youth and Women 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 for disclosures about danger to the health and safety of a person with a Disability • Office of the Public Guardian for disclosures about danger to the health and safety of a person with a Disability • Department of Environment and Science 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 Public Interest Disclosure 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

Public Interest Disclosure Act 2010. However, Disclosers should be aware that Journalists are not bound by the confidentiality provisions of section 65 of the *Public Interest Disclosure Act 2010*.

4.4 How to make a Public Interest Disclosure

Individuals may make a report either to the University directly, or to its independent external whistleblowing service, provided by Your Call.

Reports can be made to Your Call via the online Your Call Report Form, or by calling the Your Call hotline on 1300 790 288 (within Australia) between 07:00am and midnight (AEST), Monday to Friday.

Individuals making a report, may do so anonymously or may consent to their identity to be shared with the University or other relevant parties, for the purpose of managing the report. Your Call and the University may be obligated by law to share information received through a report (including through an anonymous report) with third parties, such as law enforcement or the Corrupt Conduct Commission.

Reports will be managed in accordance with relevant University policies and procedures, the provisions of the Enterprise Agreement or executive employment agreements, and relevant legislation, as appropriate.

To assist in the assessment, and any subsequent Investigation of a Public Interest Disclosure, Disclosers are requested to 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 Public Interest Disclosure, and where the evidence is located;
- any further Information that could help investigate the Public Interest Disclosure.

4.5 Determining whether a matter is a Public Interest Disclosure

If there is any doubt as to whether a matter is a Public Interest Disclosure, further Information

may be obtained by the Public Interest Disclosure Coordinator to inform the determination. If doubt still remains, the matter will be considered and managed as a Public Interest Disclosure.

Mere disagreements over policy do not meet the threshold for a Public Interest Disclosure under the *Public Interest Disclosure Act 2010*.

It is an offence under the *Public Interest Disclosure Act 2010* to intentionally give false or misleading Information intending it be acted on as a Public Interest Disclosure. Employees may be subject to Disciplinary Action for intentionally giving false or misleading Information in a Public Interest Disclosure, or during an Investigation into a Public Interest Disclosure.

Where a Discloser states they are making a Public Interest Disclosure, but it is assessed that the matter is not a Public Interest Disclosure, the Public Interest Disclosure Coordinator will advise the Discloser:

- that their Information has been received but was not assessed as a Public Interest Disclosure;
- the reasons for the determination;
- the review rights available if the Discloser is dissatisfied with the determination and how to request review;
- any action the Public Interest Disclosure Coordinator proposes to take in relation to the matter;
- any other options the Discloser has in relation to the matter.

4.6 Assessing a Public Interest Disclosure

The disclosure will be assessed in accordance with the *Public Interest Disclosure Act 2010*, the Queensland Ombudsman's Public Interest Disclosure standards, the University's Public Interest Disclosure Procedure and any other relevant procedure(s).

Once the matter has been assessed as a Public Interest Disclosure, the Public Interest Disclosure Coordinator will advise the Discloser:

- that their Information has been received and assessed as a Public Interest Disclosure;
- the action to be taken by the Public Interest Disclosure Coordinator in relation to the disclosure, which could include referring the matter to an external agency, or investigating;
- the likely timeframe involved;

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- the name and contact details of the Public Interest Disclosure Support Officer they can contact for updates or advice;
- of the Discloser's obligations regarding confidentiality;
- the protections the Discloser has under the *Public Interest Disclosure Act 2010*;
- the commitment of the University to keep appropriate records and maintain confidentiality, except where permitted under the *Public Interest Disclosure Act 2010*;
- how updates regarding intended actions and outcomes will be provided to the Discloser;
- contact details for the University's Employee Assistance Program.

If the Public Interest Disclosure has been made anonymously and the Discloser has not provided any contact details, the Public Interest Disclosure Coordinator will not be able to acknowledge the Public Interest Disclosure or provide any updates.

4.7 Referring a Public Interest Disclosure

If the Public Interest Disclosure Coordinator decides there is another proper authority that is better able to deal with the Public Interest Disclosure, the Public Interest Disclosure may be referred to that agency. This may be because:

- the Public Interest Disclosure concerns wrongdoing by that agency or an Employee of that agency;
- that agency has the power to investigate or remedy the matter.

Before referring the Public Interest Disclosure to another agency, the Public Interest Disclosure Coordinator 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 Public Interest Disclosure 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.

The confidentiality obligations of the *Public Interest Disclosure Act 2010* permit appropriate officers of the University to communicate with another agency about the referral of a Public Interest Disclosure. Officers will exercise discretion in their contacts with any other agency.

The Discloser will be advised of the action taken by the Public Interest Disclosure Coordinator.

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4.8 Risk assessment and protection from Reprisal

Disclosers should not suffer any form of Detriment as a result of making a Public Interest Disclosure. Upon receiving a Public Interest Disclosure, the Public Interest Disclosure Coordinator 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.

If a Disclosure is anonymous, a risk assessment will be undertaken on the basis of the Information available in the Public Interest Disclosure. The risk assessment will also take into account the risk to persons who may be suspected of making the Public Interest Disclosure.

Consistent with the assessed level of risk, the Public Interest Disclosure Coordinator will develop and implement a risk management plan and arrange any reasonably necessary support or protection for the Discloser (or witnesses or affected third parties).

The Public Interest Disclosure Coordinator will regularly reassess the risk of Reprisal while the Public Interest Disclosure is being managed, reviewing the risk management plan if required, and consulting appropriately with the Discloser.

In the event of Reprisal action being alleged or suspected, the Public Interest Disclosure Coordinator 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 Public Interest Disclosure in its own right.

4.9 Declining to take action on a Public Interest Disclosure

Under the *Public Interest Disclosure Act 2010*, the Vice-Chancellor may decide, on the advice received from the Public Interest Disclosure Coordinator, not to investigate or deal with a Public Interest Disclosure in various circumstances, including:

- the Information disclosed has already been investigated or dealt with by another process;
- the Information disclosed is more appropriately dealt with by another process;
- the age of the Information makes it impractical to investigate;

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- the Information disclosed is too trivial and dealing with it would substantially and unreasonably divert the University from the performance of its functions;
- another agency with jurisdiction to investigate the Information has informed the University that an Investigation is not warranted.

If a Decision is made not to investigate or deal with a Public Interest Disclosure the Public Interest Disclosure Coordinator will give the Discloser written reasons for that Decision, that includes detailing how the Discloser may exercise their right of review of the Decision not to investigate or deal with a Public Interest Disclosure.

If the Discloser is dissatisfied with the Decision, they can request a review by writing to the Vice-Chancellor within (28) University Business Days of receiving the written reasons for Decision.

4.10 Communication with Disclosers

Under the *Public Interest Disclosure Act 2010*, the University must give reasonable Information to a Discloser in writing. Reasonable Information about a Disclosure includes at least the following:

- confirmation that the Disclosure was received by the University;
- a description of the action proposed to be taken, or taken, by the University in relation to the Disclosure;
- if action has been taken by the University in relation to the Disclosure - a description of the results of the action;
- the protections under the *Public Interest Disclosure Act 2010*;
- the confidentiality obligations of the Discloser and the University;
- support arrangements.

The Public Interest Disclosure Coordinator or Public Interest Disclosure Support Officer will maintain contact with the Discloser and provide regular updates during the management of the Public Interest Disclosure.

The University need not give Information if giving the Information would be likely to adversely affect:

- anybody's safety; or

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

4.11 Confidentiality

While the University 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.

The Public Interest Disclosure Coordinator will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the Discloser wherever possible.

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

4.12 Support for Disclosers

The University recognises that providing appropriate support to a Discloser is an important feature of effective Public Interest Disclosure Management Program.

An assessment will be undertaken to identify the support needs of the Discloser. Where appropriate, a Public Interest Disclosure Support Officer will be assigned to the Discloser. The Public Interest Disclosure Support Officer will assist the Discloser to access Information about Public Interest Disclosures, protections available under the *Public Interest Disclosure Act 2010* and the Public Interest Disclosure management process. The Public Interest Disclosure 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 Public Interest Disclosure does not prevent 'Reasonable Management Action'. That means that the Discloser will be continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the Public Interest Disclosure.

4.13 Investigating a Public Interest Disclosure

The Public Interest Disclosure Coordinator is responsible for facilitating the Investigation process and may allocate a Public Interest Disclosure Administrator to review the Investigation report and determine whether the alleged wrongdoing is substantiated.

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If the Public Interest Disclosure Coordinator determines that an Investigation of a Public Interest Disclosure is warranted, this will be done with consideration for the:

- principles of Natural Justice;
- obligation under the *Public Interest Disclosure Act 2010* to protect Confidential Information;
- obligation under the *Public Interest Disclosure Act 2010* to protect officers from Reprisal;
- interests of Subject Officers.

A Public Interest Disclosure Investigator must be independent. They should also, to the extent possible, have expertise in the area to be covered by the Investigation.

The Public Interest Disclosure Coordinator will consult with University officers with the necessary delegations concerning the allocation of a Public Interest Disclosure Investigator. If the Public Interest Disclosure matter requires referral to an external agency, the Investigation will be conducted in accordance with the directions given to the University by the external agency.

The Public Interest Disclosure Investigator, once appointed, will conduct an Investigation conforming to the Investigation Terms of Reference and provide a report to the Public Interest Disclosure Coordinator. The report should include an assessment as to whether the alleged conduct that is the subject of the Public Interest Disclosure can be substantiated, and where appropriate, may include recommendations for further action.

Where the Public Interest Disclosure Investigator recommends that other action may be warranted, the Public Interest Disclosure Coordinator should prepare a report to the Vice-Chancellor, or Chancellor if the Vice-Chancellor is precluded on any grounds.

If, as a result of Investigation, the Information about wrongdoing provided in the Public Interest Disclosure is substantiated, the Vice-Chancellor will ensure that appropriate action is taken.

Where the Investigation does not substantiate wrongdoing, the Public Interest Disclosure Coordinator will facilitate a review of systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

4.14 Rights of Subject Officers

The University acknowledges that for Subject Officers the experience may be stressful. The Public Interest Disclosure Coordinator will protect their rights by:

- assuring them that the Public Interest Disclosure will be dealt with impartially, fairly and

reasonably in accordance with the principles of Natural Justice;

- informing them that the Public Interest Disclosure 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 University's Employee Assistance Program for support.

Information and support will be provided to a Subject Officer until the matter is finalised.

4.15 Record-keeping

In accordance with its obligations under the *Public Interest Disclosure Act 2010* and the *Public Records Act 2023*, the Public Interest Disclosure Coordinator will ensure that:

- accurate data is collected about the receipt and management of Public Interest Disclosures;
- anonymised data is reported to the Office of the Queensland Ombudsman in its' role as the oversight agency, through the Public Interest Disclosure 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 Public Interest Disclosure.

5 References

Model Public Interest Disclosure Procedure. (February 2021). Queensland Ombudsman. Retrieved from: https://www.ombudsman.qld.gov.au/ArticleDocuments/511/Model%20Public%20Interest%20Disclosure%20Procedure%20170221.PDF

6 Schedules

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

7 Procedure Information

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Accountable Officer	Chief People Officer
Responsible Officer	Director (Workplace Relations and Operations)
Policy Type	University Procedure
Policy Suite	Public Interest Disclosure Policy
Subordinate Schedules	
Approved Date	4/12/2025
Effective Date	4/12/2025
Review Date	27/1/2024
Relevant Legislation	*Crime and Corruption Act 2001* *Ombudsman Act 2001* *Public Interest Disclosure Act 2010* (Qld) *Public Records Act 2023* *Public Sector Ethics Act 1994*
Policy Exceptions	Policy Exceptions Register
Related Policies	Code of Conduct Policy Corrupt Conduct Reporting Policy Fraud and Corruption Risk Management Policy Privacy Policy Right to Information Policy Social Media Policy
Related Procedures	Conflict of Interest Procedure Corrupt Conduct Resolution Procedure Privacy Procedure Right to Information Procedure Social Media Procedure
Related forms,	Public Interest Disclosure Standard No. 1/2019 - Public Interest

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publications and websites	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 Enterprise Agreement Employee Complaints Form Your Call Website and Your Call Report Form
Definitions	**Terms defined in the Definitions Dictionary**
	Chancellor The person bearing the title of Chancellor, or as otherwise defined in the University of Southern Queensland Act 1998 , including a person acting in that position. Complaint A Complaint is an “expression of dissatisfaction made to or about the University, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required”. Corruption See Schedule 2 of the Crime and Corruption Act 2001 . Decision A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University. Disciplinary Action Action by the University to discipline an Employee for misconduct or serious misconduct and includes: formal censure or counselling; demotion by one or more classification levels or increments; withholding of an increment; suspension with or without pay; or termination of employment for serious misconduct only. Fraud Fraud is conventionally characterised by deliberate deception to

facilitate or conceal the misappropriation of assets, tangible or intangible. Matters will be assessed against the Criminal Code Act 1899 .

Information

Any collection of data that is processed, analysed, interpreted, organised, classified or communicated in order to serve a useful purpose, present facts or represent knowledge in any medium or form. This includes presentation in electronic (digital), print, audio, video, image, graphical, cartographic, physical sample, textual or numerical form.

Policy

A high level strategic directive that establishes a principle based approach on a subject. Policy is operationalised through Procedures that give instructions and set out processes to implement a Policy.

Procedure

An operational instruction that sets out the process to operationalise a Policy.

Public Interest Disclosure

A public interest disclosure is a disclosure under Chapter 2 of the Public Interest Disclosure Act 2010 and includes all information and help given by the d iscloser to a Proper Authority for the disclosure.

University

The term 'University' or 'UniSQ' means the University of Southern Queensland.

University Business Days

The days of Monday to Friday inclusive between 9am and 5pm Australian Eastern Standard Time (AEST), with the exclusion of gazetted Public Holidays for the relevant campus location, plus the closure of the University between 25 December and 1 January in the following year inclusive as specified in the Enterprise Agreement, as well as any closure of the University either at one or several campuses in accordance with a direction of the Crisis Management Team.

Vice-Chancellor

The person bearing the title of Vice-Chancellor and President, or as otherwise defined in the University of Southern Queensland Act 1998 , including a person acting in that position.

Definitions that relate to this procedure only

Administrative Action

1. means any action about a matter of administration, including, for example:
    a. a Decision and an act; and

    b. a failure to make a Decision or do an act, including a failure to provide a written statement of reasons for a Decision; and

    c. the formulation of a proposal or intention; and

    d. the making of a recommendation, including a recommendation made to a Minister; and

    e. an action taken because of a recommendation made to a Minister; and

2. does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.

Confidential Information

1. includes:
    a. Information about the identity, occupation, residential or work address or whereabouts of a person:

        i. Who makes a public interest disclosure; or

        ii. Against who a public interest disclosure has been made; and

    b. Information disclosed by a public interest disclosure; and

    c. Information about an individual's personal affairs; and

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d. Information that, if disclosed, may cause Detriment to a person; and

2. does not include Information publicly disclosed in a public interest disclosure made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the Information is prohibited by law.

Corrupt Conduct

As defined in section 15 of the *Crime and Corruption Act 2001*

1. *Corrupt Conduct* means conduct of a person, regardless of whether the person holds or held an appointment, that:
    a. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of:

        i. a unit of public administration; or

        ii. a person holding an appointment; and

    b. results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that:

        i. is not honest or is not impartial; or

        ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or

        iii. involves a misuse of Information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and

    c. would, if proved, be:

        i. a criminal offence; or

ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

2. *Corrupt Conduct* also means conduct of a person, regardless of whether the person holds or held an appointment, that:
    a. impairs, or could impair, public confidence in public administration; and

    b. involves, or could involve, any of the following:

        i. collusive tendering;

        ii. Fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described):

        (A) protecting health or safety of persons;

        (B) protecting the environment;

        (C) protecting or managing the use of the State's natural, cultural, mining or energy resources;

        iii. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;

        iv. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;

        v. fraudulently obtaining or retaining an appointment; and

    c. would, if proved, be:

        i. a criminal offence; or

        ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

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Detriment

Detriment includes:

1. personal injury or prejudice to safety; and
2. property damage or loss; and
3. intimidation or harassment; and
4. adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and
5. financial loss; and
6. damage to reputation, including, for example, personal, professional or business reputation.

Disability

As defined in section 11 of the *Disability Services Act 2006*, for the purposes of this procedure:

1. A Disability is a person's condition that:
    a. is attributable to:

        i. an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or

        ii. a combination of impairments mentioned in subparagraph (i); and

    b. results in:

        i. a substantial reduction in the person's capacity for communication, social interaction, learning, mobility or self care or management; and

        ii. the person needing support.

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2. For subsection (1), the impairment may result from an acquired brain injury.

3. The Disability must be permanent or likely to be permanent.

4. The Disability may be, but not need be, of a chronic episodic nature.

Discloser

A Person who makes a disclosure in accordance with the *Public Interest Disclosure Act 2010*.

Employee

An *Employee* of an entity includes a person engaged by the entity under a contract of service.

Investigation

For the purposes of this procedure, *Investigation* includes any enquiry undertaken to establish whether the Information provided in a *Public Interest Disclosure* can be substantiated, including a review or audit.

Investigation Terms of Reference

The scope and purpose developed to establish an Investigation and choose a Public Interest Disclosure Investigator. The terms will dictate:

- the bounds of the Investigation including timeframe
- the powers that are needed to investigate the matter
- the resources that will be needed
- the authorisation necessary to undertake the Investigation
- the outcomes that are required.

Journalist

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A Person engaged in the occupation of writing or editing material for publication in the print or electronic news media.

Maladministration

As defined in schedule 4 of the *Public Interest Disclosure Act 2010, Maladministration* is Administrative Action that:

1. was taken contrary to law; or
2. was unreasonable, unjust, oppressive, or improperly discriminatory; or
3. was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or
4. was taken:
    a. for an improper purpose; or
    b. on irrelevant grounds; or
    c. having regard to irrelevant considerations; or
    d. was an action for which reasons should have been given, but were not given; or
    e. was based wholly or partly on a mistake of law or fact; or
    f. was wrong.

Natural Justice

Natural Justice, also referred to as 'procedural fairness', applies to any Decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. *Natural Justice* is at law a safeguard applying to an individual whose rights or interests are being affected.

The rules of *Natural Justice*, which have been developed to ensure that decision-making is fair and reasonable, are:

- avoid bias

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- give a fair hearing
- act only on the basis of logically probative evidence.

Organisational Support

For the purposes of this procedure, *Organisational Support* means actions such as, but not limited to:

- providing moral and emotional support
- advising Disclosers about University resources available to handle any concerns they have as a result of making their disclosure
- appointing a mentor, confidante or other support officer to assist the Discloser through the process
- referring the Discloser to the University's Employee Assistance Program or arranging for other professional counselling
- generating support for the Discloser in their work unit where appropriate
- ensuring that any suspicions of victimisation or harassment are dealt with
- maintaining contact with the Discloser
- negotiating with the Discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need assistance.

Public Interest Disclosure Management Program

The management process and resources applied to comply with section 28 of the *Public Interest Disclosure Act 2010* and the Public Interest Standard No. 1/2019 issued by the Queensland Ombudsman.

Proper Authority

A Person or organisation that is authorised under the *Public Interest Disclosure Act 2010* to receive disclosures.

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Public Officer

A *Public Officer*, of a public sector entity, is an Employee, member or officer of the entity.

Reasonable Belief

A view which is objectively fair or sensible.

Reasonable Management Action

Action taken by a Manager in relation to an Employee, includes any of the following taken by the Manager:

1. a reasonable appraisal of the Employee's work performance
2. a reasonable requirement that the Employee undertake counselling
3. a reasonable suspension of the Employee from the employment workplace
4. a reasonable Disciplinary Action
5. a reasonable action to transfer or deploy the Employee
6. a reasonable action to end the Employee's employment by way of redundancy or retrenchment
7. a reasonable action in relation to an action mentioned in paragraphs (1) to (6)
8. a reasonable action in relation to the Employee's failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the Employee's employment.

Reprisal

The term 'Reprisal' carries the meaning expressed in Section 40 of the *Public Interest Disclosure Act 2010* as causing, attempting to cause or conspiring to cause Detriment to another person in the belief that they or someone else:

- has made or intends to make a disclosure; or

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	• has been or intends to be involved in a proceeding under the *Public Interest Disclosure Act 2010* against any person. An attempt to cause Detriment includes an attempt to induce a person to cause a Detriment. Reprisal under the *Public Interest Disclosure Act 2010* is a criminal offence and Investigations may be referred to the Queensland Police Service. **Subject Officer** An officer who is the subject of allegations of wrongdoing made in a Public Interest Disclosure. **Substantial and Specific** *Substantial* means, 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance. *Specific* means, 'precise or particular'. It refers to conduct or Detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms.
Keywords	Disclosure, Fraud, misconduct, confidential, investigator, whistleblowers, whistleblower, protection, witness, Investigation, record/s
Record No	17/443PL

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