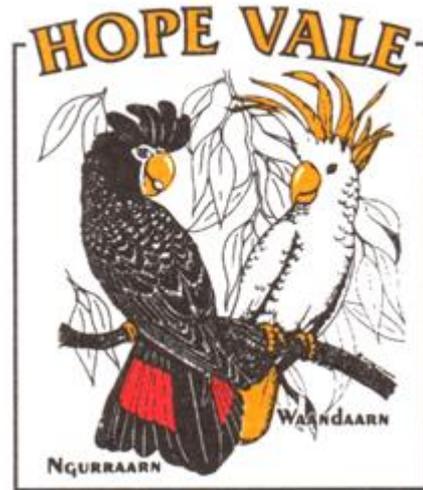


HOPEVALE ABORIGINAL SHIRE COUNCIL



Public Interest Disclosure Procedure

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AUTHORITY

Crime and Corruption Act 2001

Local Government Act 2009

Ombudsman Act 2001

Public Interest Disclosure Act 2010

Public Records Act 2002

Public Sector Ethics Act 1994

Disability Services Act 2006

INTRODUCTION

Hope Vale Aboriginal Shire Council (“the Council”) is committed to fostering an ethical, transparent culture. In pursuit of this, Council values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated. Council will provide support to 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).

PURPOSE

By complying with the PID Act, Council 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 (CEO) will implement procedures to ensure that:

- any public officer who makes a PID is given appropriate support
- PIDs made to the Council 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 the Council, consistent with the standards issued by the Queensland Ombudsman, is developed and implemented
- public officers who make PIDs are offered protection from reprisal by the Council or other public officers of the Council.

Council's Public Interest Disclosure Procedure is available for public viewing at <https://www.hopevale.qld.gov.au/>. The Public Interest Disclosure 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 CEO has overall responsibility for ensuring that the Council develops, implements and maintains a PID management program. The Council PID management program encompasses:

- commitment to encouraging the internal reporting of wrongdoing
- senior management endorsement of the value to the Council of PIDs and the proper management of PIDs
- a communication strategy to raise awareness among employees about PIDs and Council's 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, disclosers or workplace issues relating to PIDs
- the appointment of a specialist officer/unit to be responsible for issues related to the management of PIDs
- ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls
- regular review of the Public Interest Disclosure Procedure and evaluation of the effectiveness of the PID management program.

Council has designated the following roles and responsibilities for managing PIDs within the Council:

Role:	Responsibilities:	Officer:
PID Coordinator	<ul style="list-style-type: none"> ▪ principal contact for PID issues within the Council ▪ document and manage implementation of PID management program ▪ review and update PID procedure annually ▪ maintain and update internal records of PIDs received ▪ report data on PIDs to Queensland Ombudsman ▪ assess PIDs received ▪ provide acknowledgment of receipt of PID to discloser ▪ undertake risk assessments in consultation with disclosers and other relevant officers ▪ liaise with other agencies about referral of PIDs 	<p><i>Chief Executive Officer</i> ceo@hopevale.qld.gov.au</p>

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

WHY MAKE A PID?

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

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

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

- confidentiality – the discloser's name and other identifying information will be protected to the extent possible
- protection against reprisal – the discloser is protected from unfair treatment by the Council and employees of the Council as a result of making the PID
- immunity from liability – the discloser cannot be prosecuted for disclosing the information but is not exempt from action if they have engaged in wrongdoing
- protection from defamation – the discloser has a defence against an accusation of defamation by any subject officer.

WHAT IS A PUBLIC INTEREST DISCLOSURE?

This procedure applies to public interest disclosures within the meaning of the Public Interest Disclosure Act 2010. What constitutes a public interest disclosure depends on who is making the disclosure, with the Public Interest Disclosure Act 2010 distinguishing between disclosures made by a public officer and those made by anyone else.

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:

- official misconduct
- 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.

To determine that a disclosure is a public interest disclosure, the disclosure must also satisfy either:

- i) The person making the disclosure honestly believes, on reasonable grounds, that the information tends to show the conduct or other matter is wrongdoing (subjective test); OR
- ii) The information tends to show the conduct or other matter is wrongdoing, regardless of whether the person making the complaint honestly believes the information (objective test).

The Public Interest Disclosure Act 2010 only protects public interest disclosures that are made to a 'proper authority'. Council is a proper authority for conduct concerning the Council, a Councillor or Council employee or behaviour that Council has the power to investigate or remedy. Disclosures made otherwise than in accordance with this procedure may not attract the protection of the Public Interest Disclosure Act 2010, including disclosures made to the media (except in special circumstances outlined in Chapter 2, Part 4, Section 20 of the Public Interest Disclosure Act 2010); unions or professional associations; federal government departments and agencies; private organisations; and organisations operating outside of Queensland.

HOW TO MAKE A PID

A Council employee may make a public interest disclosure to:

- Their direct or indirect supervisor or manager;
- Any other person in a management position within Council;
- The Chief Executive Officer.

A public interest disclosure can always be made to a member of the Legislative Assembly or an external agency if that agency has the power to investigate and remedy that type of disclosure, such as:

- Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal
- Queensland Ombudsman for disclosures about maladministration

- Queensland Audit Office for disclosures about a substantial misuse of resources
- Department of 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 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.

A disclosure may be made anonymously; however, it is difficult in these circumstances to protect the person making the disclosure from any retributive action or reprisal. As such, although anonymous disclosures are permitted under the Public Interest Disclosure Act 2010, disclosers are encouraged to provide their contact details when making a disclosure.

A disclosure should be in writing, although it may be made orally. If a supervisor receives a public interest disclosure, they should encourage the discloser to put the information in writing. If the discloser is unable or unwilling to do so, the supervisor should document the disclosure and ask the discloser to confirm the contents before signing it, if circumstances prevent this occurring (eg telephone caller who remains anonymous), the supervisor should promptly make a written note recording the precise matters raised and this should be referred to the Chief Executive Officer.

Under certain circumstances a person may make a disclosure to a journalist (refer to Chapter 2, Part 4, Section 20 of the Public Interest Disclosure Act 2010). This can only occur if a person has already made a disclosure to the proper authority and that proper authority:

- Has decided not to investigate or deal with the disclosure; or
- Investigated but did not recommend taking any action; or
- Did not notify the discloser within 6 months of whether or not the disclosure was to be investigated or dealt with.

A public interest disclosure can be made about an unidentified person. A person can involuntarily make a public interest disclosure if they are legally compelled to do so. A public interest disclosure can be made in a proceeding in a court or tribunal as part of giving information to the court or tribunal.

A public interest disclosure can concern an event that happened or may have happened even if the event occurred before the enactment of the Public Interest Disclosure Act 2010. The public interest disclosure can also concern a current or potential event that will or may happen.

There is no limit to the number of public interest disclosures that can be made. When making a public interest disclosure, the discloser has the responsibility to provide honest and accurate information. It is a criminal offence under the Public Interest Disclosure Act 2010 to make a disclosure which is intentionally false or misleading and the discloser may face disciplinary action and criminal prosecution. Knowingly providing false or misleading information is different to providing information that turn out to be incorrect or unable to be substantiated.

Council encourages persons contemplating the making of a public interest disclosure to give due prior consideration to that course to ensure that matters raised have substance and are soundly based. Under the Public Interest Disclosure Act 2010 a person is not liable civilly, criminally or under an administrative process, including disciplinary action, for making a public interest disclosure.

ASSESSING A PID

The Chief Executive Officer must ensure that all disclosures made to Council or referred to it by another entity or Member of the Legislative Assembly is assessed.

The Chief Executive Officer will assess the public interest disclosure to determine whether the disclosure requires:

- Referral to another public sector entity, e.g. all cases of suspected official misconduct must be referred to the Crime and Misconduct Commission;
- Further enquiries to be made;
- Investigation; or
- Finalisation.

In assessing the disclosure, the Chief Executive Officer will determine if:

- The person making the disclosure can receive the protection of the Public Interest Disclosure Act 2010;
- The disclosure concerns a matter about which a public interest disclosure can be made;
- The disclosure meets either the subjective or objective test set out in the Public Interest Disclosure Act 2010;
- The disclosure has been made to an individual or entity who may receive a public interest disclosure; and
- The disclosure has been made in accordance with Council's procedure or to a person listed in the Public Interest Disclosure Act 2010.

If there is doubt whether a disclosure is a public interest disclosure, the Chief Executive Officer will assume the disclosure is protected by the Public Interest Disclosure Act 2010 and manage the disclosure as if it is a public interest disclosure.

Each separate allegation should be reported as a separate public interest disclosure, unless the matters are clearly linked, and it would be reasonable to view them as a single disclosure. Council cannot decline to receive and/or assess a disclosure as a public interest disclosure. The Chief Executive Officer may decide not to investigate or deal with a public interest disclosure if:

- The substance of the disclosure has already been investigated or dealt with by another appropriate process; or
- Council reasonably considers that the disclosure makes it impracticable to investigate; or
- The age of the information the subject of the disclosure makes it impracticable to investigate; or
- Council reasonably considers that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert the resources of Council from the performance of its functions; or
- Another entity that has the jurisdiction to investigate the disclosure has notified Council that investigation of the disclosure is not warranted.

If Council decides not to investigate or deal with a public interest disclosure, written reasons for this decision will be given to the person making the disclosure. A person who receives written reasons for a decision not to investigate may apply to the Chief Executive Officer for a review of the decision within 28 days after receiving the written reasons.

Notwithstanding whether a complaint has been assessed as a public interest disclosure, the appropriate investigation procedure identified in the Administrative Action Complaints Policy and the relevant procedures pertaining to such complaints, will apply.

INFORMING THE DISCLOSER

The Chief Executive Officer will provide the discloser or the entity that referred the disclosure reasonable information about the disclosure in writing, in accordance with section 32(1) of the PID Act, and must meet the minimum requirements outlined in section 2.2 of the Public Interest Disclosure Standard No. 2/2019.

This must include:

- Confirmation that the disclosure was received by Council;
- A description of the action proposed to be taken, or taken, by Council in relation to the disclosure;
- If action has been taken by Council in relation to the disclosure – a description of the result of the action;
- The likely timeframes (if possible);
- Their involvement in the investigation process;
- The importance of maintaining confidentiality;
- The protections under the Public Interest Disclosure Act 2010 that will apply;
- That Council will keep the information disclosed, including the discloser's identity, confidential, except as allowed under the Public Interest Disclosure Act 2010;
- How they will be advised of progress and outcomes; and
- Who to contact if they want further information or are concerned about reprisals.

Regular follow up with the discloser should be arranged by agreement to advise on the progress of resolving the public interest disclosure (where this is desired by the discloser, and if it is safe to do so).

DISCLOSER SUPPORT AND RISK ASSESSMENT

Disclosers should not suffer any form of detriment as a result of making a PID. Upon receiving a PID, the Council will conduct a risk assessment to assess the likelihood of the discloser (or witnesses or affected third parties) suffering reprisal action as a result of having made the disclosure. This assessment will consider 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 based on 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, the Council will develop and implement a risk management plan and arrange any reasonably necessary support or protection for the discloser (or witnesses or affected third parties).

Council will regularly reassess the risk of reprisal while the PID is being managed, in consultation with the discloser, and review the risk management plan if required.

MANAGING RISKS OF REPRISAL

Council has a duty of care to support and protect employees from negative action, including reprisals, that occur as a result of a disclosure. Reprisals are not condoned or tolerated by Council. The Chief Executive Officer will ensure effective system and procedures are in place to monitor a discloser's workplace for any signs of reprisal action. In the event of a reprisal being alleged or suspected, Council will act in the interest of the discloser by:

- Attending to the safety of the discloser or affected third parties as a matter of priority;
- Reviewing the risk assessment of reprisal and any protective measures needed; and
- Managing any allegation of reprisal as a public interest disclosure in its own right.

Any employees found to have engaged in reprisals will be the subject of disciplinary action up to dismissal. Criminal action may be taken with respect to reprisal and penalties of up to 67 penalty units or two (2) years imprisonment can apply under the Public Interest Disclosure Act 2010.

Council may be vicariously liable for reprisal actions taken by employees, but may be able to raise as a defence, on the balance of probabilities, that reasonable steps were taken to prevent the employee taking reprisal action.

Reasonable management action is not prevented in relation to an employee who has made a public interest disclosure. Any management action can be taken if the manager's reasons for taking the action do not include the fact that the person has made a public interest disclosure.

PROTECTING THE RIGHTS OF THE SUBJECT OFFICER

All public interest disclosures will be assessed and managed impartially, fairly and reasonably. The rules of natural justice will apply to any subject officer under investigation in respect of an allegation raised against them. Accordingly, subject officers will be advised of the nature of allegations against them at the appropriate time and are to be afforded an opportunity to respond. Employees who are the subject of a public interest disclosure may seek assistance from their employee association (eg Union) or may engage their own private legal representation. An employee may also utilise the services of Council's Employee Assistance Scheme.

INVESTIGATION

The assessment about whether the reported conduct constitutes a public interest disclosure and the determination of appropriate action to be taken will be determined by the Chief Executive on a case by case basis and 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.

Where appropriate, an investigator will be engaged to investigate the public interest disclosure. In all cases the investigator must:

- Have the necessary skills or training to perform that task in a professional manner; and
- Not be under the direction of a person being investigated; and
- Be sufficiently removed from the issue as to not have a conflict of interest or perceived conflict of interest when undertaking the investigating; and
- When assessing (and where necessary, investigating and acting on) a public interest disclosure, take account of Council's obligations to the subject officer.

The fact that Council is relying on information obtained through a public interest disclosure for any subsequent disciplinary process does not exempt Council from its obligations to the subject officer.

On conclusion of the investigation the investigator will provide the Chief Executive Officer with a written report detailing the process followed and their findings. The Chief Executive Officer will utilise that report as appropriate to:

- Inform improvements to service delivery, business processes and internal controls;
- Recommend any amendments to Council policies and/or procedures;
- Recommend amendments to this procedure to improve its effectiveness; or
- Investigate disciplinary action.

Where reasonable, an edited extract of the report may be forwarded to the discloser upon application through the right to information process. A person dissatisfied with Council's handling of their public interest disclosure has an internal right of review to the Chief Executive Officer. Disclosers are also entitled to raise the matter with other entities, such as the Queensland Ombudsman in cases of maladministration

CONFIDENTIALITY

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

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

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

An employee who gains confidential information because he or she receives a public interest disclosure or is involved in dealing with public interest disclosure must not make a record of the information, or intentionally or recklessly disclose the information to anyone, other than:

- For the Public Interest Disclosure Act 2010;
- To discharge a function under another Act including, for example, to investigate something disclosed by a public interest disclosure;
- For a proceeding in a court or tribunal;
- If the person to whom the confidential information relates consents in writing to the making of the record or disclosure of the information;
- If the employee cannot reasonably obtain consent from the person to whom the confidential information relates and making the record or disclosing the information is unlikely to harm the interests of the person to whom the confidential information relates and reasonable in all the circumstances;
- If the person reasonably believes that making the record or disclosing the information is necessary to provide for the safety or welfare of a person; or
- If authorized under a regulation or another Act.

In certain circumstances, natural justice may require a person to disclose information to a person whose rights would otherwise be detrimentally affected. The identity of the discloser may only be disclosed if it is essential: to do so under principles of natural justice and it is unlikely that a reprisal will be taken against a discloser because of the public interest disclosure. Making a record of confidential information or disclosing information to anyone (other than for the reasons noted above) is an offence under the Public Interest Disclosure Act 2010

RECORD-KEEPING

Record keeping will be accordance with its obligations under the PID Act and the [Public Records Act 2002](#),

The Public Interest Disclosure Act 2010 requires Council to keep an adequate record of public interest disclosures, including details of the discloser (where known), the nature of the information disclosed and action taken by Council, even where the disclosure is investigated and found to be incorrect. Council will maintain a confidential file pertaining to each potential public interest disclosure, with the following minimum requirements:

- i) The name of the person making the disclosure (if known);

- ii) Details of the disclosure;
- iii) The determination made in respect of the disclosure; and
- iv) Action taken on the disclosure (including review, investigation or other form of managerial response).

All records of public interest disclosure and their investigation will be kept in Council’s Official central records system and will be kept strictly confidential. Responsibility for creating records and for fulfilling Council’s reporting obligations rests with Council’s CEO.

Council will also provide the oversight agency, the Queensland Ombudsman, with the following information in electronic form:

- The date the disclosure was received and where it was received from;
- The status of the discloser (eg entity staff, staff from another entity, member of the public, anonymous);
- The gender and status of the subject officer (eg staff-member, non-staff-member);
- The relationship between the discloser and the subject officer;
- The location of the subject officer (geographical region);
- A summary of the allegation/information received;
- The involvement of an external agency/party;
- viii)The action taken to minimize any risk of reprisal;
- Date inquiry/investigation commenced and completed;
- The outcome of the assessment, inquiry/investigation;
- The date the public interest disclosure was resolved or closed;
- When the outcome was advised to the discloser;
- xiii)If no action was taken, the reason for the decision; and xiv) Other legal processes associated with the disclosure.

DEFINITIONS

Term	Definition
Administrative action	(a) means any action about a matter of administration, including, for example: <ul style="list-style-type: none"> (i) a decision and an act; and (ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and (iii) the formulation of a proposal or intention; and (iv) the making of a recommendation, including a recommendation made to a Minister; and (v) an action taken because of a recommendation made to a Minister; and (b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.
CEO	Chief Executive Officer
Corrupt conduct	As defined in section 15 of the Crime and Corruption Act 2001 <p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p>

	<p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <ul style="list-style-type: none"> (i) a unit of public administration; or (ii) a person holding an appointment; and <p>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—</p> <ul style="list-style-type: none"> (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and <p>(c) would, if proved, be—</p> <ul style="list-style-type: none"> (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment. <p>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) impairs, or could impair, public confidence in public administration; and</p> <p>(b) involves, or could involve, any of the following—</p> <ul style="list-style-type: none"> (i) collusive tendering; (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)— <ul style="list-style-type: none"> (A) protecting health or safety of persons; (B) protecting the environment; (C) protecting or managing the use of the State’s natural, cultural, mining or energy resources; (iii) dishonestly obtaining, or helping someone to dishonestly obtain, 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 <p>(c) would, if proved, be—</p> <ul style="list-style-type: none"> (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.
Detriment	<p>includes –</p> <ul style="list-style-type: none"> (a) personal injury or prejudice to safety; and (b) property damage or loss; and (c) intimidation or harassment; and (d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and (e) financial loss; and (f) damage to reputation, including, for example, personal, professional or business reputation.

Disability	<p>As defined in section 11 of the Disability Services Act 2006, for the purposes of this procedure:</p> <p>(1) A disability is a person’s condition that—</p> <p>(a) is attributable to—</p> <p>(i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</p> <p>(ii) a combination of impairments mentioned in subparagraph (i); and</p> <p>(b) results in—</p> <p>(i) a substantial reduction of the person’s capacity for communication, social interaction, learning, mobility or self care or management; and</p> <p>(ii) the person needing support.</p> <p>(2) For subsection (1), the impairment may result from an acquired brain injury.</p> <p>(3) The disability must be permanent or likely to be permanent.</p> <p>(4) The disability may be, but need not be, of a chronic episodic nature.</p>
Discloser	A person who makes a disclosure in accordance with the Public Interest Disclosure Act 2010 .
Maladministration	<p>As defined in schedule 4 of the Public Interest Disclosure Act 2010, maladministration is administrative action that—</p> <p>(a) was taken contrary to law; or</p> <p>(b) was unreasonable, unjust, oppressive, or improperly discriminatory;</p> <p>or</p> <p>(c) was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or</p> <p>(d) was taken—</p> <p>(i) for an improper purpose; or</p> <p>(ii) on irrelevant grounds; or</p> <p>(iii) having regard to irrelevant considerations; or</p> <p>(e) was an action for which reasons should have been given, but were not given; or</p> <p>(f) was based wholly or partly on a mistake of law or fact; or</p> <p>(g) was wrong.</p>
Natural justice	<p>Natural justice, also referred to as ‘procedural fairness’ applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none"> • avoid bias; and • give a fair hearing. • act only on the basis of logically probative evidence.
Official Misconduct	Is a conduct that could, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for terminating the person’s services.
Proper authority	A person or organisation that is authorised under the Public Interest Disclosure Act 2010 to receive disclosures.

Queensland Ombudsman	The oversight agency of PID
Public Interest Disclosure	Is a disclosure of information by an employee to a proper authority about certain wrongdoing i.e. suspected official misconduct, maladministration, a substantial misuse of public resources, or a substantial and specific danger to public health and safety or the environment. Any person may also disclose to a proper authority a substantial and specific danger to the health or safety of a person with disability, certain substantial and specific dangers to the environment.
Public officer	A public officer, of a public sector entity, is an employee, member or officer of the entity.
Reprisal	<p>The term 'reprisal' is defined under the Public Interest Disclosure Act 2010 as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:</p> <ul style="list-style-type: none"> • has made or intends to make a disclosure; or • has been or intends to be involved in a proceeding under the disclosure Act against any person. <p>Reprisal under the Public Interest Disclosure Act 2010 is a criminal offence and investigations may be undertaken by the Queensland Police Service.</p>
Subject officer	An officer who is the subject of allegations of wrongdoing made in a disclosure.

SUPPORTING INFORMATION

- [Public Interest Disclosure Standard No. 1/2019](#)
- [Public Interest Disclosure Standard No. 2/2019](#)
- [Public Interest Disclosure Standard No. 3/2019](#)