

Public interest disclosures

PURPOSE

Metro South Health (MSH) is committed to fostering an ethical and transparent culture. In pursuit of this, MSH values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and appropriately dealt with.

The purpose of this procedure is to ensure MSH complies with its obligations under the [Public Interest Disclosure Act 2010](#) (Qld) (the PID Act) and the Queensland Ombudsman's [Public Interest Disclosure Standards](#) (the PID Standards).

This procedure outlines what constitutes a public interest disclosure (PID); how PIDs can be made; how PIDs will be managed and dealt with by MSH; the protections and support available to persons who make PIDs; and how MSH will comply with its obligations under the PID Act and the PID Standards.

OUTCOME

By complying with this procedure, the PID Act, and the PID Standards, MSH will:

- promote the public interest by facilitating PIDs about 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; and
- ensure appropriate support and protection from reprisal is afforded to persons making PIDs.

SCOPE

This procedure applies to:

- all MSH clinical and non-clinical staff (permanent, temporary and casual);
- all directorates, divisions, services and support functions across MSH including community, primary, acute, rehabilitation, residential facilities, asset and infrastructure, governance, and human resources;
- all individuals acting on behalf of MSH including Visiting Medical Officers, contractors, consultants, students and volunteers; and
- all PIDs received by MSH, regardless of whether they are made by a public officer or a member of the public.

PROCEDURE

As required under the PID Act and the PID Standards, the Health Service Chief Executive, MSH, must implement procedures to ensure that:

- any public officer who makes a PID is given appropriate support;

- PIDs made to MSH 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 MSH, consistent with the PID Standards, is developed and implemented; and
- public officers who make PIDs are offered protection from reprisal by MSH or other public officers of the health service.

This procedure must be raised in conjunction with MSH procedure [PR2023-364 Reporting and managing corrupt conduct](#) which outlines the process for reporting incidents of suspected corrupt conduct.

1. PID MANAGEMENT PROGRAM

The Health Service Chief Executive, MSH, has overall responsibility for ensuring the health service develops, implements and maintains a PID Management Program ([Attachment 1](#)). MSH's PID Management Program encompasses:

- commitment to encouraging the internal reporting of wrongdoing;
- senior management endorsement of the value to MSH of PIDs and the proper management of PIDs;
- a communication strategy to raise awareness among employees about PIDs and MSH'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 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; and
- regular review of the PID procedure and evaluation of the effectiveness of the PID Management Program.

The Health Service Chief Executive, MSH, has designated roles and responsibilities for managing PIDs within MSH as outlined in the Responsibilities section of this procedure.

2. WHY MAKE A PID?

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

- implementing systems for reporting and dealing with wrongdoing contributes to the integrity of MSH;

- the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to MSH; and
- 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 (in accordance with section 65 of the PID Act);
- protection against reprisal – the discloser is protected from unfair treatment by MSH and its employees as a result of making the PID (pursuant to section 41 of the PID Act, it is a criminal offence to take reprisal action against a person because they have made a 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; and
- protection from defamation – the discloser has a defence against an accusation of defamation by any subject officer.

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

Making a PID does not prevent reasonable management action, which means that where the discloser is an employee, they will continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID. The employee remains responsible for achieving the performance expectations of their position; their own behaviour; and observing all workplace policy and procedures.

3. WHAT IS A PUBLIC INTEREST DISCLOSURE?

Under the PID Act, any person (including any public sector employee or a member of the public) 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; or
- a reprisal because of a belief that a person has made, or intends to make a PID.

In addition, public sector officers (such as MSH employees) 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; or

- a 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 suspected fraud or a Health Information Management Services employee reporting potential inappropriate access to patient records systems;
- 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 – MSH is responsible for assessing information received and determining whether the disclosure constitutes a PID; or
- disclosure is unsubstantiated following investigation – the discloser is protected when the information they provide is assessed as a PID, regardless of whether it is subsequently investigated or found to be substantiated.

4. WHO CAN A PID BE DISCLOSED TO?

A PID must be made to the ‘proper authority’ to receive disclosures of the type being made. If a disclosure is made to a person or an entity that is not a proper authority, the person making the disclosure will not receive the protections of the PID Act.

Disclosers are encouraged to make a disclosure to an appropriate officer of MSH in the first instance. However, there may be other proper authorities which the discloser may make their disclosure to. Refer to Table 1 for more information.

Table 1: Proper authorities for receiving disclosures

Who to contact within MSH	Other agencies that can receive PIDs
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> • Any person in a supervisory or management position in the relevant area of MSH • Human Resources at the relevant MSH facility/service <ul style="list-style-type: none"> ○ Human Resources - Contacts • Director, Ethical Standards Unit, MSH (PID Coordinator) <ul style="list-style-type: none"> ○ MetroSouthESU@health.qld.gov.au • Health Service Chief Executive, MSH <ul style="list-style-type: none"> ○ MetroSouthCorro@health.qld.gov.au 	<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. • Queensland Ombudsman for disclosures about maladministration. • Queensland Audit Office for disclosures about a substantial misuse of resources. • Department of Child Safety, Seniors and Disability Services for disclosures about danger to the health or safety of a person (including a child or young person) with a disability. • Office of the Public Guardian for disclosures about danger to the health or safety of a person with a disability.

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| | <ul style="list-style-type: none">• Department of Environment and Science for disclosures about danger to the environment.• A Member of the Legislative Assembly (MP) for any wrongdoing or danger. |
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A disclosure can also be made to a journalist, but only 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.

5. HOW TO MAKE A PID

A discloser can make a PID in any way, including anonymously, either verbally or in writing. Whilst disclosers can make a PID verbally and anonymously, to assist in the assessment and any subsequent process/action to deal with a PID, disclosers are requested to:

- provide contact details;
- 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; and
- provide this information in writing.

For PIDs relating to suspected corrupt conduct, persons are encouraged to make their disclosure by completing and submitting a Suspected Corrupt Conduct Notification Form ([Attachment 2](#)).

Any MSH employee who receives a verbal disclosure which could potentially amount to a PID, must immediately and thoroughly document the information received.

All disclosures received within MSH which could potentially constitute a PID, must be immediately referred to the Ethical Standards Unit by emailing MetroSouthESU@health.qld.gov.au, for review and assessment.

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MSH will acknowledge receipt of all PIDs in writing as soon as practicable.

6. 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.

It is an offence under the PID Act to intentionally give false or misleading information intending that 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 any process or action undertaken to deal with a PID.

Where a person states they are making a PID, but their disclosure is assessed as not being a PID, MSH will advise the person:

- that their information has been received but was not assessed as a PID;
- the reasons for the decision;
- the review rights available if the person is dissatisfied with the decision and how to request a review; and
- any action MSH proposes to take in relation to the matter.

It is not uncommon for a complaint that contains PID information to also raise matters which do not fall within the scope of the PID Act. Where possible, non-PID issues may be separated from a PID and dealt with in accordance with other applicable processes.

7. ASSESSING A PID

All disclosures will be assessed in accordance with the PID Act, the PID Standards, this procedure and any other relevant policies/procedures.

The assessment of disclosures regarding suspected corrupt conduct (the most common type of PID received by MSH) will be undertaken in accordance with MSH procedure [PR2023-364 Reporting and managing corrupt conduct](#).

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

- that their information has been received and assessed as a PID;
- the action to be taken by MSH in relation to the disclosure, which could include referring the matter to an external agency;
- the likely timeframe involved;
- the name and contact details of the relevant PID Support Officer they can contact for support, updates or advice;
- of the discloser's obligations regarding confidentiality;
- the protections the discloser has under the PID Act;
- how updates regarding intended actions and outcomes will be provided to the discloser; and
- contact details for MSH's Employee Assistance Program.

If a PID has been made anonymously and the discloser has not provided any contact details, MSH will not be able to acknowledge the PID or provide any updates. In addition, not being able to seek clarification or further information from the discloser may limit the action MSH is able to take in relation to the matter.

Where a PID has been referred to MSH from another entity, MSH will acknowledge receipt of the PID in writing as soon as practicable and advise the other entity that further communication in relation to the PID will be directed to the discloser. Where the discloser is anonymous, and where considered appropriate, MSH will advise the referring entity of the action proposed to be taken in relation to the PID and the results of the action.

8. REFERRING A PID

If MSH decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency. This may be because:

- the PID concerns wrongdoing by that agency or an employee of that agency; and/or
- that agency has the power to investigate or remedy the matter.

Before referring a PID to another agency, MSH 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 a PID to another agency because of a legislative obligation, for example, to the Crime and Corruption Commission where there is a reasonable suspicion that the matter involves or may involve corrupt conduct (as required by section 38 of the [Crime and Corruption Act 2001 \(Qld\)](#)).

The confidentiality obligations of the PID Act permit appropriate officers of MSH to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contact with any other agency.

The discloser will be advised of the action taken by MSH.

9. RISK ASSESSMENT AND PROTECTION FROM REPRISAL

Disclosers should not suffer any form of detriment as a result of making a PID.

Upon receiving a PID, MSH will conduct a risk assessment to assess the likelihood of the discloser (or witnesses or affected third parties where the risk is such that it is considered an assessment is warranted) 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.

In order to be considered a reprisal, there must be a causal link between the detriment and a PID. The reprisal must be in retaliation for the discloser having made the PID and be done with the intention of causing harm.

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, MSH 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). Measures/strategies that may be considered to mitigate reprisal risks include (but are not limited to):

- monitoring the workplace for any signs of detriment for making the PID;

- reinforcing values in the workplace about wrongdoing or corruption, and reminding employees they must report wrongdoing;
- increasing supervision of the workplace;
- conducting training about PIDs, the Code of Conduct or appropriate workplace behaviours;
- proactively confronting general workplace prejudices, and misconceptions, about making a PID;
- a temporary or permanent transfer for a discloser where the risk of reprisal is sufficiently high;
- approving leave entitlements for a discloser, when requested, during the review or investigation of a PID;
- temporary adjustment in the workplace to change seating, work location or supervisory arrangements for a discloser or a subject officer;
- facilitating a voluntary transfer or relocation of the discloser or the subject officer to another position;
- where appropriate, providing reasonable lawful directions to the subject officer (e.g. maintaining confidentiality, attendance at certain work locations only, etc) or written information about reprisal and detriment; and/or
- where there are grounds, suspension of a subject officer from the workplace (in accordance with the [Public Sector Act 2022 \(Qld\)](#)).

MSH 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.

Any allegation/suspicion of reprisal must be immediately reported to the Ethical Standards Unit for assessment.

In the event of reprisal action being alleged or suspected, MSH 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; and
- manage any appropriate disclosure of reprisal as a PID in its own right.

10. DECLINING TO TAKE ACTION ON A PID

Under the PID Act, MSH 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; or
- the information disclosed should be dealt with by another process; or
- the age of the information makes it impractical to investigate; or
- the information disclosed is too trivial and dealing with it would substantially and unreasonably divert MSH from the performance of its functions; and/or
- another agency with jurisdiction to investigate the information has informed MSH that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID, MSH will give the discloser written reasons and advise them of their review rights if they are dissatisfied with the decision.

11. CONFIDENTIALITY

Section 65 of the PID Act places strict confidentiality obligations on the disclosure of confidential PID information by persons who have gained such information because of their involvement in the administration of the PID Act.

Pursuant to section 65 of the PID Act, confidential information can be disclosed to another person or entity:

- for the purposes of the PID Act;
- to discharge a function under another Act including, for example, to investigate something disclosed in a PID;
- for a proceeding in a court or tribunal;
- if the person to whom the confidential information relates consents in writing to the disclosure of the information;
- if disclosing the information is necessary to provide for the safety or welfare of a person;
- if authorised under a regulation or another Act; or
- if it is essential under the principles of natural justice.

While MSH is required to take steps to protect confidential information, disclosers also have a responsibility to maintain confidentiality about their PID. Employees who have made a PID should not disclose information regarding the matter to work colleagues or any other unauthorised person.

Maintaining confidentiality is not only an effective strategy to mitigate the risk of reprisal to disclosers, it also protects the rights of involved parties (including the reputation of the subject officer/s) and assists in maintaining the integrity of, and confidence in, MSH's PID reporting system and the process being undertaken to deal with a PID.

MSH will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible. However, disclosers should be aware that while MSH will make every attempt to keep their details confidential (subject to the exceptions in section 65 of the PID Act), it cannot guarantee that others will not try to deduce their identity.

Obligations regarding confidentiality and protection from reprisal continue beyond a PID matter having been dealt with and finalised.

12. SUPPORT FOR DISCLOSERS

MSH recognises that 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.

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Information and support will be provided to the discloser until the matter is finalised.

MSH's Employee Assistance Program provides free, confidential and professional counselling for a wide variety of personal and work-related issues that may adversely affect an employee (this includes the discloser, witnesses and the subject officer). Accessing the service is voluntary through a self-referral system. Further information, including contact details, can be accessed by staff with a Queensland Health device via QHEPS at: [Employee assistance service providers](#).

13. DEALING WITH PIDs

PIDs may be dealt with via a range of processes/actions. The action/s deemed necessary/appropriate will depend on the facts and circumstances of each matter and will be determined by an appropriate delegate.

In some cases, it may be necessary/appropriate for MSH to refer a matter to another entity to deal with (e.g. the Queensland Police Service, Crime and Corruption Commission, Office of the Health Ombudsman). This may impact the timing of MSH's ability to deal with the matter internally.

Whilst some PIDs may be assessed as requiring formal investigation, others may be appropriately dealt with or addressed via other avenues, including (but not limited to):

- management action;
- alternate dispute resolution;
- education / retraining;
- commencing a discipline process; and/or
- taking no further action (e.g. where it has been determined that the wrongdoing alleged in a PID could not be substantiated).

Any action to deal with a PID will be undertaken 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; and
- interests of subject officers.

If an appropriate MSH delegate determines that the wrongdoing alleged in a PID is substantiated, appropriate action will be taken. Irrespective of whether the alleged wrongdoing is substantiated, MSH may review systems, policies and procedures to identify whether there are improvements that can be made, and consider if staff training is required.

MSH 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, MSH will advise the discloser in writing of the action taken and the results of the action.

14. RIGHTS OF SUBJECT OFFICERS

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

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- 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 an appropriate MSH delegate determines that the alleged wrongdoing is substantiated;
- providing them with information about their rights and the progress (if/when appropriate) and outcome of action taken to deal with the PID; and
- advising them of the availability of the Employee Assistance Program for support.

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

15. RIGHTS OF REVIEW

If a discloser is dissatisfied with:

- A decision that their complaint/disclosure does not constitute a PID under the PID Act;
- A decision to not investigate or deal with their PID; or
- The action taken to deal with their PID, including the outcome of such action,

they may request an internal review of the decision.

In addition, if a subject officer is dissatisfied with a PID management process, they may also request an internal review of the relevant decision/action.

Prior to lodging a request for internal review, disclosers and subject officers are encouraged to contact the PID Coordinator, MSH, to discuss their concerns. The PID Coordinator, MSH, may be able to resolve the concerns by clarifying or providing additional information regarding the reasons for the relevant decision/s.

Requests for internal review must:

- be made within 28 days of the person being advised of the decision;
- clearly state the reasons for dissatisfaction with the decision (and not merely state a belief the decision was unfair or unreasonable) as well as the action/outcome the person believes would resolve the matter; and
- be made in writing and lodged via email to the PID Coordinator, MSH, at MetroSouthESU@health.qld.gov.au.

However, a request made outside of the 28-day timeframe may still be accepted if it is considered that exceptional circumstances exist. Exceptional circumstances may include (but are not limited to) where the person was not advised of their right to an internal review or where they had a genuine impediment to submitting the request within the required timeframe.

As soon as practicable following completion of an internal review, the person who sought the review will be advised in writing of the review decision/s; the reasons for the decision/s; the name of the senior officer who conducted the review; and their right/s of external review.

Where a person remains dissatisfied following completion of an internal review, they may make a complaint to the Queensland Ombudsman about the decision. The Queensland Ombudsman's Office should be contacted directly for further information regarding any requirements with respect to lodging a complaint with that office.

16. RECORD-KEEPING

In accordance with its obligations under the PID Act and the [Public Records Act 2002 \(Qld\)](#), MSH will ensure:

- accurate data is collected about the receipt and management of PIDs; and
- anonymised data is reported to the Office of the Queensland Ombudsman 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.

RESPONSIBILITIES

Position	Responsibility	Audit criteria
Health Service Chief Executive (HSCE), MSH	<ul style="list-style-type: none"> • Ensuring MSH develops, implements and maintains a PID Management Program in accordance with the PID Act. • Ensuring a suitable officer is appointed as the PID Coordinator for MSH, and that this officer is sub-delegated the powers and functions necessary to perform the PID Coordinator role. • Determining what action should be taken to deal with a PID. • Considering requests for internal review in relation to the assessment and management of PIDs. 	<ul style="list-style-type: none"> • PID Management Program implemented and published online. • The Director, Ethical Standards Unit, performs the role of PID Coordinator for MSH. • Appropriate powers and functions under the PID Act are delegated to the Director, Ethical Standards Unit, via MSH's HR sub-delegations. • Documentation relating to each request for internal review; the escalation of the request to the HSCE; and the outcome of the HSCE's consideration of the request, is contained within the relevant PID case.
Director, Ethical Standards Unit – PID Coordinator (assisted/supported by members of the Ethical Standards Unit)	<ul style="list-style-type: none"> • Providing advice on PIDs and the PID Act to the HSCE, Senior Executives, management, employees and members of the public who wish to make a disclosure. • Being the central point of contact for MSH in relation to PID management. • Documenting and managing the implementation of MSH's PID Management Program. 	<ul style="list-style-type: none"> • All PID cases contain a Complaint Assessment Form which documents the assessment process undertaken; and documentation confirming how the matter was dealt with. • All PID cases contain a documented Risk Assessment and a record that a PID Support Officer was offered/assigned to the discloser. • All PID cases contain documentation evidencing active oversight/monitoring by the Ethical

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	<ul style="list-style-type: none"> • Assessing matters/complaints to determine whether they constitute PIDs pursuant to the PID Act. • Where appropriate, referring PIDs to other agencies / proper authorities. • Undertaking and/or facilitating reprisal risk assessments, and ensuring a PID Support Officer is offered/assigned to each discloser. • Where required/appropriate, briefing the HSCE, Senior Executives or management about PIDs. • Monitoring the progress of action taken to deal with PIDs. • Determining (in consultation with other relevant delegates) whether a PID involving corrupt conduct should be subject of a formal investigation by the Ethical Standards Unit. • Communicating with disclosers throughout the PID management process, including acknowledging receipt of PIDs; advising them of the outcome of the PID assessment process; and providing outcome advice after their PID has been dealt with. • Reporting PIDs to the oversight agency. • Maintaining internal records in relation to the receipt, assessment, management and outcome of all PIDs within MSH. • Delivering face-to-face PID training to work groups upon request. 	<p>Standards Unit of the progress of the case.</p> <ul style="list-style-type: none"> • Each PID case contains documentation evidencing the discloser was advised: their disclosure was assessed as a PID; the protections and support available to them; and how their disclosure was dealt with. • Each PID case contains a RaPID reference number confirming the matter has been reported to the Queensland Ombudsman (the oversight agency). • The PID Coordinator produces an annual report to the HSCE regarding MSH's compliance with the PID Act and PID Standards.
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	<ul style="list-style-type: none"> • Conducting annual reviews/audits of this procedure and MSH's compliance with the PID Act and PID Standards. 	
Human Resources	<ul style="list-style-type: none"> • Ensuring any reports of wrongdoing that could constitute a PID (including any allegation of reprisal) are referred to the Ethical Standards Unit for assessment. • Case managing PIDs which require consideration by an appropriate delegate, and facilitating action to deal with PIDs including discipline processes and management action (as determined by an appropriate delegate). • Ensuring the case management of PIDs has regard to reprisal risk management, and the fair treatment and support needs of all parties involved. • Providing regular updates (including copies of relevant correspondence) to the Ethical Standards Unit (PID Coordinator) regarding the progress of action taken in relation to PIDs. 	<ul style="list-style-type: none"> • For all PIDs referred by the Ethical Standards Unit to Human Resources for delegate consideration, the relevant Human Resources file contains documentation evidencing consultation with the delegate and any action taken in relation to the matter. • For all PIDs referred by the Ethical Standards Unit to Human Resources for delegate consideration, the relevant Ethical Standards Unit file contains evidence of regular progress updates from Human Resources.
PID Support Officer	<ul style="list-style-type: none"> • Undertaking and documenting reprisal risk assessments for disclosers to whom they are assigned to support, and identifying and implementing (or facilitating the implementation of) risk management strategies. • Providing advice and information to the discloser about this procedure and the PID management process. • Providing personal support to disclosers and referral to other 	<ul style="list-style-type: none"> • Each finalised PID case contains a PID Risk Assessment and Management Plan completed by the allocated PID Support Officer. • PID Risk Assessment and Management Plan documents completed by PID Support Officers contain information recording their ongoing proactive contact with the discloser throughout the PID management process (except in cases where the discloser does not require proactive/periodic contact).

	<p>sources of advice or support as required.</p> <ul style="list-style-type: none"> • Proactively contacting the discloser throughout the PID management process. • Immediately notifying the Ethical Standards Unit of any allegation or unreasonable risk of reprisal to a discloser. 	
<p>Senior Executives (including decision-makers and delegates)</p>	<ul style="list-style-type: none"> • Determining what action should be taken to deal with a PID (in accordance with HR sub-delegations). • Ensuring that action taken to deal with a PID occurs in compliance with the provisions of the PID Act (including section 65 – ‘Preservation of confidentiality’) and in accordance with the principles of natural justice. 	
<p>Managers and supervisors (including Senior Executives)</p>	<ul style="list-style-type: none"> • Being aware of the types of matters that employees and members of the public can make PIDs about. • Immediately referring potential PIDs to the Ethical Standards Unit for assessment. • Immediately considering the risk of reprisal to disclosers, and where necessary/possible, implementing reasonable measures to mitigate any risks. • Monitoring the workplace for any signs of reprisal risk throughout the PID management process. • Taking appropriate and timely action to address the matters raised in a PID, in accordance with determinations/advice from a relevant delegate, Human Resources or the Ethical Standards Unit. 	<ul style="list-style-type: none"> • MSHLearn contains records confirming all staff have attended mandatory PID and Code of Conduct training upon induction and every two years thereafter.

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	<ul style="list-style-type: none"> • Providing/facilitating support to persons involved in the PID management process. • Ensuring employees in their area of responsibility are aware of their obligations in relation to the requirements of this procedure, including obligations regarding confidentiality and reprisal under the PID Act. • Ensuring employees in their area of responsibility are aware of, and have access to, mandatory PID training and PID information, including this procedure. • Ensuring all PID-related records and information held locally are stored securely and confidentially. 	
Consumer Liaison Services / Complaints (however named)	<ul style="list-style-type: none"> • Ensuring any complaints received from consumers, or third-party avenues on behalf of consumers, that could be PIDs are referred to the Ethical Standards Unit for assessment. 	
Employees	<ul style="list-style-type: none"> • Attending mandatory training in relation to PIDs and the PID Act. • Ensuring they immediately report (in accordance with the processes outlined in this procedure and the PID Act) any matters they become aware of which may involve corrupt conduct, maladministration, reprisal, substantial misuse of public resources, or substantial and specific danger to public health or safety. • Maintaining confidentiality in relation to PIDs to help ensure the integrity of any process being 	<ul style="list-style-type: none"> • MSHLearn contains records confirming all staff have attended mandatory PID and Code of Conduct training upon induction and every two years thereafter.

	<p>undertaken and to reduce the risk of reprisal to involved parties.</p> <ul style="list-style-type: none"> • Cooperating with reasonable management action taken to deal with a PID. • Ensuring their behaviour towards all persons involved in a PID management process is appropriate and in accordance with the Code of Conduct for the Queensland Public Service. 	
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DEFINITIONS

Term	Definition
Administrative action	<p>As defined in Schedule 4 of the PID Act, 'administrative action':</p> <p>(a) means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> (i) a decision and an act; (ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; (iii) the formulation of a proposal or intention; (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 <p>(b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
Confidential information	<p>As defined in section 65 of the PID Act, 'confidential information':</p> <p>(a) includes —</p> <ul style="list-style-type: none"> (i) information about the identity, occupation, residential or work address or whereabouts of a person — <ul style="list-style-type: none"> (A) who makes a public interest disclosure; or (B) against whom a public interest disclosure has been made; and (ii) information disclosed by a public interest disclosure; and (iii) information about an individual's personal affairs; and (iv) information that, if disclosed, may cause detriment to a person. <p>(b) 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.</p>

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

	<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>As defined in Schedule 4 of the PID Act, ‘detriment’ 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:</p> <p>(1) A disability is a person’s condition that—</p> <ul style="list-style-type: none"> (a) is attributable to— <ul style="list-style-type: none"> (i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or (ii) a combination of impairments mentioned in subparagraph (i); and (b) results in— <ul style="list-style-type: none"> (i) a substantial reduction of the person’s capacity for communication, social interaction, learning, mobility or self-care or management; and (ii) the person needing support. <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 PID Act.
Journalist	A person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
Maladministration	<p>As defined in Schedule 4 of the PID Act, ‘maladministration’ is administrative action that:</p> <ul style="list-style-type: none"> (a) was taken contrary to law; or (b) was unreasonable, unjust, oppressive, or improperly discriminatory; or

	<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> <ul style="list-style-type: none"> (i) for an improper purpose; or (ii) on irrelevant grounds; or (iii) having regard to irrelevant considerations; or <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>
<p>Natural justice</p>	<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; and • act only on the basis of logically probative evidence.
<p>Organisational support</p>	<p>For the purposes of this procedure, organisational support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> • providing moral and emotional support. • advising disclosers about agency 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 agency’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.
<p>Proper authority</p>	<p>A person or organisation that is authorised under the PID Act to receive disclosures.</p>

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	As defined in section 45 of the PID Act, 'reasonable management action', taken by a manager in relation to an employee, includes any of the following taken by the manager: <ul style="list-style-type: none"> (a) a reasonable appraisal of the employee's work performance; (b) a reasonable requirement that the employee undertake counselling; (c) a reasonable suspension of the employee from the employment workplace; (d) a reasonable disciplinary action; (e) a reasonable action to transfer or deploy the employee; (f) a reasonable action to end the employee's employment by way of redundancy or retrenchment; (g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f); (h) 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' is defined under the PID Act as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else: <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 PID Act against any person. Reprisal under the PID Act is a criminal offence.
Subject officer	An officer who is the subject of allegations of wrongdoing made in a 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'. This refers to conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms.

RELATED AND SUPPORTING DOCUMENTS

Legislation and other Authority	<ul style="list-style-type: none"> • <i>Crime and Corruption Act 2001</i> (Qld) • <i>Criminal Code Act 1899</i> (Qld) • <i>Health Practitioner National Law Qld 2009</i> (Qld)
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	<ul style="list-style-type: none"> • <i>Hospital and Health Boards Act 2011</i> (Qld) • <i>Human Rights Act 2019</i> (Qld) • <i>Industrial Relations Act 2016</i> (Qld) • <i>Information Privacy Act 2009</i> (Qld) • <i>Ombudsman Act 2001</i> (Qld) • <i>Public Interest Disclosure Act 2010</i> (Qld) • <i>Public Sector Act 2022</i> (Qld) • <i>Public Sector Ethics Act 1994</i> (Qld) • <i>Right to Information Act 2009</i> (Qld) • Code of Conduct for the Queensland Public Service • Crime and Corruption Commission: Corruption in Focus – A guide to dealing with corrupt conduct in the Queensland Public Sector • Public Service Commission Discipline Directive 05/23 • Public Service Commission Workplace Investigations Directive 17/20 • PL2023-91 Managing complaints of suspected corrupt conduct involving the Health Service Chief Executive • Metro South Health HR Delegations
Standards	<p>Queensland Ombudsman Public Interest Disclosure Standards:</p> <ul style="list-style-type: none"> • No. 1/2019 – Public Interest Disclosure Management Program • No. 2/2019 – Assessing, Investigating and Dealing with Public Interest Disclosures • No. 3/2019 – Public Interest Disclosure Data Recording and Reporting
Supporting documents	<ul style="list-style-type: none"> • Attachment 1: PID Management Program • Attachment 2: Suspected Corrupt Conduct Notification Form • PR2023-364 Reporting and Managing corrupt conduct

HUMAN RIGHTS ACT 2019

MSH is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, MSH has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When making decisions about PIDs, decision-makers must comply with that obligation. Further information about the *Human Rights Act 2019* is available at: <https://www.forgov.qld.gov.au/humanrights>.

CONSEQUENCE CATEGORY

Consequence category	Legal and Regulatory
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Level of consequence	Moderate
What will be monitored	<p>PIDs are being assessed and managed in accordance with the PID Act and the PID Standards issued by the Queensland Ombudsman.</p> <p>Persons who make PIDs are being appropriately supported and afforded protection from reprisals.</p>
How (method or tool)	<p>The Director, Ethical Standards Unit, reviews and endorses the assessment of all PIDs, and overviews relevant PID management activities including (but not limited to) the provision of written advice to the discloser; the reporting of PIDs to the Queensland Ombudsman; the accurate and confidential recording of PID information; the allocation of appropriate PID Support Officers to disclosers; and the conduct of reprisal risk assessments.</p> <p>In addition, the Director, Ethical Standards Unit, in their role as the PID Coordinator, MSH, undertakes a review of compliance with the PID Act and PID Standards on an annual basis and submits a report to the Health Service Chief Executive in that regard.</p>
Frequency	Annually
Responsible officer	Director, Ethical Standards Unit
Reporting to	Health Service Chief Executive

PROCEDURE DETAILS

Procedure Name	Public interest disclosures
Procedure Number	PR2023-405
Current Version	1.0
Keywords	Complaint, conduct, corrupt, corruption, crime, Crime and Corruption Commission, CCC, discipline, discloser, fraud, maladministration, misconduct, Ombudsman, public interest disclosure, PID, Police, QPS, reprisal, wrongdoing.
Primary Policy Reference	PL2023-90 Corporate Governance
Risk Consequence Rating	Moderate
Executive Sponsor	Health Service Chief Executive
Endorsing Committee / Authority	MSH Executive Strategic and Senior Leadership Governance Committee
Document Author	Director, Ethical Standards Unit
Next Review Date	November 2026

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REVIEW HISTORY

Version	Approval date	Effective from	Authority	Comment
1.0	24/11/2023	4/12/2023	Health Service Chief Executive	<ul style="list-style-type: none">• New document• Replaces and supersedes WS.E.PR.1.2 Public interest disclosure procedure.

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