

Procedure

Public Interest Disclosure

February 2024

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1. Introduction

The Queensland Competition Authority (QCA) is committed to fostering a culture in which ethics and transparency are emphasised. The QCA values the disclosure of information about suspected wrongdoing in the QCA so that it can be assessed and, if necessary, appropriately investigated.

The QCA 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 that comply with the requirements of the *Public Interest Disclosure Act 2010* (Qld) (PID Act).

This procedure should be read in conjunction with the QCA Public Interest Disclosure Policy, the QCA Public Interest Disclosure Management Plan, the QCA Code of Conduct (for employees) and the QCA Employee Complaints Policy.

2. About this procedure

The QCA's PID Procedure outlines how the QCA will support the provisions of the PID Act and ensure that good governance, natural justice and due process will be followed when a PID is made by members of the public (pursuant to section 12 of the PID Act) and/or QCA staff.

By complying with the PID Act, the QCA 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 that persons who make PIDs are protected from reprisal

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 QCA are properly assessed and, where appropriate, properly investigated and dealt with
- appropriate action is taken in relation to any wrongdoing that is the subject of a PID
- a management program for PIDs made to the QCA, 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 QCA or other public officers of the QCA.

The procedure will be reviewed regularly and updated as required to ensure it meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman.

This procedure is published on the QCA's website.

3. PID management plan and PID responsibilities

The CEO has overall responsibility for ensuring that QCA develops, implements and maintains a PID management plan. The management plan encompasses:

- commitment to encouraging the internal reporting of wrongdoing
- senior management endorsement of the value to the QCA of PIDs and the proper management of PIDs
- a communication strategy to raise awareness among employees about the QCA's PID procedure
- a training strategy to inform employees how to make a PID, what support is available and how PIDs will be managed
- special training for senior management and other staff who may receive or manage PIDs, disclosers or workplace issues and raising awareness among them about PIDs
- the appointment of a specialist officer/unit to be responsible for issues related to the management of PIDs
- ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls
- regular review of the PID Procedure and evaluation of the effectiveness of the PID management program.

The CEO has designated the following roles and responsibilities for managing PIDs within the QCA:

| Position | Responsibilities |
|---|--|
| All QCA employees | <ul style="list-style-type: none"> • Report suspected corrupt conduct; maladministration; wasting of public funds; substantial and specific danger to public health and safety, the environment or a person with a disability; and reprisal action. |
| Directors and managers | <ul style="list-style-type: none"> • Ensure that employees in their business area are aware of their PID reporting obligations. • Monitor and assess the workplace for signs of reprisal against a discloser or subject officer. • Notify the Director, Corporate Services (DCS) if detrimental action has been taken against a discloser, and discuss ways to address the situation before it escalates. |
| Director, Corporate Services (Delegated by the CEO as the QCA's PID coordinator, who is the principal contact for PID issues within the QCA) | <ul style="list-style-type: none"> • Documents and implements the QCA PID management program. • Reviews and updates the QCA's PID procedure on a regular basis. • Assesses PIDs received, acknowledges receipt of PID to disclosure and manages all PIDs in a confidential manner. • Undertakes risk assessments in consultation with disclosers and other relevant officers. • Liaises with other agencies about the referral of PIDs. • Appoints an investigator as required. • Supports the rights of all officers subject to a PID and ensures the process is fair for everyone involved. • Ensures QCA employees who make a PID are given appropriate support and are protected from reprisal. • Maintains the QCA's PID reporting system, including collecting, reporting and reviewing PID data, and reporting data on PIDs to the Queensland Ombudsman. |
| Manager Human Resources | <ul style="list-style-type: none"> • Provides advice and information to the discloser on the QCA's PID procedures. |

| Position | Responsibilities |
|--|--|
| (Nominated by the CEO as the QCA's PID support officer) | <ul style="list-style-type: none"> • Provides personal support and refers the person to other sources of advice or support as required. • Provides updates to the PID coordinator on the progress of the investigation. • Proactively contacts the discloser throughout the PID management process. |
| Information Management Officer | <ul style="list-style-type: none"> • Support the DCS in administrative functions where directed. |
| Investigator (an appropriate internal or external investigator will be appointed for each PID that requires investigation, depending on the type of disclosure and other relevant considerations) | <ul style="list-style-type: none"> • Conducts the investigation of the information provided in the PID in accordance with the terms of reference. • Prepares a report for the decision-maker. |
| Decision-maker (an appropriate decision-maker will be appointed for each PID investigated) | <ul style="list-style-type: none"> • Reviews the investigation report and determines whether the alleged wrongdoing is substantiated. |
| Chief Executive Officer | <ul style="list-style-type: none"> • Has overall responsibility for the QCA's compliance with the PID Act, and ensures that the QCA implements and maintains a PID management program. • Reviews the QCA's decisions not to investigate or deal with PIDs on request by the discloser or another referring entity. |

4. Making a public interest disclosure

4.1 Making a PID to the QCA

The QCA is the appropriate authority to report the disclosures to if the disclosure is about:

- the conduct of the QCA or any of its employees, member or officer of the QCA
- the conduct of another person that could, if proved, be a reprisal against a person making a previous PID.

Content of the PID

A discloser can make a PID in any way, including anonymously. It could be done either verbally or in writing. To assist in the assessment and any subsequent investigation of 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, and where and when it happened
 - whether there were any witnesses, and if so, who they are
 - any other evidence that supports the PID, and where such evidence is located
 - any further information that could help in the investigation of the PID.

Where the QCA receives a verbal PID, the discloser will be asked to put the details in writing. If the discloser is unwilling or unable to do so, the QCA employee should document the conversation and ask the discloser to confirm the contents before signing it. If this is not possible (e.g. the telephone caller remains anonymous), the employee receiving the PID should record the date, time and circumstances of the PID. The written disclosure should then be forwarded to the Director, Corporate Services (DCS), or the CEO if the disclosure concerns the DCS.

Who should the PID be made to?

To make a PID, disclosers should contact the DCS. If a disclosure or reprisal concern involves the DCS, the matter should be referred to the CEO. If a disclosure or reprisal concern involves the CEO, the matter should be referred to the Chair of the QCA.

Contact details

| | |
|------------------|--|
| Email | publicdisclosures@qca.org.au |
| Postal address | The Director, Corporate Services (or Chief Executive Officer if the disclosure concerns DCS) Queensland Competition Authority GPO Box 2257 Brisbane QLD 4000 |
| Phone | 07 3222 0505 |
| Physical address | Level 27, 145 Ann Street, Brisbane To make a complaint in person, please phone first for an appointment. |

4.2 Lodging a PID with other authorities

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

Other agencies and other parties that can receive PIDs are:

- the Crime and Corruption Commission (CCC), for disclosures about corrupt conduct or reprisals
- the Queensland Ombudsman, for disclosures about maladministration
- the Queensland Audit Office, for disclosures about a substantial misuse of resources
- the Department Child Safety, Seniors and Disability Services, for disclosures about danger to the health and safety of a child or young person with a disability or for disclosures about danger to the health and safety of a person with a disability
- the Office of the Public Guardian, for disclosures about danger to the health and safety of a person with a disability
- the Department of Environment and Science, for disclosures about danger to the environment
- a Member of the Legislative Assembly (MP), for disclosures about wrongdoing or danger
- the Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer
- the Queensland Human Rights Commission, to whom a complaint may be made under the *Anti-Discrimination Act 1991* about a reprisal in accordance with section 44 of the PID Act.

A PID can be made to a journalist when a PID has already been made to the QCA and the QCA has:

- decided not to investigate or deal with the disclosure
- investigated the disclosure but has not recommended any action be taken
- not notified the discloser within six months of whether or not the disclosure would be dealt with or investigated.

The discloser may then make a disclosure of substantially the same information to a journalist and receive the protection available 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. Assessing a public interest disclosure

5.1 Deciding if the disclosure is a PID

The Director, Corporate Services (DCS) assesses PIDs, guided by the PID Act, the PID standards, the QCA's PID Procedure and any other relevant procedures.

In assessing a disclosure, the DCS determines if:

- the disclosure constitutes a PID
- the person making the disclosure can receive the protection of the PID Act
- the person making the disclosure believes, on reasonable grounds, the information shows the conduct, or the person has information that shows the conduct
- the PID has been made in accordance with the QCA's procedures or as permitted by the PID Act
- the PID should be referred to another entity for review or investigation.

If there is doubt about whether the disclosure is a PID, further information may be obtained to inform the decision. If doubt remains, the matter will be considered and managed as a PID.

Where a discloser states they are making a PID, but it is assessed that the matter is not a PID, the QCA will advise the discloser of:

- the decision that their information has been received but was not assessed as a PID
- the reasons for the decision
- the review rights available if the discloser is not satisfied with the decision, and the way to request a review
- any action the QCA proposes to take in relation to the matter
- any other options the discloser has in relation to the matter.

Each separate allegation will be reported as a separate PID, unless the matters are clearly linked and it would be reasonable to view them as a single disclosure.

5.2 Decision not to take action on a PID

The QCA may decide not to investigate a PID, when:

- the matter has already been investigated or dealt with through another appropriate process
- the QCA reasonably considers the disclosure should be dealt with by another appropriate process
- the age of the disclosed information makes it impractical to investigate it
- the information disclosed is too trivial, and dealing with it would substantially and unreasonably divert the QCA from performing its functions
- another agency that has jurisdiction to investigate the disclosure has notified the QCA that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID, the QCA will give the discloser written reasons for that decision.

If the discloser is dissatisfied with the decision, they can request a review by writing to the CEO of the QCA within 28 days of receiving the written reasons for the decision.

The discloser has a right to seek an external review by the Office of the Queensland Ombudsman in accordance with section 20 of the *Ombudsman Act 2001*. This request may be done verbally or in writing and must be made within one year.

5.3 Communication with the discloser

Once the matter has been assessed as a PID, the QCA will advise the discloser that their information has been received and assessed as a PID. The QCA will further advise the discloser of:

- the action to be taken by the QCA in relation to the disclosure, which could include referring the matter to an external agency, or investigating it
- the likely timeframe
- the name and contact details of the QCA support officer they can contact for updates or advice
- the discloser's obligations regarding confidentiality
- the protections the discloser has under the PID Act
- the commitment of the QCA to keep appropriate records and maintain confidentiality, unless requested (or directed) in accordance with the PID Act
- the way in which the discloser will receive updates
- contact details for the QCA's Employee Assistance Program (for QCA employees).

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

5.4 Referral to another agency

If the QCA 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
- that agency has the power to investigate or remedy the matter
- the QCA has a legislative obligation to refer the matter to another agency – 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*).

Before referring the PID to another agency, the QCA will conduct a risk assessment. The QCA will not proceed with the referral if there is an unacceptable risk of reprisal. The DCS will consult with the discloser, where possible, to consider the level of risk.

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

Any referral of a PID will be done in accordance with the PID Act. The discloser will be advised of the action taken by the QCA.

Even if no action is taken by the QCA, PID confidentiality requirements and protections continue to apply.

6. Risk assessment and protection from reprisal

Disclosers should not be disadvantaged as a result of making a PID. Upon receiving a PID, the QCA 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 the discloser is anonymous, a risk assessment will be undertaken 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, the QCA 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 QCA will regularly reassess the risk of reprisal while the PID is being managed, in consultation with the discloser, and review the risk management plan if required.

In the event of reprisal action being alleged or suspected, the QCA will:

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

7. Confidentiality

The QCA takes the concerns of those making a disclosure seriously and will make every attempt to protect confidentiality (as far as possible) throughout the process. However, the QCA may need to disclose the discloser's identity in order to:

- provide natural justice to the person who is the subject of the disclosure (the subject officer)
- respond to a court order, legal directive or court proceedings.

The QCA 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 QCA will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

Section 65 of the PID Act makes it an offence for a person to make a record of, or intentionally or recklessly disclose confidential information received in the administration of the PID Act to anyone, except where the person is authorised to do so by the PID Act.

Strict confidentiality will always be maintained during the reporting and investigation of PIDs. The QCA will hold and securely file all records of PIDs.

Disclosers or witnesses must maintain the integrity of the process by not discussing the PID with work colleagues, other stakeholders, or others unconnected with the matter. All statements and correspondence related to the matter should be regarded as strictly confidential. However, the confidentiality provisions do not preclude employees from sharing this information with a union representative or support person.

8. The QCA Investigation

When the QCA investigates a PID, it will consider 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.

The DCS is responsible for investigating a PID or may arrange for an independent investigator to complete the investigation.

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

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

The QCA will maintain contact with the discloser and provide regular updates during the investigation of the PID.

After finalising action in response to the PID, the QCA will advise the discloser in writing of the action taken and the results of the action.

9. Support and protection for disclosures

9.1 Support for disclosers

The QCA 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 support officer will proactively contact the discloser to offer support.

If necessary, the DCS, in consultation with the discloser and any other relevant stakeholders, will develop a protection plan for the discloser and provide ongoing support, including:

- acknowledging that making the PID was the right thing to do and is valued
- stating clearly that the QCA will support the discloser through the process
- ensuring that the discloser has appropriate support and protection from reprisal
- regularly checking the discloser's wellbeing, where warranted
- providing information to the discloser about the QCA's Employee Assistance Program
- liaising with the officer responsible for workplace health and safety if the discloser's health becomes a concern.

Information and support will be provided to the discloser until the matter is finalised. The DCS (together with the relevant manager) may continue to monitor the discloser's welfare for an additional period after the PID has been finalised, to identify and resolve any unreported support needs.

9.2 Reprisals

Section 40 of the PID Act makes it an offence for an employee to take a reprisal because of a belief that another person has made a PID or intends to do so. A proven reprisal action is an indictable offence, with a maximum penalty of up to two years imprisonment.

As soon as possible after receiving a PID, the DCS conducts a risk assessment to determine the level of risk of reprisal to the discloser and to anyone associated with the disclosure.

Where a risk is identified, appropriate protections will be put in place, proportionate to the level of risk and potential consequences of a reprisal. This may include:

- developing specific strategies to reduce the level of risk to the discloser in the workplace
- considering the suspension or secondment of the subject officer.

Disclosers who believe they have been disadvantaged or subjected to a reprisal for making a disclosure should raise the matter with the DCS (or the CEO if the disclosure or reprisal involves the DCS).

Where a reprisal is alleged or suspected, the DCS will:

- attend to the discloser's safety and/or that of any other affected parties as a matter of priority
- take all practical steps to minimise the possibility of reprisal by reviewing the risk assessment and protection provided to the discloser
- manage any allegation of reprisal as a PID in its own right.

The DCS will advise the discloser when all support arrangements have been completed, although the obligation to provide protection from reprisal and maintain confidentiality about PID matters continues after the investigation is closed.

9.3 Reasonable management action

Making a PID does not prevent reasonable management action. That means that the discloser will continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

10. Rights of subject officers

The rights of any person who is the subject officer, or is in some way associated with the PID, are important.

The QCA will protect their rights by:

- assuring them that the PID will be dealt with impartially, fairly and reasonably in accordance with the principles of natural justice
- confirming that the PID is an allegation only until information or evidence obtained through an investigation substantiates the allegation
- providing them with information about their rights and the progress and outcome of any investigation
- referring them to the Employee Assistance Program for support.

The subject officer has the right to:

- know the substance of the allegations if a decision is going to be made about their conduct
- have a reasonable opportunity to put their case forward (whether in writing, at a hearing or otherwise)
- expect a decision-maker to act fairly and without bias.

Providing natural justice does not mean that the subject officer should be advised of the allegation as soon as it is received. The assessment, fact-finding and necessary referral processes may all be conducted before a subject officer is advised of a PID. The subject officer need not be told about an allegation if:

- it is misleading
- it has no substance
- the QCA does not intend to act on the allegation.

11. Recordkeeping

In accordance with its obligations under the PID Act and the *Public Records Act 2002* the QCA will ensure that:

- accurate data is collected about the receipt and management of PIDs
- anonymised data is reported to the Office of the Queensland Ombudsman in its role as the oversight agency, through the PID reporting database.

Records about disclosures, investigations and related decisions will be kept secure and will be accessible only to authorised people involved in the management of the PID.

12. Definitions

| Term | Definition |
|---------------------------------|--|
| Administrative action | <p>Any action about a matter of administration, for example:</p> <ul style="list-style-type: none"> • a decision and an act • a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision • the formulation of a proposal or intention • the making of a recommendation, including a recommendation made to a Minister • an action taken because of a recommendation made to a Minister. <p>It does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p> |
| Confidential information | <p>It includes:</p> <ul style="list-style-type: none"> • information about the identity, occupation, residential or work address or whereabouts of a person <ul style="list-style-type: none"> – who makes a public interest disclosure, or – against whom a public interest disclosure has been made • information disclosed in a public interest disclosure • information about an individual’s personal affairs • information that, if disclosed, may cause detriment to a person. <p>It 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 | <p>As defined in section 15 of the <i>Crime and Corruption Act 2001</i>:</p> <ol style="list-style-type: none"> 1. Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that– <ol style="list-style-type: none"> a. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of: <ol style="list-style-type: none"> 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– <ol 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 |

| Term | Definition |
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| | <p>c. would, if proved, be -</p> <ol 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> <ol style="list-style-type: none"> a. impairs, or could impair, public confidence in public administration; and b. involves, or could involve, any of the following - <ol 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)– <ol 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, 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– <ol 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>It includes:</p> <ul style="list-style-type: none"> • personal injury or prejudice to safety • property damage of loss • intimidation or harassment • adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business • financial loss • damage to reputation including personal, professional or business reputation. |
| Disability | <p>As defined in section 11 of the <i>Disability Services Act 2006</i>, for the purposes of this procedure:</p> <ol style="list-style-type: none"> 1. A disability is a person's condition that– <ol style="list-style-type: none"> a. is attributable to– <ol 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– |

| Term | Definition |
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| | <ol style="list-style-type: none"> <li data-bbox="646 170 1428 304">i. a substantial reduction of the person’s capacity for communication, social interaction, learning, mobility or self care or management; and <li data-bbox="646 304 1428 338">ii. the person needing support. <ol style="list-style-type: none"> <li data-bbox="646 338 1428 398">2. For subsection (1), the impairment may result from an acquired brain injury. <li data-bbox="646 398 1428 459">3. The disability must be permanent or likely to be permanent. <li data-bbox="646 459 1428 528">4. The disability may be, but need not be, of a chronic episodic nature. |
| Discloser | A person who makes a disclosure in accordance with the <i>Public Interest Disclosure Act 2010</i> . |
| Entity | A public sector entity as defined at section 6 of the PID Act, a corporate entity or a government-owned corporation. |
| Investigation | For the purposes of this procedure, investigation includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit. |
| Maladministration | <p>As defined in schedule 4 of the PID Act, maladministration is administrative action that–</p> <ol style="list-style-type: none"> <li data-bbox="646 972 1428 1005">a was taken contrary to law; or <li data-bbox="646 1005 1428 1099">b was unreasonable, unjust, oppressive, or improperly discriminatory; or <li data-bbox="646 1099 1428 1193">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 <li data-bbox="646 1193 1428 1328">d was taken– <ol style="list-style-type: none"> <li data-bbox="694 1234 1428 1267">i. for an improper purpose; or <li data-bbox="694 1267 1428 1301">ii. on irrelevant grounds; or <li data-bbox="694 1301 1428 1328">iii. having regard to irrelevant considerations; or <li data-bbox="646 1328 1428 1388">e was an action for which reasons should have been given, but were not given; or <li data-bbox="646 1388 1428 1422">f was based wholly or partly on a mistake of law or fact; or <li data-bbox="646 1422 1428 1464">g was wrong. |
| 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. The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are to:</p> <ul style="list-style-type: none"> <li data-bbox="646 1738 1428 1771">• avoid bias <li data-bbox="646 1771 1428 1805">• give a fair hearing <li data-bbox="646 1805 1428 1836">• act only on the basis of logically probative evidence. |
| Proper authority | A person or organisation that is authorised under the PID Act to receive disclosures. |

| Term | Definition |
|-------------------------------------|--|
| Public officer | A public officer of a public sector entity, including an employee, member or officer of the entity as defined in section 7 of the PID Act. |
| Public interest | Considerations affecting the good order and functioning of the community and government affairs. |
| Public interest disclosure | An appropriate disclosure of public interest information – such as a report of corrupt conduct, reprisal, maladministration that affects a person's interest in a substantial and specific way, substantial misuse of public resources, and substantial and specific danger to public health and safety or the environment—made to a proper authority. |
| Reasonable management action | Refers to action taken by a manager in relation to an employee, including: <ul style="list-style-type: none"> • a reasonable appraisal of the employee's work performance • a reasonable requirement that the employee undertake counselling • a reasonable suspension of the employee from the employment workplace • a reasonable disciplinary action • a reasonable action to transfer or deploy the employee • a reasonable action to end the employee's employment by way of redundancy or retrenchment • a reasonable action in relation to an action mentioned in points (a) to (f) • 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 | 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 disclosure Act against any person. <p>Reprisal under the PID Act is a criminal offence, and investigations may be undertaken by the Queensland Police Service.</p> |
| Subject officer | An officer (QCA employee) who is the subject of allegations of wrongdoing made in a disclosure. |
| Substantial and specific | Substantial means 'of a significant or considerable degree'. The matter 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 can be identified or particularised, as opposed to broad or general concerns or criticisms. |