Public Interest Disclosures - Governing Policy

1. Purpose of policy

This policy sets out the University's management program for public interest disclosures, to assist staff and other people to understand their obligations in reporting unlawful behaviour, negligence or corrupt conduct in public sector organisations, or about reporting dangers to public health or the environment, as set out under the Public Interest Disclosure Act 2010 (PID Act).

When staff come forward with information about wrongdoing, the University commits to:

- protecting the dignity, wellbeing, career interests and good name of all persons involved;
- protecting the discloser from any adverse action taken as a result of making the disclosure (reprisal);
- treating any bullying, harassment, unfair treatment, victimisation or discrimination that results from such a disclosure as a breach of the relevant policy or Code of Conduct;
- responding to the disclosure thoroughly and impartially;
- providing appropriate support to all staff who make public interest disclosures;
- ensuring that public interest disclosures made to the University are properly assessed and, when appropriate, properly investigated and dealt with;
- taking appropriate action in relation to any wrongdoing that is the subject of a public interest disclosure made to the University;
- where some form of wrongdoing has been found, taking appropriate action to deal with it;
- keeping the discloser informed of the progress and outcome; and
- maintaining confidentiality.

As a public sector entity established by an Act of the Queensland Parliament, the University is subject to the PID Act and all University staff are defined as public officers for the purposes of the legislation.

The University is committed to encouraging the reporting of wrongdoing and to ensuring all public interest disclosures are properly managed and that people making such disclosures are protected from reprisals and provided with appropriate support.

APPROVAL AUTHORITY

Council

RESPONSIBLE EXECUTIVE MEMBER

Vice-Chancellor and President

DESIGNATED OFFICER

Director, People and Culture

FIRST APPROVED

6 December 2011

LAST AMENDED

6 March 2023

REVIEW DATE

3 June 2024

STATUS

Active

2. Policy scope and application

This policy applies to all staff and to any person who is making a Public Interest Disclosure to the University, in accordance with the PID Act. The PID Act protects only those public interest disclosures that are made to a proper authority. The University is a proper authority for conduct concerning the University, a University staff member or behaviour that the University has the power to investigate or remedy.

Protected public interest disclosures may also be made to an external public sector agency having investigative powers in relation to particular matters or to a member of the Legislative Assembly who may refer it to an appropriate public sector agency for example, the Crime and Corruption Commission (CCC).

3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Corrupt conduct is defined as per section 15 of the *Crime and Corruption Act 2001* (Qld).

Discloser is the person that has made a public interest disclosure.

Maladministration is widely defined to mean illegal, arbitrary, oppressive or improper administrative action.

Natural justice provides that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right of representation by another person. A decision-maker in relation to the matter should have no personal interest in the matter and should be unbiased in their decisions.

PID Act means the *Public Interest Disclosure Act 2010*.

Public interest disclosure means a disclosure of information specified in the PID Act made to an appropriate entity and includes all information and help given by the discloser to an appropriate entity. This includes a Public Officer making a public interest disclosure about someone else's conduct if the officer has information about the conduct and the conduct is corrupt conduct or maladministration or the conduct is negligent or improper management directly or indirectly resulting, or likely to result in a substantial waste of public funds; or anybody may disclose a danger to a person with a disability or to the environment from particular contraventions; or anybody may disclose a reprisal.

Public Officer means a staff member of the University.

Wrongdoing is conduct or other matter as defined in section 12(1) and section 13(1) of the PID Act, which is summarised in sections 4.1 and 4.2 of this policy.

4. Public Interest Disclosures

The PID Act distinguishes between public interest disclosures made by public officers and those made by anyone else. What constitutes a public interest disclosure depends on who is making the disclosure.

4.1 Public Interest Disclosures from a public officer

A public officer can make a disclosure about:

- Corrupt conduct, as defined by the Crime and Corruption Act 2001
- 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.

4.2 Public Interest Disclosures from any person

Any person can only make a disclosure about:

- A substantial and specific danger to the health or safety of a person with a disability;
- A substantial and specific danger to the environment; or
- Reprisal because of a belief that a person has made, or intends to make, a disclosure.

To satisfy the test of a public interest disclosure, a person makes a public interest disclosure if they honestly believe on reasonable grounds that they have information that tends to show conduct that falls within one of the above categories (subjective test); or the information tends to show conduct or danger that falls within one of the above categories regardless of whether or not the discloser honestly believes it (objective test).

Some disclosures are not protected by the PID Act, including disclosures made to the media (except as described in section 20 of the PID Act); disclosures that are made frivolously or vexatiously; those which primarily question the relative merits of government or University policy; and those that are made substantially to avoid disciplinary action. Disclosures that are wilfully false constitute an offence under the PID Act.

5. Making a disclosure

Staff seeking information about making a public interest disclosure may contact People and Culture for confidential information and advice. Staff may also contact:

- The Vice-Chancellor and President, in the case of a disclosure about the Director, People and Culture;
- The Crime and Corruptions Commission's Complaints Services in relation to corrupt conduct; or
- The Queensland Ombudsman in relation to maladministration.

A public interest disclosure can be made in writing or verbally and anonymously. The process for making a Disclosure about the University is set out in the accompanying Public Interest Disclosure – Procedures.

Disclosures may be made to:

- the Director, People and Culture (the University's nominated PID Coordinator);
- the staff member's manager, supervisor or other senior University officer;
- the Vice-Chancellor and President;

- the State Ombudsman if it concerns maladministration or waste of public resources;
- the Crime and Corruptions Commission in the case of a disclosure regarding corrupt conduct;
- a member of Parliament who may refer it to a relevant public sector entity.

If a supervisor or other University officer receives a public interest disclosure, they must refer the matter directly to the Director, People and Culture.

Anonymous disclosures

The likelihood of a successful outcome is increased greatly if the identity of the discloser is known. Nonetheless, the PID Act allows for an anonymous disclosure to be made either in writing or by telephone. If the discloser prefers to disclose anonymously, they will need to provide sufficient information for the matter to be investigated, as it may not be possible to seek clarification or more information. Also, it may not be possible to keep the discloser informed on the progress in handling the disclosure and there could be difficulties in relying upon the protections afforded by the PID Act.

Disclosure through breach reporting

A disclosure that occurs as part of a discloser's normal duties amounts to a public interest disclosure and is covered by the PID Act, including, for example, where an auditor reports fraud activity or a workplace health and safety officer reports a safety breach.

6. False or misleading information

It is an indictable offence under the PID Act to intentionally make a false or misleading statement intending it be acted upon as a public interest disclosure. Such offence carries a potential penalty of a fine or imprisonment. Any staff member found to have intentionally made a false or misleading statement will be subject to disciplinary action.

7. Investigation of a Public Interest Disclosure

The Vice-Chancellor and President, as Chief Executive Officer of the University, has overall responsibility for ensuring the University's compliance with the PID Act, including investigation, support for disclosers and taking action in response to any finding of wrongdoing brought to the University's attention through a public interest disclosure.

The process for how a disclosure about the University will be assessed and investigated is set out in the accompanying Public Interest Disclosure – Procedures.

8. Confidentiality

The University will, to the greatest extent possible, keep the disclosure and the identity of the discloser confidential. Breaching the obligation of confidentiality is an offence which may also be dealt with in accordance with the misconduct or serious misconduct procedures.

9. Protection of disclosers against reprisals

The PID Act provides that a person must not cause, or attempt to conspire to cause, detriment to another person because, or in the belief that, a person has made, or may make, a public interest disclosure. Such conduct is called a reprisal. Reprisals are not condoned or tolerated by the University. In addition to being an offence and a civil wrong, taking a reprisal may also be dealt with in accordance with the misconduct or serious misconduct procedures.

10. Reporting and recordkeeping

The University will ensure that annual reporting obligations are met and that public interest disclosures received are recorded in accordance with the PID Act and with the University's Information Management Framework – Governing Policy.

11. Authorities/Responsibilities

The following authorities/responsibilities are delegated under this policy:

ACTIVITY	UNIVERSITY OFFICER/COMMITTEE
Vice-Chancellor and President	Overall responsibility for ensuring the University's compliance with the PID Act
Director, People and Culture	As the University's nominated PID Coordinator - responsible for the implementation of the University's PID management program, including acting as a principal point of contact with the Queensland Ombudsman.
Nominated People and Culture representative	As a PID Support Officer - responsible for providing support to a discloser, subject officer or witness who is involved in the management of a PID.

Any other staff member	Responsible for referring any public interest disclosure received to the Director, People and Culture.

END

RELATED DOCUMENTS

- Acceptable Use of ICT Resources - Governing Policy

- Acceptable Use of ICT Resources - Procedures
- Anti-Discrimination and Freedom from Bullying and Harassment - Governing Policy
- Compliance Management Framework - Governing Policy
- Conflict of Interest - Governing Policy
- Fraud and Corruption Control - Governing Policy
- Fraud and Corruption Control - Procedures
- Health, Safety and Wellbeing - Governing Policy
- Public Interest Disclosures - Procedures
- Resolution of Complaints (Staff) - Guidelines
- Staff Code of Conduct - Governing Policy
- Staff Gifts and Benefits - Operational Policy
- Staff Gifts and Benefits - Procedures

LINKED DOCUMENTS

- Public Interest Disclosures - Procedures

RELATED LEGISLATION / STANDARDS

- Public Interest Disclosure Act 2010 (Qld)
- Public Sector Ethics Act 1994 (Qld)
- University of the Sunshine Coast Act 1998 (Qld)
- Crime and Corruption Act 2001 (Qld)