

Definitions

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

PID Act means the Public Interest Disclosure Act 2010.

Corrupt conduct, as defined in detail under section 15 of the Crime and Corruption Act 2001, means conduct by anyone that adversely affects a public agency or public official so that the performance of their functions or the exercise of their powers:

- is not honest or impartial, or
- knowingly or recklessly breaches public trust or impairs public confidence in public administration, or
- involves the misuse of agency-related information or material.

Common examples of corrupt conduct include fraud and theft, extortion, unauthorised release of information, obtaining or offering a secret commission and nepotism.

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.

Public interest disclosure means a disclosure of information specified in the 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.

1. Purpose of procedures

These procedures assist staff and others to understand how to make a public interest disclosure and how the University will manage the disclosure. They should be read in conjunction with the Public Interest Disclosure – Governing Policy. These procedures ensure that the University enables an ethical, transparent culture that values the disclosure of information about suspected wrongdoing in the University and complies with the requirements of the Public Interest Disclosure Act 2010 (PID Act).

2. Making a Public Interest Disclosure

2.1 Addressing the disclosure to an appropriate authority

A public interest disclosure can be made in writing or verbally and anonymously. Disclosures may be made to the Director, Human Resources (the University's nominated PID Coordinator):

email: pid@usc.edu.au

phone: 07 5430 1112

post: c/- University Council – ML42, University of the Sunshine Coast, Locked Bag 4, MAROOCHYDORE DC QLD 4558, AUSTRALIA)

If a supervisor or other University officer receives a public interest disclosure, they must refer the matter directly to the Director, Human Resources for assessment.

2.1.1 Corrupt Conduct

2.1.1.1 Where the Director of Human Resources reasonably suspects the complaint may involve corrupt conduct of a University Officer they must:

- (a) Notify the Crime and Corruption Commission (CCC) of the complaint, and:
- (b) Deal with the complaint, subject to the CCC's monitoring role, as set out in the Fraud and Corruption Control Plan.

APPROVAL AUTHORITY

Vice-Chancellor and President

RESPONSIBLE OFFICER

Vice-Chancellor and President

DESIGNATED OFFICER

Director, Human Resources

FIRST APPROVED

23 April 2019

LAST AMENDED

3 June 2019

EFFECTIVE START DATE

3 June 2019

REVIEW DATE

3 June 2024

STATUS

Active

2.1.1.2 Where the Director of Human Resources reasonably suspects the complaint may involve corrupt conduct of the Vice-Chancellor and President, they must refer the matter to the Chancellor, who must:

(a) Notify the Crime and Corruption Commission (CCC) of the complaint, and:

(b) Deal with the complaint, subject to the CCC's monitoring role, as set out in the Complaints about the Vice-Chancellor and President (Crime and Corruption Act 2001, s 48A) - Governing Policy.

2.1.1.3 A disclosure involving corruption can be made directly to the Crime and Corruption Commission. Refer to <http://www.ccc.qld.gov.au/corruption/report-corruption/how-to-report-corruption>

2.1.2 Other external authorities to which disclosures can be made

2.1.2.1 A disclosure involving maladministration can be made directly to the Queensland Ombudsman. Refer to <https://www.ombudsman.qld.gov.au/make-a-complaint/makecomplaint>. The Ombudsman would generally require the discloser to have gone through the University's complaints management processes before making a complaint to its Office.

2.1.2.2 A disclosure can be made to a member of the Queensland Parliament who may refer it to a relevant public sector entity.

2.2 What should be included in the disclosure

To assist in the assessment, and any subsequent investigation of a disclosure, it is preferable to include as much information as possible about the suspected wrongdoing, including:

- who was involved
- what, where and when 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.

3. Assessment of a Public Interest Disclosure

3.1 In the first instance the Director, Human Resources, as the nominated PID Coordinator for the University, will determine whether the disclosure is a matter to be referred to another entity. If so, it will be done in accordance with legislative and administrative requirements.

3.2 The Director, Human Resources will also assess the disclosure and determine if:

- the person making the disclosure is able to receive the protection of the PID Act
- the disclosure concerns a matter about which a public interest disclosure can be made
- the disclosure meets either the subjective or objective test set out in the PID Act
- the disclosure has been made in accordance with these procedures and to a person listed in the PID Act
- further information is required to provide an accurate assessment, or
- the disclosure requires investigation by an investigator.

3.3 If there is any doubt as to whether a disclosure is in fact a public interest disclosure, the matter will be dealt with as if it is a public interest disclosure.

3.4 The Director, Human Resources may decide not to investigate or deal with a public interest disclosure if they reasonably consider that:

- the substance of the disclosure has already been investigated or dealt with by another appropriate process, or
- the disclosure should be dealt with by another appropriate process, or
- the age of the information the subject of the disclosure makes it impracticable to investigate, or
- the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert the resources of the University in the performance of its functions, or
- another entity that has jurisdiction to investigate the disclosure has notified the University that investigation of the disclosure is not warranted.

3.5 Where it is determined that the disclosure is not a matter to be dealt with by the University under the PID Act, the Director, Human Resources will give written reasons for their decision to the person making the disclosure. If the matter should be referred for investigation under other University policies and procedures, this should be indicated to the discloser and referred to the relevant decision maker.

3.6 Where the matter is assessed as appropriate for referral to another proper authority, the University will either seek consent from the discloser to forward the information to the proper authority or invite the discloser to redirect the information to the proper authority. The University will conduct a referral risk assessment and consult with the discloser, if practicable, taking all reasonable steps to protect the discloser and others from reprisal by protecting the confidentiality of the discloser where obligated under section 65 of the PID Act.

3.7 A person who receives written reasons for a decision of the PID Coordinator not to investigate a matter, may apply to the Vice-Chancellor and President for a review of the decision within 28 days after receiving the written reasons.

4. Investigation of a public interest disclosure

4.1 If the public interest disclosure is a matter that requires investigation by the University, the Director, Human Resources will be responsible for the investigations which will usually be completed by an investigator. Once the investigation is completed and relevant agencies consulted, corrective or disciplinary action will be taken by the University where necessary.

4.2 The Director, Human Resources will ensure that the staff member or other person who makes a public interest disclosure is kept informed of the progress and is advised the outcome of the investigation wherever practicable. This will include information on the action taken or proposed action to be taken as a result of the disclosure and any other information required under the PID Standards, as published by the Queensland Ombudsman.

4.3 The Vice-Chancellor and President is responsible for ensuring that where an investigation results in a finding of any wrongdoing, that appropriate action is taken in relation to any wrongdoing that is the subject of a public interest disclosure.

4.4 Irrespective of whether the matters investigated as a result of the PID are substantiated, partly substantiated, not substantiated or the investigation is discontinued, the University will consider any systemic issues that gave rise to the PID or were identified during the investigation and any action that should be taken (apart from disciplinary action) to address any such systemic issues (for example, changes to policy, procedure, controls or governance arrangements).

5. Support and feedback

5.1 The University will initiate and coordinate action to support a staff member making a disclosure, particularly if they are suffering detriment as a result. The University will arrange for a PID Support Officer who is independent of the investigation of the public interest disclosure to support the discloser and will ensure access to the employee assistance program if required.

5.2 Staff who are the subject of a public interest disclosure are entitled to confidentiality, the principles of natural justice and the presumption of innocence while the public interest disclosure is being investigated. The University will provide support to staff who are the subject of a public interest disclosure, providing them with information about their rights and the progress and outcome of any investigation and will ensure access to the employee assistance program if required.

6. Confidentiality

6.1 The University will, to the greatest extent possible, keep the disclosure and the identity of the discloser confidential, complying with the confidentiality obligations at section 65 of the PID Act. Breaching the obligation of confidentiality is an offence which may also be dealt with in accordance with the misconduct or serious misconduct procedures. Persons making the disclosure are also bound by confidentiality.

6.2 Obligations of natural justice and procedural fairness may require the information revealing the identity of the discloser to be made available to other people (e.g. a person accused of serious misconduct). Such a disclosure will only be made where it is unlikely that a reprisal will be taken against the person making the disclosure or any other people affected by the disclosure.

6.3 While the University will take all steps necessary to protect the confidentiality of the information provided, the discloser has an obligation to maintain confidentiality also. The fewer people who know about the disclosure both before and after it is made, the more likely it is that the discloser's identity can remain confidential and they can be protected from any reprisal.

7. Protection of disclosers against reprisals

7.1 The University will conduct and record an assessment of the risk of reprisal to the discloser, witnesses, and/or others associated with the discloser (including those who may wrongly be suspected of being a discloser) as soon as practicable after assessing a public interest disclosure, and in line with the PID Standards, as published by the Queensland Ombudsman. The risk management plan should identify protective measures that are proportionate to the risk of reprisal and the potential consequences of reprisal, and will establish effective processes to monitor the discloser's workplace for any evidence of reprisal action.

7.2 A person suffering a reprisal has legal protection under the Act. Any information about reprisals at the University should immediately be referred to the Director, Human Resources. All managers and supervisors of the University are under an obligation to notify the Director, Human Resources if they believe any staff member is suffering detriment as a result of making a public interest disclosure.

7.3 Where it is established that reprisal action is occurring, the University will take all steps possible to stop that activity from occurring. The nature of the action that will be taken is dependent upon the circumstances and seriousness of the reprisals. Staff found to have engaged in reprisals will be the subject of disciplinary action.

7.4 Making a public interest disclosure 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 public interest disclosure.

8. Training and awareness

The University will develop a communication strategy to raise awareness among staff about public interest disclosures and these procedures, and how to identify wrongdoing.

Training and awareness about public interest disclosures will form part of the induction process for senior staff and other staff who may receive or manage disclosures or workplace issues relating to public interest disclosures.

9. Reporting and recordkeeping

9.1 All records must be captured by all staff, at every stage of this activity, and should provide reliable and accurate evidence of business decisions and actions. All records must be captured in an approved records management system, in accordance with the University's Information Management Framework – Governing Policy and the Information and Records Management – Procedures, and with appropriate security protocols in place.

9.2 The University will maintain records in such a way to allow for extraction of data about public interest disclosures and possible public interest disclosures for reporting purposes. De-identified data on public interest disclosures should be collated by Human Resources, to inform ad hoc reports to relevant University Committees.

9.3 The PID Act requires the University to keep a proper record of each disclosure made to the University, including:

- the name of the person making the disclosure, if known;
- the information disclosed;
- any action taken on the disclosure; and
- any other information required under the PID Standards, as published by the Queensland Ombudsman.

9.4 The University must ensure that it maintains records of all public interest disclosures and possible public interest disclosures, including those which are assessed as not being public interest disclosures, noting why the complaint did not meet the definition or threshold for investigation. In particular, records should be kept on any allegations of corrupt conduct which the PID Coordinator assesses, investigates, and determines, do not need to be referred to the Crime and Corruption Commission.

9.5 The PID Standards, made under section 60 of the PID Act, as published by the Queensland Ombudsman, set out the mandatory data to be recorded and reported to the Queensland Ombudsman. Data should be submitted, where possible, using the RaPID reporting database operated by the oversight agency. Data about public interest disclosures received by, or referred to, the University in RaPID should be entered within 30 days of the assessment of the matter as a public interest disclosure (up to the 'case submission' stage in RaPID), and updated in RaPID within 30 days of the management of the public interest disclosure being finalised (up to 'case closed' stage in RaPID).

10. PID Management Program Review

An evaluation of the effectiveness of the University's public interest disclosure management program, as set out in these procedures, should be provided to the Vice-Chancellor and President by the Director, Human Resources on an annual basis, as part of the University's Compliance Management Framework. This should include evidence of regular auditing of the records to ensure compliance with reporting requirements. The reports should provide evidence of regular analysis of public interest disclosures to identify any systemic issues and trends. The report should also enable learnings from these analyses to inform improvements to service delivery, personnel management, business processes and internal controls.

These procedures should be reviewed at least every five years.

11. External Review

A discloser or subject officer who is dissatisfied with a decision of the University made throughout the PID management process may (subject to the jurisdictional limitations of the Office of the Queensland Ombudsman) seek an external review by making a complaint in accordance with section 20 of the Ombudsman Act.

END

RELATED DOCUMENTS

Acceptable Use of ICT Resources - Governing Policy
Acceptable Use of ICT Resources - Procedures
Anti-Discrimination and Freedom from Bullying and Harassment (Staff) - 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 - Governing Policy
Staff Code of Conduct - Governing Policy
Staff Gifts and Benefits - Operational Policy
Staff Gifts and Benefits - Procedures

LINKED DOCUMENTS

Public Interest Disclosures - Governing Policy

RELATED LEGISLATION / STANDARDS

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