Public Interest Disclosure Policy

Section 1 - Purpose and Scope

(1) As a public sector entity established under the University of Queensland Act 1998, The University of Queensland (the University) is subject to the Public Interest Disclosure Act 2010 (PID Act). This Policy applies to University Senate Members, employees and others (in particular circumstances) who make a disclosure in accordance with the PID Act. This Policy and supporting procedures are intended to give effect to the PID Act.

(2) Among the purposes of the PID Act is provision of a structure to encourage the reporting and management of Public Interest Disclosures (PIDs) and for the protection from reprisal of persons making a PID to the University. The purpose of this Policy and its procedures is to establish a system for the management of PIDs at the University in accordance with the PID Act.

(3) The Policy and its procedures are designed to complement normal communication channels between supervisors and University employees. University employees are encouraged to continue to raise appropriate matters at any time with their supervisors – however some matters may require the making of a Public Interest Disclosure in accordance with this Policy.

(4) This Policy and the supporting procedures set out the framework for the management and the process for making Public Interest Disclosures at the University as required by the PID Act and the Public Interest Disclosure Standard No. 1, Queensland Ombudsman.

Section 2 - Principles and Key Requirements

(5) The University of Queensland is committed to the objectives of the PID Act. The University recognises the value and importance of contributions of University employees in enhancing administrative and management practices and strongly supports public interest disclosures being made. The University considers public interest disclosures are an important component of ensuring its employees uphold the highest standard of integrity and accountability. The making of public interest disclosures is in accordance with the University's ethical culture, in particular, acting with integrity.

(6) When a public interest disclosure is reported, the University is committed to:

a. properly assessing and, where appropriate, properly investigating the disclosure;
b. taking action to protect disclosers from reprisals;
c. where required, taking action on any wrongdoing in relation to the disclosure (reprisals); and
d. keeping the discloser informed of the progress and outcome of the investigation, subject to privacy and confidentiality obligations;
e. taking appropriate remedial actions to improve any failings identified as a result of a PID being made;
f. taking appropriate action in the event that wrongdoing is identified as a result of a PID being made;
g. applying the principles of procedural fairness in dealing with the PID.

(7) The protections under the PID Act apply to a person who makes a public interest disclosure, based on an honest

belief, on reasonable grounds, about the conduct or other matter disclosed. However, it is a criminal offence under the PID Act to make a public interest disclosure to intentionally provide information that is false or misleading. Further, the making of a false and misleading disclosure may also result in disciplinary action being commenced against the discloser.

What is a Public Interest Disclosure

(8) For information to be a Public Interest Disclosure, the following three elements must be satisfied.

A Public Interest Disclosure is a disclosure comprising:

(9) For a University Senate Member or University employee, information about:

a. the conduct of another person that could, if proved, be corrupt conduct or maladministration that adversely affects a person's interest in a substantial or specific way; or
b. a substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); or
c. a substantial and specific danger to public health or safety; or
d. a substantial and specific danger to the environment.

(10) For any person, information about:

a. a substantial and specific danger to the health or safety of a person with a disability; or
b. the commission of an offence against a provision listed in Schedule 2 of the PID Act that would be a substantial and specific danger to the environment; or
c. a contravention of a condition imposed under a provision listed in Schedule 2 of the PID Act, if the contravention is or would be a substantial and specific danger to the environment; or
d. the conduct of another person that could, if proved, be a reprisal.

Disclosure must be appropriate

(11) The information being disclosed must be information which:

a. the person making the disclosure honestly believes on reasonable grounds that the information tends to show a matter in clauses 9 or 10; or
b. in fact tends to show a matter in clauses 9 or 10.

Disclosure must be to a Proper Authority

(12) The information must be information in respect of which the University is a proper authority as defined in Section 6 of this Policy.

Rights of Subject Officers (those that have had a PID made against them)

(13) In managing any PID, the University will observe the principles of procedural fairness.

Section 3 - Roles, Responsibilities and Accountabilities

Vice-Chancellor and President

(14) As CEO of the organisation, the Vice-Chancellor and President has the overall responsibility for the University's management of Public Interest Disclosures and in ensuring the effectiveness of this Policy.

Director, Integrity Unit

(15) The Director, Integrity Unit is responsible for enabling and ensuring adherence with this Policy and the supporting procedures and is responsible for issues related to the management of Public Interest Disclosures.

University Staff

(16) University employees have a responsibility to make Public Interest Disclosures about actual or suspected instances of corrupt conduct, maladministration, wastage of University funds, substantial and specific dangers to public safety, the environment or a person with a disability, and reprisal action.

(17) University employees also have an important role in supporting people who have made disclosures and must abstain from any conduct that is or could be perceived as a reprisal.

Students, Stakeholders and Members of the Community

(18) Students and anyone who has dealings with the University have the right to voice their concerns and to make a Public Interest Disclosure under this Policy.

(19) Detailed responsibilities relating to the management of Public Interest Disclosures at the University are provided in sections 1 and 2 of this Policy and in the procedures.

Section 4 - Monitoring, Review and Assurance

(20) The Integrity Unit will periodically review this Policy and its procedures for its effectiveness.

Section 5 - Recording and Reporting

(21) The management of Public Interest Disclosures received by the University will be recorded using existing complaint management systems. The Integrity Unit will also submit anonymised data as required, to the PID database managed by the Office of the Ombudsman (Queensland).

Section 6 - Appendix

Definitions

Term	Definition
Corrupt Conduct	means conduct of a person, regardless of whether the person holds or held an appointment, that: 1. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of: a. a unit of public administration; or b. a person holding an appointment; and 2. results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in clause (1) in a way that: a. is not honest or is not impartial; or b. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or c. 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 3. would, if proved, be: a. a criminal offence; or b. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
Corrupt Conduct also means:	conduct of a person, regardless of whether the person holds or held an appointment, that: 1. impairs, or could impair, public confidence in public administration; and 2. involves, or could involve, any of the following: a. collusive tendering; b. 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) - i. protecting health or safety of persons; ii. protecting the environment; iii. protecting or managing the use of the State's natural, cultural, mining or energy resources; c. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets; d. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; e. fraudulently obtaining or retaining an appointment; and 3. would, if proved, be: a. a criminal offence; or b. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
Discloser	the person who makes a PID.

Term	Definition
Maladministration	as defined in the PID Act is administrative action that: 1. was taken contrary to law; or 2. was unreasonable, unjust, oppressive or improperly discriminatory; or 3. 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 particular circumstances; or 4. was taken for an improper purpose or on irrelevant grounds or having regard to irrelevant considerations; or 5. was an action for which reasons should have been given, but were not given; or 6. was based wholly or partially on a mistake of law or fact; or 7. was wrong.
PID Act	is the Public Interest Disclosure Act 2010
Proper Authority	means the University in respect of a disclosure of information which is, or the person making the disclosure honestly believes to be, information relating to: 1. the conduct of the University of any of its public officers; or 2. anything the University has a power to investigate or remedy; or 3. the conduct of another person that could, if proved, be a reprisal that relates to a previous disclosure made by the person to the University.
Reprisal	to cause or attempt or conspire to cause detriment to another person because of, or in the belief that the person has made or intends to make, a public interest disclosure. (see section 40 of the PID Act)
University Employee	all employees of the University, including permanent, temporary, full-time, part-time or casual employees.

Public Interest Disclosure Standard

(22) The Public Interest Disclosure Standard can be accessed via the Queensland Ombudsman’s website.

Status and Details

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Effective Date	19th May 2022
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Policy Owner	David Lavell Director, Integrity Unit
Enquiries Contact	Integrity Unit

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