Public Interest Disclosure Procedure

Section 1 - Purpose and Scope

Purpose

(1) As a public sector entity established under the University of Queensland Act 1998, The University of Queensland (UQ) is subject to the Public Interest Disclosure Act 2010 (PID Act). The PID Act provides a structure to encourage the reporting and management of Public Interest Disclosures (PID) and for the protection from reprisal of persons making a PID to UQ.

(2) The Public Interest Disclosure Policy and this Procedure provide the framework for the management and the process for making a PID at UQ. The framework is designed to complement normal communication channels between Supervisors and UQ employees. UQ employees are encouraged to continue to raise appropriate matters at any time with their Supervisors, however some matters may require the making of a PID in accordance with the Policy and this Procedure.

(3) UQ's PID framework is consistent with the obligations set out in the PID Act and the Public Interest Disclosure Standards published by the Queensland Ombudsman.

Scope

(4) This Procedure applies to:

a. any person who makes, receives or is the subject of a PID; and
b. any investigation carried out under the PID Act.

Section 2 - Process and Key Controls

(5) UQ's procedure for making a PID is set out in clauses 10-12 ('UQ's Disclosure Procedure' provisions). A person may also lodge a PID in accordance with the PID Act's default procedure, which is set out in clauses 13-14('Other Ways to Make a Disclosure' provisions).

(6) All PIDs will be assessed and, where required, investigated. UQ will provide written outcome advice to the person who made the PID following an assessment or investigation.

(7) UQ will take immediate steps that are reasonable and proportionate to protect a person who made a PID from any risk of reprisal. Where required, a PID Support Officer will be appointed to support the person making the PID and assess the immediate protection needs of the person.

(8) UQ will support and protect the rights of Subject Officers (those that have had a PID made against them).

(9) In assessing disclosures, UQ will determine the best course of action given the particular circumstances of each matter, including providing timely advice to those that make disclosures as to what course of action is to be taken.

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Section 3 - Key Requirements

Making a Public Interest Disclosure

UQ's Disclosure Procedure

(10) UQ's procedure to make a PID is as provided in Table 1.

Table 1:

Column 1 Subject of the PID	Column 2 PID to be made, in writing, to…
If the PID concerns UQ or a UQ employee (except for those specifically listed below)	The Director, Integrity Unit and sent to: "Confidential" The Director, Integrity Unit Level 2, Cumbrae Stewart Building The University of Queensland 4072 And/or emailed to: integrity-unit@uq.edu.au
If the PID concerns the Director, Integrity Unit	The Chief Operating Officer and sent to: "Confidential" The Chief Operating Officer Level 4, Brian Wilson Chancellery The University of Queensland 4072 And/or emailed to: coo@uq.edu.au
If the PID concerns any of the following senior executives: - Provost - Any Deputy Vice-Chancellor - Chief Operating Officer - President of the Academic Board	The Vice-Chancellor and sent to: "Confidential" The Vice-Chancellor Level 4, Brian Wilson Chancellery The University of Queensland 4072 And/or emailed to: vc@uq.edu.au
If the PID concerns: - The Vice-Chancellor - Any Senate Member	The Chancellor and sent to: "Confidential" The Chancellor Level 4, Brian Wilson Chancellery The University of Queensland 4072 And/or emailed to: chancellor@uq.edu.au
If the PID concerns the Chancellor	The Ombudsman and sent to: "Confidential" The Ombudsman GPO Box 3314 Brisbane Qld 4001 And/or emailed to: ombudsman@ombudsman.qld.gov.au

(11) If a PID is made to a UQ employee not mentioned in Column 2 of Table 1, the UQ employee is required to refer the PID to the relevant person listed in Column 2 of Table 1.

(12) If the PID is made verbally, the UQ employee is to encourage the discloser to lodge the information in writing in accordance with this Procedure. If the discloser is unable or unwilling to do so, the UQ employee should document the information being disclosed and refer it to the relevant person listed in Column 2 of Table 1.

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Other Ways to Make a Disclosure

(13) Under the PID Act, a disclosure may also be made to:

a. The Vice-Chancellor, as UQ's Chief Executive Officer;
b. The Supervisor of the person making the PID. In such cases, the Supervisor must report the PID to the appropriate person referred to in Column 2 of Table 1.
c. A member of the UQ Senate, addressed to:
   "Confidential"
   [Name of Senate Member]
   c/- Senate Executive Officer, Level 4, JD Story Building, St Lucia Campus
   The University of Queensland 4072.

   If a PID is disclosed to a member of the UQ Senate, that member of the Senate must refer the PID to the relevant person listed in clause 10 (column 2 of Table 1).
d. The Queensland Ombudsman - if it concerns maladministration or waste of public resources.
e. The Crime and Corruption Commission - if it concerns corrupt conduct.
f. A member of the Legislative Assembly of the Queensland Parliament, who may refer it to a relevant public sector entity.

Anonymous Disclosures

(14) A PID can be made anonymously. However there are difficulties in investigating anonymous PIDs because the investigator is unable to seek clarification of the PID or additional information about the PID from the discloser.

Acknowledgement of a Public Interest Disclosure made to UQ

(15) The relevant UQ Officer (as per Column 2 of Table 1), or their delegate, will acknowledge the receipt of a PID. If a person has not received written confirmation, within 10 business days, that their PID has been received by UQ, they must contact the UQ Officer to whom the PID was made.

Disclosure to a Journalist

(16) In limited situations, a person may receive protections under the PID Act if they choose to make a disclosure to a journalist. This protection may apply where a person has made a PID to UQ, properly and of substantially the same information and UQ:

a. decided not to investigate or deal with the disclosure;
b. investigated the disclosure but decided not to recommend the taking of any action in relation to the disclosure; or
c. did not notify the person within 6 months after the date the disclosure was made, whether the disclosure would be investigated or dealt with. A person considering making a disclosure to a journalist is encouraged to contact the PID Coordinator to ascertain the status of their PID before disclosing the PID to a journalist.

Assessment of a Public Interest Disclosure

(17) Except for PIDs that concern the following staff and members of the Senate, all PIDs received by UQ will be properly assessed by the Director IU, who is the nominated PID Coordinator at UQ:

a. Chancellor;
b. Member of the Senate;
c. Vice-Chancellor;

d. Provost, a Deputy Vice-Chancellor or Chief Operating Officer;
e. President of the Academic Board;
f. Director IU.

(18) Where the PID concerns any of the above staff and members of the Senate, the PID Coordinator and person responsible for assessing that specific PID will be the relevant person listed in the 'UQ's Disclosure Procedure' provisions (Column 2 of Table 1). Where appropriate, the assistance of the Director IU may be sought to assess the PID.

(19) The assessment will consider whether:

a. Under the circumstances it is more appropriate to refer the matter to another public sector entity. This may include where the disclosure is about:
    i. the conduct of the other public sector entity or an officer of that entity, or
    ii. the conduct of another entity or a matter which the other public sector entity has the power to investigate or remedy.
b. The disclosure falls within the terms of the PID Act.
c. Immediate action is required to halt the conduct or remedy the danger to which the disclosure relates.
d. The substance of the disclosure should be dealt with under another appropriate process.

(20) If there is doubt whether a disclosure is a PID, it will be assessed as a PID.

(21) For all PIDs concerning staff, when requested, the relevant PID Coordinator will provide a report to the Vice-Chancellor on the outcome of any assessments that have been conducted. The relevant PID Coordinator will:

a. Where a disclosure is not assessed as a PID, decide how to deal with the disclosure in accordance with the relevant UQ policy and procedure.
b. Where appropriate, refer a PID relating to corrupt conduct to the Crime and Corruption Commission.
c. Where a disclosure is assessed as a PID, consider which of the following options is more appropriate given the particular circumstances of the matter, including:
    i. investigate the PID,
    ii. resolve the PID managerially,
    iii. conduct an internal audit or review of an issue or the operations of a particular unit,
    iv. where appropriate, implement policy or procedures or practices, or
    v. decide not to investigate or deal with the PID.

(22) A decision not to investigate or deal with a PID may be made where the relevant PID Coordinator, in consultation with the IU, decides:

a. the subject matter has already been investigated or dealt with by another appropriate process;
b. the disclosure should be dealt with by another appropriate process;
c. the age of the information makes it impractical to investigate;
d. the disclosure is too trivial to warrant investigation and dealing with the disclosure would substantially and unreasonably divert UQ's resources from use in performing its functions; or
e. another entity has jurisdiction to investigate and has been notified that UQ has decided an investigation is not warranted.

(23) If a decision is made to not investigate a PID, the discloser will be provided with outcome advice in writing (in most cases by the Director IU) explaining the reasons for that decision.

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Investigation of Public Interest Disclosure

(24) Where an investigation of a PID is required under this Procedure, the relevant PID Coordinator will determine who should investigate the PID.

Outcome Advice

(25) At the conclusion of an investigation, UQ will provide written outcome advice to the discloser. This advice will include:

a. confirmation that the matter was investigated and whether or not the PID was substantiated;
b. what actions are to be taken in respect of the matter*; and
c. that the discloser continues to be supported.

> * Legislative obligations, including privacy, will restrict the amount of information that can be provided.

Protection from Reprisals

(26) The PID Act is designed to protect the discloser from a reprisal. Taking a reprisal against a person is an indictable offence. In addition, a UQ employee who takes a reprisal against a discloser may be guilty of misconduct and may be disciplined and, in serious cases, dismissed.

(27) To ensure a person is protected from any reprisals, where required UQ will appoint a PID Support Officer, whose role is to support the person making the PID.

Reprisals

(28) Reprisal can take many forms:

a. The personal safety of the person making the PID may be prejudiced.
b. The personal property of the person making the PID may be damaged; and/or
c. the person making the PID may be faced with intimidation or harassment in the workplace and may be discriminated against or disadvantaged in their career or profession (for example, if disciplinary action is taken, a person is transferred or duties downgraded).

(29) Reprisals extend to threats made to a person who made a PID that any of the above consequences may occur. Additionally, inducing another person to take reprisal action itself may constitute a reprisal. However, reasonable management action is not considered a reprisal.

Reasonable Management Action is not a Reprisal

(30) The PID Act recognises that the taking of reasonable management action in relation to a person who has made a PID is not a reprisal. UQ may take reasonable management action in relation to an employee who has made a PID only if the manager's reasons for taking the action do not include that the employee has made the PID.

(31) Reasonable management action includes:

a. a reasonable appraisal of the employee's work performance;
b. a reasonable requirement for the employee to undertake counselling;
c. a reasonable suspension of the employee from the workplace; or
d. a reasonable disciplinary action.

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

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

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

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

Risk Management

(34) A PID Support Officer will be appointed by the relevant PID Coordinator, following consultation with the discloser. The PID Support Officer is responsible for undertaking an assessment of the risks of reprisal to disclosers, witnesses and others involved in the management of the PID.

(35) Where required, it may be necessary for the PID Support Officer to liaise with the relevant supervisor or Heads of Organisational Unit in which the discloser is employed and inform them about the disclosure. The relevant supervisor or Head of Organisational Unit may be required to monitor the workplace conduct and report any instances of harassment or other workplace behaviour which might be construed as a reprisal.

(36) If the discloser raises concerns about a reprisal with the PID Support Officer, or the supervisor or Head of Organisational Unit notifies the PID Support Officer of conduct that might be construed as a reprisal, the PID Support Officer must notify the Director IU (other than in cases identified in the 'Assessment of a Public Interest Disclosure' provisions, clauses 17-23) who will determine the appropriate action to be taken, including briefing the Chief Operating Officer and where appropriate, the Vice-Chancellor.

Confidentiality

(37) UQ will, to the greatest extent possible, ensure strict confidentiality is maintained at all times in relation to reporting and investigating PIDs. 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 authorised by the PID Act.

Rights of Review

(38) If the discloser is dissatisfied with either the outcome or the approach adopted in dealing with their PID, the discloser may request a review of the decision to the following UQ staff or to the Queensland Ombudsman:

a. A decision made by the Director IU – the Chief Operating Officer.
b. A decision made by the Provost, Deputy Vice-Chancellor or the Chief Operating Officer – the Vice-Chancellor.
c. A decision made by the Vice-Chancellor – the Queensland Ombudsman.
d. A decision made by the Chancellor – the Queensland Ombudsman.

Giving False or Misleading Information

(39) Under the PID Act, it is an indictable offence punishable by fine or a term of imprisonment for a person to knowingly give information that is false or misleading in a material respect:

a. when making a statement to UQ intending it to be acted on as a PID; or
b. in the course of inquiries into the statement.

(40) In addition, making a false or misleading disclosure, or providing false or misleading information, in the course of the investigation by UQ of a disclosure, may result in disciplinary action being commenced against the discloser.

Section 4 - Roles, Responsibilities and Accountabilities

Vice-Chancellor

(41) The Vice-Chancellor, as the Chief Executive Officer of UQ, has overall responsibility under the PID Act for UQ's compliance with the Act.

Chief Operating Officer

(42) The Chief Operating Officer is responsible for conducting an impartial review of a decision by the Director IU to assess a matter as not being a PID, and following completion of such reviews:

a. providing written outcome advice to the person that requested the review of their decision and the reasons for that decision; and
b. explaining to the person that requested the review, what their further appeal rights are, pursuant to the 'Rights of Review' provisions of this Procedure.

Director IU (PID Coordinator)

(43) The Director IU is the PID Coordinator (other than in cases identified in clauses 17-23) and has the following responsibilities:

a. To ensure the organisation carries out its responsibilities under the PID Act and the Public Interest Disclosure Standards, including the development and implementation of UQ's PID management program.
b. To provide training and awareness to staff on the identification and management of PIDs.
c. To refer PIDs to a relevant PID Support Officer and provide all necessary support, including information about how to manage a PID.
d. Where required, to appoint an investigator (whether internal or external).
e. To establish and maintain a confidential records management system for PID matters.
f. To collate and record statistics on PIDs.
g. To liaise with the Crime and Corruption Commission.
h. To report disclosures to the Queensland Ombudsman as required by the relevant Public Interest Disclosure Standard, which includes information regarding the date of the disclosure, certain information regarding the discloser and the officer who is the subject of the disclosure, a summary of the information, outcomes, actions taken and other information. Summaries of such reports are to be provided to the UQ Disclosures and Complaints Management Committee when requested; and
i. that any recommendations for systems improvements are provided to the relevant business unit for consideration.

PID Support Officer

(44) The PID Support Officer, with the support from the IU, has the following responsibilities:

a. To advise the discloser about what making a PID means;
b. To assess the immediate protection needs of the discloser;
c. To listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a PID;
d. To coordinate and provide support to the discloser;
e. To work with management to foster a supportive work environment;
f. to advise the discloser of progress;
g. To keep records of all aspects of case management of the discloser, including all contact and follow-up action, and provide this information to the IU for record-keeping at the conclusion of the case; and
h. to ensure that the expectations of the discloser are realistic.

Section 5 - Monitoring, Review and Assurance

(45) The IU will:

a. periodically review this Procedure to ensure its ongoing relevance; and
b. annually assess the effectiveness of this Procedure and provide assurance to the University Senior Executive Team.

Section 6 - Recording and Reporting

(46) The PID Act requires UQ to keep a proper record of PIDs, including reportable details, the information disclosed and any action taken on the disclosure. These functions are managed by the IU.

(47) All records of PIDs and their investigation will be managed by the IU, kept in a central and secure records management system and will be kept strictly confidential. Information will not be disclosed except for the purposes of investigation, to discharge other functions under the PID Act including disclosure as required by the Queensland Ombudsman, or as required by law.

(48) The Queensland Ombudsman reports annually on PID statistics. The data required for this report is collected by the Ombudsman via the PID database. The IU is responsible for regularly reporting anonymised PID data into the PID database.

Section 7 - Appendix

(49) For definitions of terms in this Procedure, refer to the Public Interest Disclosure Policy.

(50) Further information about the PID Act or the making of a disclosure under the PID Act can be obtained from the Director IU or from the IU website.

Status and Details

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