

# Public Interest Disclosure Policy and Procedures

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September 2025

Version 8.0



Queensland Sentencing  
Advisory Council

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## Version control

The following table outlines the high-level changes that have been made to each version of this document.

Version	Details	Approval authority	Date approved
1.0	First draft	Council	29 January 2018
2.0	Review and update following publication of new PID Standards of 2019	Council	18 June 2019
3.0	Review and update to enhance guidance for staff in making and managing a PID	Council	
4.0	Annual review	Council	8 December 2020
5.0	Annual review (following Annual PID Self Assessment Audit)	Council	14 December 2021
6.0	Annual review (following Annual PID Self Assessment Audit)	Council	13 December 2022
7.0	Annual review (following Annual PID Self Assessment Audit)	Council	14 May 2024
8.0	Annual review (following Annual PID Self Assessment Audit)	Council	16 September 2025

A copy of this Public Interest Disclosure Policy is made available on the [Council website](#).

# 1.Introduction

The reporting of suspected misconduct within the Queensland public sector is critical to maintaining its integrity and health. A positive organisational culture serves as the most effective safeguard for individuals making a public interest disclosure (PID).

The Queensland Sentencing Advisory Council (the Council), in alignment with its values, is committed to:

- Fostering a positive ethical climate with accountable behaviour.
- Leading with openness to recognise the significant contribution of staff to its operations.
- Actively encouraging the disclosure of unethical and fraudulent behaviour so that it can be appropriately assessed and investigated.

By providing clear guidance on managing ethical dilemmas and addressing potential wrongdoing, the Council aims to support the integrity of the public sector while guiding employees and other stakeholders through complex issues of public interest.

This policy reflects the Council's commitment to ethical integrity and transparency, and maintaining clear, practical, and effective procedures to address disclosures responsibly and in compliance with the provisions of the *Public Interest Disclosure Act 2010* (PID Act).

## 2. Purpose

This policy establishes a system for the management of PIDs. It provides clear guidance to:

- Individuals (whether public officers or members of the public) who wish to make a PID
- Staff about whom a PID has been made, and
- Officers responsible for managing PID investigations.

The policy is supported by additional frameworks to provide clarity and distinction between varying types of complaints:

- A guide for Council members and Secretariat staff (see [Appendix A](#)), which explains the practical application of this policy.
- The Council's [Complaints Management Policy](#), which manages complaints that do not meet the criteria for a PID.
- The Department of Justice (DoJ) [Client Complaints Management Policy](#), used for complaints regarding DoJ staff supporting the Council, where the issues does not qualify as a PID.
- A separate policy for complaints about corrupt conduct by the Council Chair, as required under section 48A of the *Crime and Corruption Act 2001*.

This policy operates within the ethical framework established by:

- The PID Act, which ensures public sector misconduct can be identified and reported while providing important protections for disclosers.
- The *Crime and Corruption Act 2001*, which establishes the Crime and Corruption Commission (CCC) as an independent external reporting body with the authority to investigate and enforce actions on serious misconduct and corruption.

### 3. Who is covered by this policy?

This policy provides guidance to:

- Council members and Secretariat staff regarding their obligations and responsibilities under the PID Act.
- Members of the public who wish to make a PID.

However, disclosures about public servants employed as part of the Secretariat are not covered by this policy. For such complaints, please refer to the [DoJ Public Interest Disclosure Policy](#).

## 4.Principles

This policy is based on the following core principles:

- **Ethical responsibility**

Every Queensland public sector employee, including part-time members of government boards and committees, has an ethical responsibility to report suspected conduct, including: 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.

- **Encouraging disclosure**

The Council actively encourages individuals to report concerns about the behaviour of Queensland public sector employees. It ensures that all disclosers are offered protection from reprisals, whether the disclosure relates to DoJ staff, Council members, or Secretariat staff.

- **Natural justice and procedural fairness**

The principles of natural justice will guide all investigations into PIDs. The Council is committed to ensuring the process is fair and equitable for both the discloser and the person who is the subject of the disclosure.

- **Safeguarding rights**

Safeguarding the rights of individuals who are subject to, or associated with, a PID is a Council priority, ensuring fair and respectful treatment throughout the process.

- **Awareness and managerial responsibility**

Managers and supervisors have a responsibility to ensure employees understand their obligations and responsibilities under this policy and provide guidance to employees and others on the appropriate process for raising or managing a PID.

- **Support and protection**

Individuals making a PID will receive the necessary support and will be protected from reprisal actions.



## 5.Roles and responsibilities

To ensure the effective implementation of this policy, the following roles and responsibilities are defined for all staff, managers, leaders, and key officers involved in the PID process:

### 5.1 All staff

Every employee should familiarise themselves with this policy and their obligations under the Code of Conduct.

All staff should recognise potential situations where behaviour may be unethical or fraudulent and understand the appropriate procedures for reporting such behaviour, including making a PID.

Secretariat staff and Council members must clearly understand their responsibility to identify and address unethical or inappropriate behaviour.

### 5.2 Managers and supervisors

Managers and supervisors should provide clear guidance on addressing complex issues and navigating ethical dilemmas in cases involving potential wrongdoing.

They should also ensure that staff are informed about the PID process and their ability to make disclosures securely and responsibly.

Managers should foster a workplace culture that promotes ethical behaviour and encourages the responsible reporting of misconduct without fear of reprisal.

### 5.3 Council Chair

The Council Chair should ensure the Council has a procedure in place for managing PIDs, as required by the PID Act. The Chair should maintain a record of all PIDs received by the Council and appoint the Secretariat Director as the Council's PID Coordinator.

### 5.4 PID Coordinator (Secretariat Director)

The PID Coordinator is responsible for the overall management and implementation of the PID program. This role may also be filled by the Secretariat Director, the Executive Director of the DoJ's Ethical Standards Unit, or a third party, if deemed appropriate.

Responsibilities:

- Regularly review and update the PID policy.
- Educate and inform Secretariat staff, Council members, and members of the public about their rights and responsibilities under the PID Act.
- Assess and respond to PIDs received.
- Acknowledge receipt of a PID and provide confirmation to the discloser.
- Allocate a PID Support Officer to manage specific PIDs.
- Conduct risk assessments in consultation with disclosers and other relevant officers.
- Investigate the information in a PID.

- Prepare investigation reports for the delegated decision-maker.
- Maintain internal records of PIDs.
- Report PID data to the Queensland Ombudsman.
- Liaise with other agencies about any required referrals of PIDs.

## 5.5 PID Support Officer

A PID Support Officer is delegated by the Chief Executive Officer or PID Coordinator. This role may be filled by:

- Business Manager,
- Policy Manager,
- Research and Statistics Manager, or
- Media and Engagement Manager.

Responsibilities:

- Provide advice and information to the discloser on the Council's PID procedures.
- Provide personal support and referrals to other sources of assistance as needed.
- Facilitate updates on the progress of investigations.
- Maintain proactive communication with the discloser throughout the PID process, with frequency determined on a case-by-case basis and documented in the risk management assessment form.

## 5.6 Investigator

A nominated investigator may be an internal or external appointee, depending on the nature of the PID and other relevant considerations.

Responsibilities:

- Conduct investigations in accordance with the terms of reference.
- Prepare a detailed report for the delegated decision-maker, or as otherwise instructed.

## 5.7 Delegated decision-maker

An appropriate decision-maker is appointed for each PID investigation.

Responsibilities:

- Review the investigation report.
- Determine the outcome of the PID matter based on the report findings.

## 6. What is a Public Interest Disclosure?

The nature of a PID depends on who is making the disclosure, as the PID Act distinguishes between disclosures made by public officers and those made by anyone else.

### 6.1 PIDs made by public officers

Public officers can make disclosures about:

- Corrupt conduct, including fraud and corruption.
- Maladministration that adversely affects an individual's interests in a substantial and specific way.
- Substantial misuse of public resources, including funds (not merely disagreements over policy on expenditure).
- Conduct by another person that causes a substantial and specific danger to public health, public safety, or the environment.

### 6.2 PIDs made by any person

Anyone can make disclosures about:

- A substantial and specific danger to the health or safety of a person with a disability.
- Specific offences or contraventions that present a substantial and specific danger to the environment.
- A reprisal action taken against someone based on the belief that they made or intended to make a PID.

### 6.3 Conditions for a PID

To qualify as a PID, the discloser must have a 'reasonable belief' that wrongdoing has occurred or present evidence that objectively indicates wrongdoing.

A disclosure still amounts to a PID, even if it is not substantiated, provided the discloser acted on honest and reasonable grounds.

No proof is required to make a disclosure. If you are unsure whether your issue constitutes a PID, seek advice from the PID Coordinator.

#### **Complaints that do not meet PID thresholds**

Complaints that do not reach the threshold for a PID (e.g., dissatisfaction with staff conduct not amounting to corrupt conduct or maladministration) should be handled through the:

- DoJ [Employee Complaints Policy](#) or
- DoJ [Client Complaint Management Policy](#).

#### **Disclosures not protected under the PID Act**

Certain disclosures are not protected, including:

- Those made to a journalist (except under specific circumstances outlined below).
- Disclosures made frivolously.

- Complaints that primarily question the relative merits of government or agency policy.
- Disclosures made to avoid disciplinary action.

It is an offence under the PID Act to intentionally provide information that is false or misleading.

## 6.4 Disclosures to journalists

Disclosures can only be made to a journalist if the following conditions are met:

- A valid PID was initially made to a proper authority, and
- The proper authority:
  - decided not to investigate or deal with the disclosure,
  - investigated but did not recommend any action, or
  - failed to notify the discloser within six months of receiving the disclosure whether it would be investigated or acted upon.

Disclosers should note that journalists are not bound by the confidentiality provisions under section 65 of the PID Act. Without meeting these conditions, DoJ staff sharing information with a journalist or publicly (e.g., on social media) may breach confidentiality and could lead to potential disciplinary action.

## 6.5 Anonymous disclosures

A PID can be made anonymously, meaning the discloser is not required to provide their name or any identifying information.

## 7. Making a disclosure

### 7.1 To whom should I make the disclosure?

A PID must be made to the 'proper authority' that has the capacity to investigate or address the disclosure.

Preferred channels for disclosure include:

- PID Coordinator (Secretariat Director): Contacting the PID Coordinator is the preferred approach for making disclosures.
- Council members: Disclosures can also be made to any Council member, who will consult with you to identify the appropriate responsible officer.

If these officers are not appropriate, you can disclose to the Executive Director, Ethical Standards Unit, DoJ or an external authority.

#### **External authorities**

Disclosures can also be made to external entities with investigative powers, such as:

- Queensland Police Service (QPS) – Criminal conduct disclosures.
- Crime and Corruption Commission (CCC) – Corrupt conduct or suspected corrupt conduct, including reprisal.
- Queensland Ombudsman – Maladministration complaints.
- Queensland Audit Office – Substantial misuse of resources.
- Members of Parliament – While MPs do not investigate, they can forward the matter to an appropriate authority.

#### **Special circumstances for making disclosures**

If the complaint concerns alleged conduct by:

- Secretariat Director – Contact the Executive Director, Ethical Standards Unit, CCC, Queensland Ombudsman, or a Member of Parliament.
- Director-General – Contact the same authorities as listed above.
- Executive Director, Ethical Standards Unit or staff of the Unit – You should report this to the Director-General, CCC, Queensland Ombudsman, or a Member of Parliament.

### 7.2 How do I make a disclosure?

Disclosures can be made orally (in person or by phone) or in writing, and anonymously if preferred.

Where possible, include:

- The name, job title, and workplace address of the person your disclosure concerns.
- Details of relevant events, dates, and locations.
- Names of witnesses who can support your account.
- Any evidence that supports your claim.
- Consider providing this information in writing, if possible.

**What if the disclosure is made orally?**

If a disclosure is made orally (e.g., in person or over the phone), staff should request that the discloser provide it in writing.

If the discloser is unable or unwilling to do so, the staff member receiving the PID should record details of the disclosure, confirm its contents with the discloser, then sign it.

If circumstances prevent confirmation (e.g., an anonymous caller), the recipient should document the date, time, and circumstances of the disclosure and pass it on to the PID Coordinator (Secretariat Director) or Executive Director, Ethical Standards Unit, DoJ.

## 8. Where do I make a disclosure?

### 8.1 Disclosure to the Council

Name	Email contact	Postal address	Street address	Telephone
<b>PID Coordinator (Secretariat Director)</b>	<a href="mailto:OSAC-PID@sentencingcouncil.qld.gov.au">OSAC- PID@sentencingcouncil.qld.gov.au</a>	GPO Box 2360 BRISBANE QLD 4001	Level 30 400 George Street Brisbane	(07) 3738 9897

### 8.2 Disclosure to the Department of Justice (DoJ)

Please call for an appointment if you wish to report in person.

Name	Email contact	Postal address	Street address	Telephone
<b>Executive Director, Ethical Standards Unit, DoJ</b>	<a href="mailto:ethicalstandards@justice.qld.gov.au">ethicalstandards@justice.qld.gov.au</a>	GPO Box 69 BRISBANE QLD 4001	Level 13 50 Ann Street Brisbane	(07) 3738 9822

### 8.3 Disclosure to the Crime and Corruption Commission (CCC)

Please call for an appointment if you wish to report in person.

Name	Email contact	Postal address	Street address	Telephone
<b>Director, Complaints Section, Crime and Corruption Commission</b>	<a href="mailto:mailbox@ccc.qld.gov.au">mailbox@ccc.qld.gov.au</a>	GPO Box 3123 BRISBANE QLD 4001	Level 2, North Tower Green Square 515 St Pauls Terrace Fortitude Valley, Brisbane	(07) 3360 6060 1800 061 611 (toll free outside Brisbane)

## 9. Available supports when making a PID

### 9.1 What support and protection is available to me if I make a PID?

The Council is committed to ensuring that all individuals who make a PID are provided with support and protection from reprisal actions. Your concerns will be taken seriously, and your privacy and confidentiality will be safeguarded, as much as possible, throughout the process.

#### **Initial risk assessment and individualised support**

The responsible officer will conduct an early risk assessment to determine any risks of reprisal and establish the appropriate steps and support to be provided.

Appendix B contains templates to assist with this process.

#### **Supports available to disclosers**

The Council, through the PID Coordinator and PID Support Officer, may provide:

- Information about the PID process and regular updates on progress regarding the disclosure.
- Assistance in managing expectations and preparing for potentially stressful situations.
- Access to external professional services, such as stress management support or counselling.
- Monitoring of the workplace to detect and address potential reprisal or conflict arising from the disclosure.
- Appointment of a dedicated PID Support Officer to assist throughout the process.

#### **Appointment of a PID Support Officer**

Where appropriate, the PID Support Officer will be appointed by the responsible officer for any discloser, subject officer, or witness involved in the PID process.

The PID Support Officer will be Secretariat staff or another appropriate DoJ officer. The officer will be briefed on their role and responsibilities and offered assistance if needed.

#### **Additional employee support**

Employees and Council members have access to the Employee Assistance Program (EAP), which provides free, confidential counselling and well-being support to employees and their immediate family members. EAP can be contacted at 1800 604 640.

#### **External support options**

Any person, including non-employees, who makes a PID may contact the Queensland Ombudsman for information and guidance.

#### **Compensation and legal protections**

Under the *Workers' Compensation and Rehabilitation Act 2003* (Qld), employees may seek compensation if they suffer an injury (e.g., psychological) that could have been prevented with appropriate support.

Section 36 of the PID Act ensures that individuals making a PID are not liable civilly, criminally or under an administrative process for doing so.



Section 73(2)(f) of the *Industrial Relations Act 1999* provides key protections for individuals who make, or are considering making, a PID. Specifically, this section ensures that employees are not unfairly dismissed for making a PID or being perceived as having made, or planning to make, a PID.

### **Confidentiality requirements**

The PID Act requires that matters remain confidential to uphold integrity of the process. Disclosers should not discuss the matter with colleagues or unrelated individuals.

Section 65 of the PID Act imposes penalties for the reckless disclosure of information. However, disclosers may share information with a union representative or support person.

### **Interpreters and accessibility**

Interpreters or other required assistance will be provided to employees or individuals wanting to make a PID.

### **Further resources**

For detailed guidance, read *Thinking about blowing the whistle: A guide for individuals working in the public sector* on the Queensland Ombudsman's website: [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)

## **9.2 What supports and protections are available to me if someone makes a PID against me?**

The Council will ensure that the rights of anyone who is the subject of or associated with a PID are upheld.

### **Confidentiality and procedural fairness**

You are entitled to confidentiality, the presumption of innocence, and procedural fairness.

### **Support options**

You may access your union for assistance or seek legal advice.

Employees may utilise the confidential EAP for counselling and support during stressful times (contact: 1800 604 640).

### **Protection from false or misleading PIDs**

Under section 66 of the PID Act, it is an offence to (punishable by up to two years' imprisonment) to intentionally make a false or misleading PID.

### **Fair treatment of staff during investigations**

Staff participating in investigations are fulfilling their duties under the Code of Conduct. They should not face adverse treatment from individuals under investigation. Allegations of adverse treatment may result in disciplinary action and could lead to further PIDs being raised.

## 10. What action may be taken as a result of a PID?

The PID Act allows agencies to decide not to investigate or deal with PIDs under certain circumstances, including:

- The disclosure has already been investigated or resolved through another appropriate process.
- It is reasonable for the Council to deal with the issue through another appropriate process.
- The information is outdated to the extent that an investigation would no longer be practical.
- The disclosure is trivial and does not warrant an investigation. Investigating the matter would unreasonably divert resources from the agency's primary responsibilities.
- Another entity with jurisdiction to investigate the matter has notified the agency that further investigation is unwarranted.

The seriousness of the allegations will determine the actions taken.

In most instances, the Council will refer the PID to:

- The DOJ's Ethical Standards Unit, or
- The CCC for investigation.

## 11. The PID management process

The management of PIDs follows a structured process to ensure transparency, fairness, and compliance with the PID Act. The steps below outline the Council's approach to receiving, assessing, investigating, and resolving PIDs.

### 11.1 Acknowledging receipt of a disclosure

The responsible officer will confirm receipt of a PID in writing as soon as practicable, unless no contact details for the discloser are provided.

If the PID is received from another agency, the responsible officer will also acknowledge the PID in writing to that agency where necessary.

### 11.2 Referring the PID to another agency

The responsible officer may refer the PID to another agency when specific conditions are met:

- Mandatory referrals occur for suspected corrupt conduct (to the CCC) or criminal offences (to the QPS or the CCC).
- Per section 31 of the PID Act, disclosures can also be referred to agencies that have jurisdiction to investigate and remedy the matter.

#### **Referral conditions**

A referral risk assessment must be conducted in consultation with the discloser to ensure there is no unacceptable risk of reprisal.

If an anonymous discloser is involved, risks are assessed based on the information available.

Consent of the discloser is required if their identity is included in the referral unless exceptions under section 65(3) of the PID Act apply.

The discloser will always be notified in writing about the referral decision, actions taken to minimise risk, and their rights moving forward.

These procedures do not override an obligation under another law to report a matter, such as the duty of the responsible officer to report corrupt conduct.

### 11.3 Assessment of a disclosure

The responsible officer will assess whether:

- The disclosure meets the criteria for a PID under the PID Act.
- It has been made to an appropriate entity with jurisdiction to receive a PID.
- Whether referral to another agency, such as the CCC, is required.

What does not affect assessment:

- How the information was received.
- The anonymity of the discloser.
- The identification of an individual(s) in the disclosure.
- Whether the discloser explicitly labels it a PID.
- Whether the discloser wishes to proceed with the PID.

If a complaint does not meet PID criteria:

- The discloser will be notified in writing, including reasons why the complaint does not qualify as a PID and how it be managed.
- The discloser will also be informed of their rights to review a review of the decision.

If it is unclear whether a disclosure constitutes a PID, the responsible officer will seek additional information. Where doubt remains, the disclosure will be treated as a PID to ensure appropriate management under the PID Act.

## 11.4 Risk assessment

If a disclosure is determined to be a PID, the responsible officer will:

- Assess risks of reprisal or confidentiality breaches.
- Develop and implement a risk management plan in consultation with the discloser.
- Establish specific protection measures if a high risk for reprisal exists, including the appointment of an appropriate person, separate to the investigative function.
- Check on the discloser's wellbeing or ensure a PID Support Officer does.

The discloser will be notified in writing of the outcome, including:

- Confirmation that making the PID was the right decision.
- Details of protections under the PID Act.
- Their obligations to maintain confidentiality, except as allowed by the PID Act.
- Actions to be taken, proposed timeframes, and the discloser's role.
- Contact information for further assistance or concerns.

The responsible officer should liaise with DoJ's Human Resources Unit if they become concerned with the discloser's health and wellbeing.

## 11.5 Investigation

If a decision is made to investigate a PID, it will be conducted with strict adherence to:

- The principles of natural justice.
- Confidentiality obligations under section 65 of the PID Act.
- Protections against reprisal.
- Consideration of the interests of all parties involved.

### **Investigator**

The PID Coordinator (Secretariat Director) is responsible for investigations unless the PID is about their conduct, in which case the Executive Director, Ethical Standards Unit, will oversee it.

An investigation can be conducted internally or by an external investigator, depending on the nature of the complaint.

### **Terms of reference**

The investigation will include:

- Reasonable steps to protect all parties from reprisal.
- Compliance with confidentiality standards under section 65 of the PID Act.
- Standards issued by the Office of the Queensland Ombudsman.
- Obligations to monitor for potential breach of legislation that should be referred to another entity.
- Compliance with the principles of natural justice.
- Consideration of systemic issues arising from the PID.
- Recommendations for corrective or disciplinary actions.

At the conclusion of the investigation, and if there has been a breach under the PID Act, appropriate corrective or disciplinary action will be taken by the Council or other relevant entities.

The outcome of the PID and information about the right of review will be issued to all individuals involved in the investigation.

Complaints made to other agencies (e.g., the CCC) will follow that agency's assessment and investigation process.

## **11.6 Confidentiality**

Section 65 of the PID Act makes it an offence to intentionally or recklessly disclose confidential information unless authorised under the Act.

### **Permitted disclosures**

Confidential information may be disclosed in limited circumstances, including:

- For purposes related to the PID Act or another regulation or Act (e.g., investigating something disclosed by a public interest disclosure).
- In compliance with court or tribunal proceedings.
- With written consent of the affected party.
- If consent cannot be obtained, but it is unlikely to harm the interests of the person to whom it relates.
- To ensure the safety or welfare of a person.

The identity of the discloser may only be revealed if essential to the principles of natural justice, provided a reprisal has been assessed as unlikely.

### **Managing potential confidentiality concerns**

The Council prioritises safeguarding the confidentiality of disclosers under the PID Act. However, if confidentiality has been, or is reasonably expected to be, compromised, the responsible officer will consult with the discloser to establish a tailored and effective management plan.

This plan will include actions such as:

- Advising the discloser prior to the release of information, ensuring they are aware of and prepared for potential impacts.
- Maintaining open communication to keep the discloser informed of the status of the matter throughout the process.
- Offering support, including access to services such as the EAP or other available supports through the Council.
- Monitoring the situation to ensure any risks to the discloser's safety or wellbeing can be mitigated or addressed.

### **Records and storage**

All PID-related records will be securely stored, with restricted access to the PID Coordinator.

Hard-copy records will be locked in the PID Coordinator's office.

## **11.7 Record-keeping and reporting**

The PID Coordinator is responsible for:

- Keeping detailed records of all actions and outcomes related to PIDs.
- Reporting required information to the Queensland Ombudsman via the RaPID reporting database within 30 days of assessing a matter as a PID and within 30 days of finalising the PID.

Records must include:

- Name of person making the PID, if known, and status and location of discloser.
- Disclosed information, particularly the name, status and location of the subject officer.
- Details of risk assessment completed.
- Key dates and actions related to the PID, including date received, date of risk assessment, commencement and completion date, and date discloser was notified of the outcome of the PID.
- Any reprisal action taken under a separate PID, including history of the original PID.
- Any involvement from an external entity.
- Outcomes of the assessment and investigation process. If no action was taken, the reason for this.
- Records of any support provided to the discloser, including assignment of a PID Support Officer.
- Right of review request, including the basis for the request, the key dates, and outcomes associated with any review.
- If required, an explanation of why an investigation was discontinued.
- Any other details about appeals or complaints made during the disclosure, including outcomes.

## 11.8 Right of review

If a decision is made not to pursue further action on a PID, the discloser will be notified in writing within 14 days of receipt of the reasons for the decision and their right to be appeal to the Council Chair within 28 days.

Disclosers dissatisfied with the PID management process may:

- Request further information from the Council.
- Contact the DoJ's Ethical Standards Unit.
- Contact the Queensland Ombudsman for independent review.

Additionally, discloses may seek independent legal advice or pursue a review under the *Judicial Review Act 1991* through the Supreme Court.

## 12. Managing potential reprisals

The Council has a zero-tolerance approach to reprisals and will act to safeguard individuals who make PIDs, as well as those associated with them.

### 12.1 What is a reprisal?

Under the PID Act, a reprisal is an attempt to cause detriment to a person based on the belief that:

- The other person or someone else has made a PID, or
- The other person or someone else is, has been, or intends to be involved in a proceeding under the PID Act against any person.

It is an offence under the PID Act to take reprisal action against someone who has made a PID.

### 12.2 Steps to address and manage reprisals

#### **Reporting a reprisal**

If you believe you have been disadvantaged or subjected to a reprisal after making a disclosure, you should promptly raise the issue with:

- The responsible officer, or
- An appointed PID Support Officer.

#### **Minimising risk**

The Council will take action to:

- Minimise reprisals through active monitoring of the workplace and the implementation of risk strategies.
- Review and enhance existing risk management strategies where required, to ensure the safety of the discloser or any affected third party.

#### **Protection for non-employees**

If a discloser is not an employee of the Secretariat or DoJ, the Council will ensure similar protections are extended, including:

- Contacting the individual's employer or workplace (if external to the Secretariat or DoJ) to discuss risk strategies.
- The discloser's consent will be obtained before initiating any such discussions.

#### **Alleged or suspected reprisals**

If alleged or suspected reprisals are detected or reported, the Council will evaluate whether the conduct requires referral to another entity with jurisdiction, such as the CCC, QPS, Public Service Commission, or Ethical Standards Unit in DoJ.

The responsible officer will also advise the discloser that a reprisal-related complaint may qualify as a separate PID, subject to the same process as the original disclosure.

The Council will strengthen support measures for the discloser if additional risks are identified.



**Relocation rights (public service employees)**

Under section 47 of the PID Act, public service employees have a right to apply for relocation if:

- A reprisal is likely if they remain in their existing work location.
- Relocation is the only practical way to remove or substantially reduce the risk of reprisal.

If the application for relocation under section 47 of the PID Act is refused, the decision can be reviewed.

## 13. Review of this policy

This policy, together with the Council's Complaint Management Policy, will be reviewed at least annually by the Council's director. The revised policies will be submitted to the Council at a formal meeting for approval.

## 14. Definitions

Term	Definition
<b>Confidential information</b>	As defined in <a href="#">section 65 of the PID Act</a>
<b>Corrupt conduct</b>	As defined in <a href="#">section 15 of the Crime and Corruption Act 2001</a>
<b>Detriment</b>	As defined in <a href="#">schedule 4 of the PID Act</a>
<b>Disability</b>	As defined in <a href="#">section 11 of the Disability Services Act 2006</a>
<b>Discloser</b>	A person who makes a disclosure in accordance with the PID Act
<b>Investigation</b>	Any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.
<b>Journalist</b>	As defined in <a href="#">section 20(4) of the PID Act</a>
<b>Maladministration</b>	As defined in <a href="#">schedule 4 of the PID Act</a>
<b>Natural justice</b>	<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.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, and:</p> <ul style="list-style-type: none"> <li>• avoid bias;</li> <li>• give a fair hearing;</li> <li>• act only on the basis of logically probative evidence.</li> </ul>
<b>Oversight agency</b>	As defined in <a href="#">section 58 of the PID Act</a>
<b>Proper authority</b>	As defined in <a href="#">section 5 of the PID Act</a>
<b>Public officer</b>	As defined in <a href="#">section 7 of the PID Act</a>
<b>Public sector entity</b>	As defined in <a href="#">section 6 of the PID Act</a>
<b>Reprisal</b>	As defined in <a href="#">schedule 4 of the PID Act</a>
<b>Subject officer</b>	An officer who is the subject of allegations of wrongdoing made in a disclosure
<b>Substantial and specific</b>	Substantial means ‘of a significant or considerable degree’. It 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 is able to be identified or particularised as opposed to broad or general concerns or criticisms
<b>Support</b>	<p>For the purposes of this procedure, support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• providing moral and emotional support</li> <li>• advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure</li> <li>• appointing a PID Support Officer to assist the discloser through the process</li> <li>• referring the discloser to the Office’s Employee Assistance Program or arranging for other professional counselling</li> <li>• generating support for the discloser in their work unit where appropriate</li> <li>• ensuring that any suspicions of victimisation or harassment are dealt with</li> <li>• maintaining contact with the discloser</li> <li>• negotiating with the discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need assistance.</li> </ul>

## 15. Relevant legislation

[Anti-Discrimination Act 1991](#)

[Crime and Corruption Act 2001](#)

[Disability Services Act 2006](#)

[Human Rights Act 2019](#)

[Ombudsman Act 2001](#)

[Public Interest Disclosure Act 2010](#)

[Public Records Act 2002](#)

[Public Sector Ethics Act 1994](#)

## 16. Related Policies and Procedures

[Code of Conduct for the Queensland Public Service](#)

[Council's Code of Conduct](#)

[DoJ Employee Complaints Policy](#)

[DoJ Client Complaint Management Policy](#)

[Council's Complaints Management Policy](#)

## 17. Supporting information

The Queensland Ombudsman is the oversight agency for the PID Act. The following resources outline standards, checklists, and information about PIDs.

[What is a public interest disclosure](#)

[A checklist for making a public interest disclosure](#)

[Public Interest Disclosure standards](#)

- [No. 1/2019](#)
- [No. 2/2019](#)
- [No. 3/2019](#)

[Discloser information and support](#)

# Appendix A: Making or receiving a public interest disclosure

## **A guide for Council members and Secretariat staff**

Any disclosure of improper conduct made either by a colleague, another public servant, or someone external to the public service such as a stakeholder or member of the community, should be considered to be a public interest disclosure (PID) that is relevant to the *Public Interest Disclosure Act 2010* (PID Act), until it is decided otherwise.

Improper conduct that forms the basis of a PID includes:

- corrupt conduct (defined by the *Crime and Corruption Act 2001*)
- maladministration
- substantial misuse of public resources
- any conduct that causes substantial and specific danger to public health or safety or to the environment.

This Guide has been designed to assist members of the Queensland Sentencing Advisory Council (QSAC), or staff in the Council Secretariat, who receive information that could form the basis of a PID. It supports the QSAC PID Policy and Procedures, which is the overarching source of information about how the Council manages PIDs.

You may become aware of behaviour that should be disclosed to a responsible officer in a number of ways:

- You may observe behaviour that you feel does not meet the requirements of the whole-of-government Code of Conduct or the Council's Code of Conduct
- A colleague may confide in you about an observation of improper behaviour
- You may overhear colleagues speaking about improper behaviour.

In any of these circumstances, the steps are the same.

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### Step 1

Document what you have observed or heard. The person investigating the PID will need the following information:

- Who was involved
- What happened
- When it happened
- Where 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

- Any further information that could help investigate the PID
- Any contact information for the person making the disclosure.

Even if you do not have all this information, a PID can still be reported; in fact, a PID can be made anonymously, although some ability to contact anonymously (such as an anonymous email address) will assist the Council to keep the discloser up to date with actions that have been taken.

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## Step 2

If you did not observe the behaviour yourself, approach the person who did observe it. Acknowledge the importance and value to QSAC of making a report of wrongdoing. Ask them whether they would be prepared to formalise a complaint and explain that they will be protected by the Council and by the provisions of the PID Act. Explain that the PID Act protects a discloser in the following ways:

- immunity from liability
- protection from defamation action
- protection from any reprisal action
- confidentiality – and, in fact, this also applies to the discloser.

Let them know that specific supports will be put in place to ensure their safety. These supports will be based on a risk assessment of the likelihood of reprisal action and can include:

- information about the PID process and updates about progress in relation to the disclosure
- help to manage their expectations and prepare them for stressful situations
- information about services provided by external organisations that can offer more professional or structured support with stress management, or other counselling support
- monitoring the workplace for potential reprisal or conflict arising from the disclosure
- appointment of a dedicated support officer.

It is important to let them know that disciplinary action can and will be taken in any case of reprisal to a discloser.

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## Step 3

**If you are the discloser**, approach the responsible officer under the Council's PID Policy and Procedures – the Director (who is the Council's PID Coordinator), or the Executive Director of DOJ's Ethical Standards Unit if the complaint relates to the Director. This can be done by email if there is concern about confidentiality in the office.



**If you receive information from a discloser** who does not wish to make the disclosure, report what you know to the PID Coordinator or the Executive Director of DOJ's Ethical Standards Unit. They may be able to proceed on the basis of the information you have provided.

### **Your obligations**

Please remember - you are responsible for keeping any PID information completely confidential. In fact, if you do disclose information about the PID, this is an offence under the PID Act. One of the principle aims of the PID Act is to protect a discloser from being identified if possible, and to protect them from any potential reprisal action. This means you must not post anything on social media about the PID.

If you receive correspondence from the Council or from DOJ about the PID, retain this somewhere discrete and secure.

Finally, and most importantly, you must report any reprisal action arising from the disclosure, whether you have experienced it, observed it, or heard about it. Reprisal action is unlawful and an offence under the PID Act, and the Council will take action against it.

## Appendix B: Public Interest Disclosure Risk Assessment and Risk Management Guide

In order to comply with the requirements of the Public Interest Disclosure Act 2010 (the PID Act) and the Public Interest Disclosure standards, a risk assessment must be completed as soon as practicable after assessing a PID. The risk assessment should be reviewed on a regular basis, and amended as required, until the management of the PID is finalised.

In conducting a risk assessment, consider the nature of the risks, the consequences if reprisals occur, the likelihood of reprisal occurring and the timeframe/s in which the risks of reprisal may arise.

<b>Internal reference:</b>	
<b>Assessor:</b>	
<b>Date:</b>	
<b>Which party is this risk assessment prepared for?</b>	<input type="checkbox"/> Discloser <input type="checkbox"/> Subject officer/s <input type="checkbox"/> Witness/es <input type="checkbox"/> Other (specify)

### Have you:

- ☐ explained the PID management process to each party (where appropriate)
- ☐ consulted with each party (where practicable) about any potential risks they have identified
- ☐ explained your agency's obligations in relation to confidentiality, the exceptions to confidentiality, and the limitations with respect to affording natural justice to a subject officer
- ☐ provided information to each party about their responsibilities and what they can expect, particularly when it comes to their obligations to maintain confidentiality
- ☐ provided advice on what outcomes can reasonably be expected.

## Risk Assessment

What harm?	
<p>Reasons:</p>	<p><i>What is the nature of the risks? What types of harm are possible, both when the PID is initially made and during the process of managing the PID?</i></p> <p><i>Example types of harm include:</i></p> <ul style="list-style-type: none"> <li>• stress</li> <li>• isolation</li> <li>• harassment and intimidation</li> <li>• withholding of resources needed to perform role</li> <li>• physical harms</li> <li>• denial of career opportunities</li> <li>• unreasonable performance management</li> <li>• financial loss</li> <li>• damage to reputation</li> <li>• damage to property</li> <li>• refusal of access to training and professional development</li> </ul>
What consequences?	
<p> <input type="checkbox"/> Minor  <input type="checkbox"/> Moderate  <input type="checkbox"/> Significant         </p> <p>Reasons:</p>	<p><i>What is the potential impact of the harms?</i></p> <p><i>Will the impact be limited and transitory, with the party having the capacity to readily deal with it?</i></p> <p><i>Will the impact have consequences for the party which will affect their work-life and potentially their personal wellbeing and home life, requiring proactive support to effectively manage?</i></p> <p><i>Will the consequences be short-term, medium-term or long-term in nature?</i></p>

What likelihood?	
<input type="checkbox"/> Unlikely <input type="checkbox"/> Possible <input type="checkbox"/> Likely  Reasons:	<p><i>What is the likelihood of risks occurring, particularly if confidentiality cannot be maintained?</i></p> <p><i>Will the likelihood of reprisal be exacerbated by the presence of any of the following factors:</i></p> <ul style="list-style-type: none"> <li><i>the number of subject officers involved?</i></li> <li><i>the seniority of the subject officer/s?</i></li> <li><i>the number of people who know the discloser has raised the issue?</i></li> <li><i>the seriousness of the alleged wrongdoing?</i></li> <li><i>any history of conflict in the workplace?</i></li> </ul>

### Evaluation of risk

Likelihood	Consequence		
	Minor	Moderate	Significant
Unlikely	Low	Low	Medium
Possible	Low	Medium	High
Likely	Medium	High	High

This matter has been assessed as being:

- ☐ High risk  
☐ Medium risk  
☐ Low risk

Additional comments:

## Risk Management

<b>What treatment?</b>	
	<p><i>What strategies will be implemented to eliminate, minimise or manage the risks to parties involved in the PID?</i></p> <p><i>Possible strategies include:</i></p> <ul style="list-style-type: none"><li>• <i>maintain confidentiality to the extent possible, and ensure all parties are aware of their obligations</i></li><li>• <i>appoint a PID Support Officer</i></li><li>• <i>proactively advise subject officers about the consequences of taking reprisal action</i></li><li>• <i>alter reporting structures</i></li><li>• <i>increase monitoring of the work environment</i></li><li>• <i>temporarily relocate the subject officer to a different location/ role</i></li><li>• <i>independently verify the work performance of the discloser</i></li><li>• <i>provide access to specialist support services if required</i></li></ul>
<b>Signature and date:</b>	

## Risk Management Review

<b>Review of risk treatment plan</b>	
	<p><i>Periodically monitor the effectiveness of the risk treatment plan (in consultation with the party or parties concerned) and identify any amendments required.</i></p>
<b>Signature and date:</b>	



Queensland Sentencing  
Advisory Council

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[sentencingcouncil.qld.gov.au](http://sentencingcouncil.qld.gov.au)