

Standard
HRS/STD/3511/SPT

Public Interest Disclosure

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1.0 Introduction

Queensland Rail is committed to creating and supporting a workplace culture that promotes ethical workplace behaviour and practices by:

- Encouraging the reporting of public interest disclosures
- Providing transparent and accessible reporting processes
- Supporting and protecting employees who make a public interest disclosure.

This standard has been formulated to facilitate the effective notification, assessment, and management of public interest disclosures (PIDs) within Queensland Rail in accordance with the *Public Interest Disclosure Act 2010 (Qld)*.

2.0 Scope

This standard applies to the making of a PID by an employee in relation to:

- Official Misconduct; and
- Reprisal.

This standard does not apply to workplace disputes.

3.0 Definitions

Where used in this standard, the following definitions apply:

Conduct	<p>means conduct (or a conspiracy or attempt to engage in conduct) of or by a person who holds or held an appointment that is or involves-</p> <p>(a) the performance of the person's functions or the exercise of the person's powers, as the holder of the appointment, in a way that is not honest or is not impartial;</p> <p>(b) a breach of the trust placed in the person as the holder of the appointment; or</p> <p>(c) a misuse of information or material acquired in or in connection with the performance of the person's functions as the holder of the appointment, whether the misuse is for the person's benefit or the benefit of someone else.</p>
Crime and Misconduct Commission	<p>means the Crime and Misconduct Commission established under the <i>Crime and Misconduct Act 2001</i> and which must be informed of any allegation of official misconduct made in relation to an employee.</p>

Detriment	<p>Includes:</p> <p>(a) personal injury or prejudice to safety;</p> <p>(b) property damage or loss;</p> <p>(c) intimidation or harassment;</p> <p>(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business;</p> <p>(e) financial loss; or</p> <p>(f) damage to reputation.</p>
Discloser	<p>means an employee who has made a public interest disclosure under the <i>Public Interest Disclosure Act 2010</i>.</p>
Official Misconduct	<p>means conduct that could, if proved, be:</p> <ul style="list-style-type: none"> • a criminal offence; or • a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment.
Public Interest Disclosure	<p>means the disclosure by an employee of information about:</p> <ul style="list-style-type: none"> • the conduct of another employee that could, if proved, be official misconduct; or • the conduct of another person that could, if proved, be a reprisal that relates to a previous disclosure made by the employee to Queensland Rail or the Crime and Misconduct Commission, <p>if the employee honestly believes on reasonable grounds that the information tends to show the conduct; or the information tends to show the conduct, regardless of whether the employee honestly believes the information tends to show the conduct.</p>
Public Interest Disclosure Coordinator	<p>means the Chief Human Resources Officer acting in the capacity of Public Interest Disclosure Coordinator.</p>
Public Service Commission	<p>means the Public Service Commission established under the <i>Public Service Act 2008</i> and which has the responsibility to oversee compliance by Queensland Rail with Queensland Rail's obligations under the <i>Public Interest Disclosure Act 2010</i>.</p>

Reprisal	<p>means causing, attempting or conspiring to cause, or attempting to induce a person to cause detriment to a person because or in the belief that that person or someone else:</p> <ul style="list-style-type: none"> • has made or intends to make a public interest disclosure; or • is, has been, or intends to be, involved in a proceeding under the <i>Public Interest Disclosure Act 2010</i> against any person.
Subject officer/respondent	means the employee whose conduct is the subject of the public interest disclosure

4.0 Reference documents

- Public Interest Disclosure Act (Qld) 2010
- GEN/STD/1801/CPL Official Misconduct Framework and Control Plan Standard
- HRS/SPC/1004/SPT Discipline process

5.0 Responsibilities

Public Interest Disclosure Coordinator is responsible for the management of Queensland Rail's PID program which includes:

- Reporting to the Board and Chief Executive Officer as required
- Reporting to the Public Service Commission as required
- Providing direction and advice to the Manager Diversity and Workplace Intervention on the handling of PIDs.

Manager Diversity and Workplace Intervention is responsible for:

- Receiving and assessing PIDs
- Liaison with Internal Audit in relation to the reporting by Internal Audit to the Crime and Misconduct Commission of possible official misconduct allegations
- Assessment of the risk of reprisal
- Support of disclosers
- Investigation of PIDs where appropriate
- Communicating with disclosers
- Reporting to the Public Interest Disclosure Coordinator as required.

All Managers and Supervisors are responsible for:

- communicating the expectation that all employees are required to undertake their duties to high ethical standards and always act in the public interest
- creating and supporting a workplace culture that promotes ethical decision making, integrity and accountability
- demonstrating positive ethical standards and values to employees through their own conduct and communications at work
- creating a supportive reporting environment and providing appropriate support to employees who report suspected wrongdoing.

All Employees are responsible for:

- not engaging in Official Misconduct
- conducting their duties to a high professional and ethical standard
- seeking appropriate management guidance if they have an ethical dilemma
- immediately referring PIDs
- cooperating fully with investigations into PIDs
- maintaining confidentiality with respect to PIDs
- refraining from reprisal action (or inaction, as the case may be)

6.0 Requirements

Queensland Rail is committed to developing and maintaining a workplace culture where employees are encouraged and supported in the making of Public Interest Disclosures (PIDs).

6.1 How PIDs may be made

A PID may be made to Queensland Rail in writing, in person or via telephone. A PID may be made anonymously, however this may limit the ability of Queensland Rail to effectively investigate the PID and to protect the discloser from reprisal.

A PID may be made to:

- The employee's manager (who must inform the HR Adviser within the business function of the disclosure)
- The HR Adviser within the business function
- The Manager Diversity and Workplace Intervention
- Internal Audit, Legal and Ethics Hotline 1800 723 515

A PID may also be made to the Crime and Misconduct Commission.

6.2 Assessment of PIDs:

All disclosures made will be assessed to determine if they are a PID.

If it is determined that a disclosure is a PID, appropriate action will be taken, which may include investigation or referral to another entity.

If a PID is not verified, it will retain its status as a PID and the discloser will continue to be offered support in accordance with this Standard.

If it is determined that a disclosure is not a PID, it will be dealt with as the Chief Human Resources Officer considers appropriate (for example, by investigating the matter as a workplace dispute).

6.3 Support of Discloser and Management of Reprisals

The level and nature of support that will be provided to a discloser will depend on the particular circumstances of the PID.

Support will include:

- A risk assessment that considers the risk of reprisal against the discloser
- Any action that the Public Interest Disclosure Coordinator considers is appropriate to protect the discloser from reprisal
- Providing assistance in contacting Employee Support if requested by the discloser
- Informing the discloser of the progress of the matter as appropriate, including the outcome of any investigation.

A reprisal against a discloser is a criminal offence. A person who takes reprisal action may also be liable for damages to any person who suffers detriment as a result.

Any employee who is found to have taken reprisal action against a person making a PID will be dealt with through Queensland Rail's Discipline Process.

6.4 Rights of subject officer/respondent

The subject officer/respondent:

- will be treated in accordance with the principles of natural justice
- will be assisted in contacting Employee Support, if they request such assistance
- will be informed of the progress of the matter as appropriate, including the outcome of any investigation.

6.5 Commitment to confidentiality

Information identifying a discloser or subject officer/respondent and information disclosed by a PID will be kept confidential except to the extent that disclosure is required or permitted by law (including under the principles of natural justice).

6.6 Reasonable Management Action

The making of a PID will not affect the ability of Queensland Rail to take reasonable management action in relation to a discloser.

The taking of reasonable management action by Queensland Rail in relation to a discloser does not constitute reprisal.

6.7 False or misleading information

An employee must not intentionally provide false or misleading information in making a PID or in connection with the assessment or investigation of a PID.

The intentional provision of false or misleading information in those circumstances is a criminal offence.

A discloser who is found to have intentionally provided false or misleading information will not have the protections normally afforded to a discloser and will be managed as the Public Interest Disclosure Coordinator considers appropriate, which may include being dealt with through the Discipline Process.

7.0 Implementation

This standard is effective from 1 January 2011.

This standard will be reviewed 12 months after the date on which it was made and at least every 3 years thereafter.