

Division	People and Culture		
Business unit	Human Resource Services		
Application	RTA wide	Contact officer	Manager Human Resource Services

Purpose

By maintaining compliance with the *Public Interest Disclosure Act* (PID Act) the Residential Tenancies Authority (RTA) will:

- promote the public interest by facilitating public interest disclosures (PIDs) of wrongdoing
- ensure that PIDs are properly assessed and, where appropriate, properly investigated and dealt with
- ensure appropriate consideration is given to the interests of persons who are the subject of a PID
- ensure protection from reprisal is afforded to persons making PIDs.

As required under the PID Act, the Chief Executive Officer (CEO) of the RTA will implement procedures to ensure that:

- any public officer who makes a PID is given appropriate support
- PIDs made to the RTA are properly assessed and, where appropriate, properly investigated and dealt with
- appropriate action is taken in relation to any wrongdoing which is the subject of a PID
- a management program for PIDs made to the RTA, consistent with the standards issued by the Queensland Ombudsman, is developed and implemented
- public officers who make PIDs are offered protection from reprisal by the RTA or other public officers of the RTA.

The RTA's Public Interest Disclosure Procedure is available for public viewing at www.rta.qld.gov.au. The Public Interest Disclosure Procedure will be reviewed annually and updated as required to ensure it meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman.

Policy Statement

The RTA is committed to fostering an ethical and transparent culture. In pursuit of this, the RTA values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, where necessary, be appropriately investigated.

The RTA will provide support to an employee or others who make disclosures about matters in the interest of the public. This document demonstrates this commitment and ensures that practical and effective procedures are implemented in compliance with the requirements of the PID Act.

The policy that directs and gives effect to this procedure is the Public Interest Disclosure (PID) Policy. This procedure is to be read in conjunction with the Public Interest Disclosure Policy.

PID Management Program

The Chief Executive Officer has overall responsibility for ensuring that the RTA develops, implements and maintains a PID management program. The RTA PID management program encompasses:

- commitment to encouraging the internal reporting of wrongdoing
- senior management endorsement of the value to the RTA of PIDs and the proper management of PIDs
- a communication strategy to raise awareness among employees about PIDs and the RTA's PID Procedure
- a training strategy to give employees access to training about how to make a PID, information on the support available to a discloser, and advice on how PIDs will be managed
- specialist training and awareness about PIDs for senior management and other staff who may receive or manage PIDs, disclosers or workplace issues relating to PIDs
- the appointment of a specialist officer/unit to be responsible for issues related to the management of PIDs
- ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls
- regular review of the Public Interest Disclosure Procedure and evaluation of the effectiveness of the PID Management Program.

Why make a PID?

Employees who are prepared to speak up about public sector misconduct, wastage of public funds, suspected unlawful activity or danger to health, safety or the environment can be the most important sources of information to identify and address problems in public sector administration. The RTA supports the disclosure of information about wrongdoing because:

- implementing systems for reporting and dealing with wrongdoing contributes to the integrity of the RTA
- the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to the RTA
- the community's trust in public administration is strengthened by having strong processes in place for reporting wrongdoing.

When making a PID the discloser receives the protections provided under the PID Act, including:

- confidentiality – the discloser's name and other identifying information will be protected to the extent possible
- protection against reprisal – the discloser is protected from unfair treatment by the RTA and employees of the RTA as a result of making the PID
- immunity from liability – the discloser cannot be prosecuted for disclosing the information but is not exempt from action if they have engaged in wrongdoing
- protection from defamation – the discloser has a defence against an accusation of defamation by any subject officer.

Procedure

An employee or any other person may, under the PID Act, make a disclosure about a:

- substantial and specific danger to the health or safety of a person with a disability
- the commission of an offence, or contravention of a condition imposed under a provision of legislation mentioned in Schedule 2 of the PID Act, if the offence or contravention would be a substantial and specific danger to the environment
- reprisal because of a belief that a person has made, or intends to make, a disclosure.

In addition, public sector officers can make a disclosure about the following public interest matters:

- corrupt conduct
- maladministration that adversely affects a person's interests in a substantial and specific way
- a substantial misuse of public resources
- a substantial and specific danger to public health or safety
- substantial and specific danger to the environment.

A discloser can have either a 'reasonable belief' that wrongdoing has occurred, or provide evidence which tends to show the wrongdoing has occurred.

A disclosure amounts to a PID and is covered by the PID Act even if the:

- discloser reports the information as part of their duties – such as an auditor reporting a fraud or an occupational health and safety officer reporting a safety breach
- disclosure is made anonymously – the discloser is not required to give their name or any identifying information
- discloser has not identified the material as a PID – it is up to the RTA to assess information received and decide if it is a PID
- disclosure is unsubstantiated following investigation – the discloser is protected when the information they provide is assessed as a PID, whether or not it is subsequently investigated or found to be substantiated.

Who to disclose to

A PID must be made to the proper authority to receive disclosures of the type being made.

Disclosers are encouraged to make a disclosure to an appropriate officer of the RTA first.

The RTA has nominated a PID Officer, this being the Chief People Officer (CPO). Disclosures may be made to the CPO as follows:

Email: RTAPIDOFFICER@rta.qld.gov.au

Letter: Attn: PID Officer
Chief People Officer
PO Box 390
Brisbane QLD 4001

Phone: 1300 366 311 (Attn CPO).

In an event where a PID is disclosed and the RTA's PID Officer is the subject of the PID, the PID may be addressed to:

- the CEO or

- any person in a supervisory or management position at the RTA or
- RTA's Human Resources department or
- a public sector entity that has the power to investigate or remedy the matter (i.e. the CCC) or
- A Member of the Legislative Assembly (MP).

If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency as follows:

- Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal
- Queensland Ombudsman for disclosures about maladministration
- Queensland Audit Office for disclosures about a substantial misuse of resources
- Department of Child Safety, Youth and Women for disclosures about danger to the health and safety of a child or young person with a disability
- Department of Communities, Disability Services and Seniors for disclosures about danger to the health and safety of a person with a disability
- Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability
- Department of Environment and Science disclosures about danger to the environment
- A Member of the Legislative Assembly (MP) for any wrongdoing or danger
- The Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer.

An employee may make a PID about the conduct of another employee of the RTA directly to any appropriate authority that is authorised to receive a PID (refer to Public Interest Disclosure Policy).

- A public sector entity that has the authority to investigate or remedy the matter (i.e. the Crime and Corruption Commission) or
- A Member of the Legislative Assembly (MP).

A disclosure can also be made to a journalist if the following conditions have been met:

- a valid PID was initially made to a proper authority, and
- the proper authority:
 - decided not to investigate or deal with the disclosure, or
 - investigated the disclosure but did not recommend taking any action, or
 - failed to notify the discloser within six months of making the disclosure whether or not the disclosure was to be investigated or otherwise dealt with.

A person who makes a disclosure to a journalist in these circumstances is protected under the PID Act. However, disclosers should be aware that journalists are not bound under the confidentiality provisions of section 65 of the PID Act.

How to make a PID

A discloser can make a PID in any way, including anonymously, either verbally or in writing. To assist in the assessment, and any subsequent investigation of a PID, disclosers are requested to:

- provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number)
- provide as much information as possible about the suspected wrongdoing, including:
 - 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
- provide this information in writing.

If the disclosure is verbal, including over the telephone, the person to whom the PID is being made is required to document details of the conversation, including date and time. In addition, the person is to obtain as much relevant information as possible, including the dot points as mentioned above.

If an employee is speaking with a person and they advise they want to make a PID, the employee is to encourage the person to make the PID in writing, providing as much information as possible. However, the person is not obliged to. If the person requests the employee to verbally accept a PID or purported PID, the employee is to document details of the conversation, including date and time and the following information:

- on what grounds the person is making a PID providing as much relevant information as possible;
- specifically state whether they are making a PID;
- the name, job title and workplace address of the person who is subject to the disclosure;
- the names of any people who witnessed the conduct or danger who may be able to verify the allegations or events; and
- any evidence that supports the claim, i.e. correspondence or other supporting documents.

When a PID is made to an employee other than RTA's PID Officer or the Chief Executive Officer, the employee must immediately notify their Team Leader//Manager/Executive. The employee receiving the PID is not authorised to gather evidence or conduct an investigation of any kind.

Any employee that receives a PID must not disclose or discuss the matter which is the subject of the disclosure to, or with any other employee or person, except when passing on the PID to their Team Leader/Manager/Executive.

The PID is to be placed in a sealed envelope marked '*Private and Confidential*' and is to be forwarded to the RTA PID Officer (or CEO if required) or external public sector entity as described in the procedure.

Once the PID is received by the RTA PID Officer, and they deduce that the PID exposes a risk to the health or safety of any person, the RTA PID Officer must immediately take all necessary and appropriate steps to protect the health and safety of the person at risk.

What if I am the subject of the PID?

Section 65 of the PID Act protects the identity of the person/s whom a PID is made against and the contents of the PID. The PID Act requires that those who may be the subject of a PID be afforded natural justice. In the event that you have had a PID supposed against you, the RTA will:

- assure the employee/s that the PID will be dealt with impartially, fairly, and reasonably in accordance with the principles of natural justice
- confirm that the PID is, at current, an allegation only and will remain an allegation until further information and evidence is obtained through an investigation which substantiates the allegation
- provide the employee/s with information pertaining to their rights and the progress and outcome of any investigation
- refer the employee/s to the Employee Assistance Program for support during the allegation and investigation process.

Deciding whether a matter is a PID

If there is any doubt as to whether a matter is a PID, further information may be obtained to inform the decision. If doubt still remains, the matter will be considered and managed as a PID.

Mere disagreements over policy do not meet the threshold for a PID under the PID Act.

It is an offence under the PID Act to intentionally give false or misleading information intending it be acted on as a PID. Employees may be subject to disciplinary action for intentionally giving false or misleading information in a PID, or during an investigation into a PID.

Where a discloser states they are making a PID, but it is assessed that the matter is not a PID the RTA will advise the discloser:

- that their information has been received but was not assessed as a PID
- the reasons for the decision
- the review rights available if the discloser is dissatisfied with the decision and how to request review
- any action the RTA proposes to take in relation to the matter
- any other options the discloser has in relation to the matter.

Assessing a PID

Once received, the disclosure will be assessed in accordance with the PID Act, the PID standards, the RTA's Public Interest Disclosure Procedure and any other relevant procedure/s.

Once the matter has been assessed as a PID, the RTA will advise the discloser:

- that their information has been received and assessed as a PID
- the action to be taken by the RTA in relation to the disclosure, which could include referring the matter to an external agency, or investigating the likely timeframe involved
- the name and contact details of the RTA support officer they can contact for updates or advice of the discloser's obligations regarding confidentiality
- the protections the discloser has under the PID Act

- the commitment of the RTA to keep appropriate records and maintain confidentiality, except where permitted under the PID Act
- how updates regarding intended actions and outcomes will be provided to the discloser
- contact details for the RTA Employee Assistance Program.

If the PID has been made anonymously and the discloser has not provided any contact details, the RTA will not be able to acknowledge the PID or provide any updates.

Referring a PID

If the RTA decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency. This may be because:

- the PID concerns wrongdoing by that agency or an employee of that agency
- that agency has the power to investigate or remedy the matter.

Before referring the PID to another agency, the RTA will conduct a risk assessment (see Attachment 1), and will not proceed with the referral if there is an unacceptable risk of reprisal.

It may also be necessary to refer the PID to another agency because of a legislative obligation, for example, refer a matter to the Crime and Corruption Commission where there is a reasonable suspicion that the matter involves or may involve corrupt conduct (as required by section 38 of the [Crime and Corruption Act 2001](#)).

The confidentiality obligations of the PID Act permit appropriate officers of the RTA to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contacts with any other agency.

The discloser will be advised of the action taken by the RTA.

Risk Assessment and Protection from Reprisal

Disclosers should not suffer any form of detriment as a result of making a PID. Upon receiving a PID, the RTA will conduct a risk assessment (see Attachment 1) to assess the likelihood of the discloser (or witnesses or affected third parties) suffering reprisal action as a result of having made the disclosure. This assessment will take into account the actual and reasonably perceived risk of the discloser (or witnesses or affected third parties) suffering detriment and will include consultation with the discloser.

A risk assessment (see Attachment 1) will be undertaken if the discloser is anonymous on the basis of information available in the PID. The risk assessment will also take into account the risk to persons who may be suspected of making the PID.

Consistent with the assessed level of risk, the RTA will develop and implement a risk management plan and arrange any reasonably necessary support or protection for the discloser (or witnesses or affected third parties).

The RTA will regularly reassess the risk of reprisal while the PID is being managed, in consultation with the discloser, and review the risk management plan if required.

In the event of reprisal action being alleged or suspected, the RTA will:

- attend to the safety of the discloser (or witnesses or affected third parties) as a matter of priority
- review its risk assessment, risk management plan and any protective measures needed to mitigate any further risk of reprisal
- manage any allegation of a reprisal as a PID in its own right.

Declining to take action on a PID

Under the PID Act, the RTA may decide not to investigate or deal with a PID in various circumstances, including:

- the information disclosed has already been investigated or dealt with by another process
- the information disclosed should be dealt with by another process
- the age of the information makes it impractical to investigate
- the information disclosed is too trivial and dealing with it would substantially and unreasonably divert the RTA from the performance of its functions
- another agency with jurisdiction to investigate the information has informed the RTA that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID the RTA will give the discloser written reasons for that decision.

If the discloser is dissatisfied with the decision they can request a review by writing to the Chief Executive Officer of the RTA within 28 days of receiving the written reasons for decision.

Communication with Disclosers

Under the PID Act, the RTA must give reasonable information to a discloser.

The RTA will acknowledge receipt of the PID in writing as soon as practicable. The discloser will be provided with information that meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman, including:

- the action that will be taken in response to the PID
- the protections under the PID Act
- confidentiality obligations of the discloser and the RTA
- support arrangements.

The RTA will maintain contact with the discloser and provide regular updates during the management of the PID.

In accordance with the PID Act, after finalising action in response to the PID, the RTA will advise the discloser in writing of the action taken and the results of the action.

Confidentiality

While the RTA will make every attempt to protect confidentiality, a discloser's identity may need to be disclosed to:

- provide natural justice to subject officers
- respond to a court order, legal directive or court proceedings.

The RTA will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.

Strict confidentiality is to be maintained at all times in relation to the reporting of, and the investigation of, wrongdoing or danger. Confidentiality protects the person who made the disclosure from reprisal, other employees or persons affected by the PID and, protection of the rights of persons against whom allegations have been made.

Disclosers should be aware that, while the RTA will make every attempt to keep the details of the disclosers confidential, the RTA cannot guarantee that other parties will not try to deduce their identity.

Support for Disclosers

The RTA recognises that providing appropriate support to a discloser is an important feature of effective PID management.

An assessment will be undertaken to identify the support needs of the discloser. Where appropriate, a PID Support Officer will be assigned to the discloser. The PID Support Officer will assist the discloser to access information about PIDs, protections available under the PID Act and the PID management process. The PID Support Officer will proactively contact the discloser to offer support.

Information and support will be provided to the discloser until the matter is finalised.

Making a PID does not prevent reasonable management action. That means that the discloser will be managed continuously in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

Duty to Disclose

The PID Officer has the delegated duty to refer to the CCC all complaints, information or matters which the PID Officer suspects involves or may involve corrupt conduct. This duty is an obligation and is not discretionary, irrespective of any provision to the contrary in any other legislation or any obligation to maintain confidentiality. Reports of actual or suspected criminal conduct will be reported to the Queensland Police and the CCC.

False or misleading information

It is an offence for an employee to intentionally provide false or misleading information intending that it be treated as a PID. An employee or a person intentionally making a false or misleading statement, knowing it to be untrue, may be prosecuted under the *Crime and Corruption Act 2001* and the *Public Interest Disclosure Act 2010*.

Natural justice

Principles of natural justice apply to all PID investigations. The RTA is committed to managing the PID appropriately and making the process fair for both the person/s who made the disclosure, and the person/s who are the subject of the disclosure. The rights of any person/s who are the subject of, or are in some way associated with a disclosure, are important and, as a person/s against whom a PID is made, are entitled to procedural fairness.

Investigating a PID

If a decision is made to investigate a PID, this will be done with consideration for the:

- principles of natural justice
- obligation under the PID Act to protect confidential information
- obligation under the PID Act to protect officers from reprisal
- interests of subject officers.

If as a result of investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken.

Where the investigation does not substantiate wrongdoing, the RTA will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

Rights of subject officers

The RTA acknowledges that for officers who are the subject of a PID the experience may be stressful. The RTA will protect their rights by:

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

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

Record Keeping

In accordance with its obligations under the PID Act and the [Public Records Act 2002](#), the RTA will ensure that:

- accurate data is collected about the receipt and management of PIDs
- anonymised data is reported to the Office of the Queensland Ombudsman in their role as the oversight agency, through the PID reporting database.

Records about disclosures, investigations, and related decisions will be kept secure and accessible only to appropriately authorised people involved in the management of the PID.

All PIDs or suspected PIDs must be recorded by the RTA's PID Coordinator in the PID Database, and be reported to the Queensland Ombudsman in their role as the PID oversight agency.

PID outcome

On completion of the investigation, the PID Officer is provided with a report from the CCC, the investigator, or the agency appointed to investigate the matter.

The PID Officer will inform the person making a disclosure and the person who is the subject of the PID, separately in writing about the outcome of the investigation. Where disciplinary action is warranted, the Chief Executive Officer is responsible for instigating the appropriate process to commence such action.

If the person making a disclosure or the person, who is the subject of the PID, is unhappy with the PID outcome, they may lodge a complaint as per RTA's Managing Employee Complaints Policy.

Finalisation of the PID

On completion of all action taken in relation to the PID, the PID Coordinator is to ensure that the PID database is accurate and complete.

The PID Officer should consider any improvements to policy, or procedure as a result of the PID assessment, investigation and outcomes and advise the CEO.

Agreed recommendations should then be reviewed and implemented if approved.

Responsibilities

Chief Executive Officer

The Chief Executive Officer has overall responsibility for ensuring that:

- All employees are aware that they are required to conduct their duties to high professional and ethical standards and always act in the public interest (outlined in the RTA's Code of Conduct)

- The RTA has a management program for PID's, in accordance with the Public Interest Disclosure standards
- Ensuring public interest disclosures made to the RTA are properly assessed, investigated and managed according to legislative provisions.
- All matters involving suspected corrupt conduct are assessed against the Crime and Corruption Act 2001 section 40 guideline and treated accordingly, including referral to the Crime and Corruption Commission where appropriate.
- Ensuring RTA employees who make a public interest disclosure are:
 - Given appropriate support, and
 - Protected from reprisal.

The Chief Executive Officer has designated the following roles and responsibilities for managing PIDs within the RTA:

PID Officer (also known as PID Coordinator)

The Chief People Officer (CPO) is the delegated officer to be responsible for issues related to the Management of PIDS. This role will be responsible for the overall coordination and implementation of the PID process within the RTA. The CPO has direct access to the CEO and delegated authority in relation to PID matters and resources and their responsibilities include:

- principal contact for PID issues within the RTA
- document and manage implementation of PID management program
- review and update PID procedure annually
- maintain and update internal records of PIDs received
- report data on PIDs to Queensland Ombudsman
- assess PIDs received
- provide acknowledgment of receipt of PID to discloser
- undertake risk assessments (see Attachment 1) in consultation with disclosers and other relevant officers
- liaise with other agencies about referral of PIDs
- allocate Investigator and Support Officer to PID matter

PID Support Officer

- provide advice and information to discloser on the RTA PID procedure
- provide personal support and referral to other sources of advice or support as required
- facilitate updates on progress of investigation
- proactively contact discloser throughout PID management process

Investigator

An appropriate internal or external investigator will be appointed for each PID investigated depending upon the type of disclosure and other relevant considerations. The investigator will:

- conduct an investigation of information in PID in accordance with terms of reference
- prepare report for delegated decision-maker

Delegated decision-maker

An appropriate decision-maker will be appointed for each PID investigated. The delegated decision-maker will:

- review the investigation report and determine whether alleged wrongdoing is substantiated

Executive Leadership Team/Managers/Team Leaders

- ensure employees are aware of their responsibilities regarding the reporting of instances of corrupt conduct and wrongdoing and making a public interest disclosure
- ensure the person/s who made the disclosure can work in a safe environment, free from reprisals.
- provide clear guidance to staff and people about how to make a PID.

Employees

- have a clear understanding of their responsibility to report actual or suspected instances of wrongdoing
- understand the procedure to be followed if a person wishes to make a PID or provide information which may constitute a PID.

Definitions

Term	Definition
Administrative action	<p>(a) means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> (i) a decision and an act; and (ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and (iii) the formulation of a proposal or intention; and (iv) the making of a recommendation, including a recommendation made to a Minister; and (v) an action taken because of a recommendation made to a Minister; and <p>(b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
Confidential information	<p>(a) includes —</p> <ul style="list-style-type: none"> (i) information about the identity, occupation, residential or work address or whereabouts of a person — <ul style="list-style-type: none"> (A) who makes a public interest disclosure; or (B) against whom a public interest disclosure has been made; and (ii) information disclosed by a public interest disclosure; and (iii) information about an individual's personal affairs; and (iv) information that, if disclosed, may cause detriment to a

	<p>person; and</p> <p>(b) does not include information publicly disclosed in a public interest disclosure made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.</p>
<p>Corrupt conduct</p>	<p>As defined in section 15 of the Crime and Corruption Act 2001</p> <p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ul style="list-style-type: none"> (i) a unit of public administration; or (ii) a person holding an appointment; and (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that— <ul style="list-style-type: none"> (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) 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 (c) would, if proved, be— <ul style="list-style-type: none"> (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment. <p>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) impairs, or could impair, public confidence in public administration; and (b) involves, or could involve, any of the following— <ul style="list-style-type: none"> (i) collusive tendering; (ii) 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)— <ul style="list-style-type: none"> (A) protecting health or safety of persons; (B) protecting the environment; (C) protecting or managing the use of the State’s natural, cultural, mining or energy resources; (iii) dishonestly obtaining, or helping someone to dishonestly

	<p>obtain, a benefit from the payment or application of public funds or the disposition of State assets;</p> <p>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p> <p>(v) fraudulently obtaining or retaining an appointment; and</p> <p>(c) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</p>
Detriment	<p>includes –</p> <p>(a) personal injury or prejudice to safety; and</p> <p>(b) property damage or loss; and</p> <p>(c) intimidation or harassment; and</p> <p>(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and</p> <p>(e) financial loss; and</p> <p>(f) damage to reputation, including, for example, personal, professional or business reputation.</p>
Disability	<p>As defined in section 11 of the Disability Services Act 2006, for the purposes of this procedure:</p> <p>(1) A disability is a person’s condition that—</p> <p>(a) is attributable to—</p> <p>(i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</p> <p>(ii) a combination of impairments mentioned in subparagraph (i); and</p> <p>(b) results in—</p> <p>(i) a substantial reduction of the person’s capacity for communication, social interaction, learning, mobility or self-care or management; and</p> <p>(ii) the person needing support.</p> <p>(2) For subsection (1), the impairment may result from an acquired brain injury.</p> <p>(3) The disability must be permanent or likely to be permanent.</p> <p>(4) The disability may be, but need not be, of a chronic episodic nature.</p>
Discloser	<p>A person who makes a disclosure in accordance with the Public Interest Disclosure Act 2010.</p>

Employee	of an entity, includes a person engaged by the entity under a contract of service.
Investigation	For the purposes of this procedure, investigation includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.
Journalist	a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
Maladministration	<p>As defined in schedule 4 of the Public Interest Disclosure Act 2010, maladministration is administrative action that—</p> <ul style="list-style-type: none"> (a) was taken contrary to law; or (b) was unreasonable, unjust, oppressive, or improperly discriminatory; or (c) was in accordance with a rule of law or a provision of an Act or (d) a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or (e) was taken— <ul style="list-style-type: none"> (i) for an improper purpose; or (ii) on irrelevant grounds; or (iii) having regard to irrelevant considerations; or (f) was an action for which reasons should have been given, but were not given; or (g) was based wholly or partly on a mistake of law or fact; or (h) was wrong.
Natural justice	<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, are:</p> <ul style="list-style-type: none"> • avoid bias; and • give a fair hearing. • act only on the basis of logically probative evidence.
Organisational support	<p>For the purposes of this procedure, organisational support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> • providing moral and emotional support • advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure

	<ul style="list-style-type: none"> • appointing a mentor, confidante or other support officer to assist the discloser through the process • referring the discloser to the agency’s Employee Assistance Program or arranging for other professional counselling • generating support for the discloser in their work unit where appropriate • ensuring that any suspicions of victimisation or harassment are dealt with • maintaining contact with the discloser • 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.
Proper authority	A person or organisation that is authorised under the Public Interest Disclosure Act 2010 to receive disclosures.
Public officer	A public officer, of a public sector entity, is an employee, member or officer of the entity.
Reasonable belief	A view which is objectively fair or sensible.
Reasonable management action	<p>Action taken by a manager in relation to an employee, includes any of the following taken by the manager—</p> <ul style="list-style-type: none"> (a) a reasonable appraisal of the employee’s work performance; (b) a reasonable requirement that the employee undertake counselling; (c) a reasonable suspension of the employee from the employment workplace; (d) a reasonable disciplinary action; (e) a reasonable action to transfer or deploy the employee; (f) a reasonable action to end the employee’s employment by way of redundancy or retrenchment; (g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f); (h) a reasonable action in relation to the employee’s failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee’s employment.
Reprisal	<p>The term ‘reprisal’ is defined under the Public Interest Disclosure Act 2010 as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:</p> <ul style="list-style-type: none"> • has made or intends to make a disclosure; or • has been or intends to be involved in a proceeding under the

	<p>disclosure Act against any person.</p> <p>Reprisal under the Public Interest Disclosure Act 2010 is a criminal offence and investigations may be undertaken by the Queensland Police Service.</p>
Subject officer	An officer who is the subject of allegations of wrongdoing made in a disclosure.
Substantial and specific	<p>Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.</p> <p>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.</p>

References

[Crime and Corruption Act 2001](#)

[Disability Services Act 2006](#)

[Local Government Act 2009](#)

[Ombudsman Act 2001](#)

[Public Interest Disclosure Act 2010](#)

[Public Records Act 2002](#)

[Public Sector Ethics Act 1994](#)

Links to other RTA Policies

Code of Conduct

Public Interest Disclosure (PID) Policy

Release Notice

Release notice			
Release date	2/09/2020		
	Name	Approval email	Date
Reviewers	See HR for copies		
For information only			
Quality review	Senior Governance Officer		1/09/2020
Approvers	Chief People Officer		2/09/2020
Version	Amendment details	Author	Date
V0.1	Initial release	See HR for copies	03/11/2011
V0.2	Final draft and release	See HR for copies	16/11/2015
V2.0	Major updates to procedure including legislation references and overall management program	See HR for copies	29/04/2019
V2.1	Minor formatting changes and PID Officer update	See HR for copies	29/06/2020

Attachment 1

PID Risk Assessment

Disclosure	<i>Case number / name</i>
Purpose / timing	<i>Where in process is this being undertaken? e.g. PID received and preliminary assessment indicate investigation is likely to be warranted</i>
Consultation	<i>Was the person making the disclosure consulted? If so, when? If not, why not? Were others consulted?</i>
Assessor	<i>Who is conducting the assessment – when? Who reviews / approves the assessment</i>

1. Risk identification

What might prevent or impact on the objectives of providing protection from reprisal?

Risk in relation to this disclosure	Points to consider
	<p>Disclosure <i>How serious is the reported wrongdoing?</i></p> <p>Disclosure <i>How vulnerable is the internal discloser? e.g. reporting and employment arrangements. Will confidentiality be maintained during the investigation?</i></p> <p>Subject Officer <i>Subject officer's power or influence? One or many subject officers? Have there been threats or past experiences to indicate concerns?</i></p> <p>Organisational environment <i>Is close monitoring of the discloser's workplace possible? Is it a supportive environment?</i></p> <p>Any other relevant factors.</p>

2. Risk factors

Identify factors that affect consequences and likelihood of reprisal.

Consider the effectiveness of contrail measures in place

Given what is known	Points to consider
<p>What forms of detriments may occur?</p>	<p><i>Detriment includes:</i></p> <ul style="list-style-type: none"> <i>A physical or psychological injury</i> <i>Loss or damage to property</i> <i>Intimidation or harassment</i> <i>Discrimination or disadvantage to career, employment or business</i> <i>Financial loss</i> <i>Damage to reputation</i>
<p>How Likely is reprisal</p>	<p><i>Given the identified risk factors, what is the combined effect? What factors make reprisal more likely or less likely?</i></p>
<p>Consequences of reprisal?</p>	<p><i>May be more than one consequence of reprisal (e.g. could depend on type/severity of detriment).</i></p>
<p>What control measures are already I place? How effective are they likely to be?</p>	<p><i>What protections are already in place?</i> <i>Are they sufficient to address the risks identified? In not why not – what else need to be addressed.</i></p>

3. Risk Evaluation

Evaluation comments and recommendation for action
<p><i>What is the overall assessment of the level of risk?</i></p> <p><i>Are existing controls adequate or is additional action needed?</i></p> <p><i>Do any risks require special consideration and action?</i></p> <p><i>What risk treatment/actions are recommended?</i></p>