

PUBLIC INTEREST DISCLOSURE POLICY AND PROCEDURE



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1 PURPOSE

- 1.1 CQUniversity is committed to fostering an ethical, transparent culture. The University values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated. CQUniversity will provide support to employees or others who make disclosures about matters in the public interest. This policy and procedure demonstrates this commitment, and ensures that practical and effective procedures are implemented which comply with the requirements of the [Public Interest Disclosure Act 2010](#) (Qld).
- 1.2 Anyone seeking to be a 'whistleblower' should read this policy and procedure for guidance on making a public interest disclosure.

2 SCOPE

- 2.1 This policy and procedure applies to public interest disclosures (PIDs) made by members of the public, CQUniversity employees or its controlled entities.

3 POLICY STATEMENT

3.1 As a public sector entity established under an Act of the Queensland Parliament, the University is subject to the *Public Interest Disclosure Act*, and University employees are 'public officers'. The University, therefore, has obligations related to the receipts of PIDs, and must protect employees making disclosures from reprisals.

3.2 The University will:

- promote the public interest by facilitating 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 any public officer who makes a PID is given appropriate support, and
- ensure protection from reprisal is afforded to persons making PIDs.

Management program

3.3 The Vice-Chancellor and President has overall responsibility for ensuring that the University develops, implements and maintains a PID management program. The University's PID management program will include:

- commitment to encouraging internal reporting of wrongdoing
- senior management endorsement of the value to the University of PIDs and the proper management of PIDs
- a communication strategy to raise awareness among employees about PIDs and this policy and 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 employees 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, and
- regular review of this policy and procedure and evaluation of the effectiveness of the PID management program.

Roles and responsibilities

3.4 The Vice-Chancellor and President has designated the following roles and responsibilities for managing PIDs:

Role	Responsibilities	Officer
PID Coordinator	<ul style="list-style-type: none">• principal contact for PID issues within the University• document and manage implementation of PID management program• review and update PID policy and procedure annually• maintain and update internal records of PIDs received• report data on PIDs to Queensland Ombudsman	<ul style="list-style-type: none">• Deputy Vice-President (Students) and University Secretary• Director Governance

Role	Responsibilities	Officer
	<ul style="list-style-type: none"> • assess PIDs received • provide acknowledgement of receipt of PID to discloser • undertake risk assessments in consultation with disclosers and other relevant officers • liaise with other agencies about referral of PIDs • allocate an investigator and support officer to each PID matter 	
PID Support Officer	<ul style="list-style-type: none"> • provide advice and information to discloser on PID policy and 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 	<ul style="list-style-type: none"> • Coordinator Records and Privacy • Records and Privacy Officer • Governance and Complaints Officer
Investigator	<ul style="list-style-type: none"> • conduct investigation of information in PID • prepare report for delegated decision-maker on the outcome of the investigation and the management of the PID 	An appropriate internal or external investigator will be appointed for each PID investigated depending upon the type of disclosure and other relevant considerations
Delegated decision-maker	<ul style="list-style-type: none"> • review investigation report and determine whether alleged wrongdoing is substantiated 	An appropriate decision-maker will be appointed for each PID investigated.

4 PROCEDURE

Why make a public interest disclosure

- 4.1 Employees and members of the public 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 University supports the disclosure of information about wrongdoing because:
- implementing systems for reporting and dealing with wrongdoing contributes to the integrity of the University
 - the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to the University, and
 - the community's trust in public administration is strengthened by having strong processes in place for reporting wrongdoing.
- 4.2 When making a PID the discloser will receive protections provided under the *Public Interest Disclosure Act*, including:
- confidentiality – the discloser's name and other identifying information will be protected to the extent possible

- protection against reprisal – the discloser will be protected from unfair treatment by the University and employees of the University 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, and
- protection from defamation – the discloser has a defence against an accusation of defamation by any subject officer.

What is a public interest disclosure

- 4.3 A PID is a disclosure, serving the public interest, about wrongdoing in the public sector. For an allegation to be considered a PID under the *Public Interest Disclosure Act* it must be:
- public interest information about serious wrongdoing or danger
 - an appropriate disclosure
 - made to a proper authority.
- 4.4 Any person can make a disclosure about a:
- substantial and specific danger to the health or safety of a person with a disability
 - substantial and specific danger to the environment, or
 - reprisal because of a belief that a person has made, or intends to make, a disclosure.
- 4.5 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, or
 - substantial and specific danger to the environment.
- 4.6 A discloser can have either a 'reasonable belief' that wrongdoing has occurred or provide evidence which shows wrongdoing has occurred.
- 4.7 A disclosure amounts to a PID and will be covered by the *Public Interest Disclosure 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 University to assess information received and decide if it is a PID, or
 - 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 can a public interest disclosure be disclosed to

- 4.8 Under the legislative scheme, employees who make a disclosure will be afforded certain protections against reprisal. The University will also, in the spirit of the legislation, attempt to protect from reprisal other members of the University community, such as students, who make disclosures. Reprisal against them, though not covered in the *Public Interest Disclosure Act*, is likely to amount to a breach of the University's [Code of Conduct](#).

- 4.9 Any member of the public is entitled to protection for disclosure of reprisal action taken against a person who has made a PID. The statutory scheme also protects any person (including members of the public) making a disclosure concerning danger to a person with a disability or disclosing certain offences against environmental legislation.
- 4.10 The *Public Interest Disclosure Act* does not provide protection against reprisals where a PID is not disclosed to a 'proper authority' (the University), or an appropriate external agency. For instance, disclosures made through the media, or to a political party, or industrial organisation are not PIDs and do not attract the protection. Limiting disclosure to the specified 'proper authorities' ensures that adequate investigation is undertaken and the reputation of persons against whom allegations are made is not damaged by inappropriate publication.
- 4.11 Disclosers are encouraged to make a disclosure to an appropriate officer of the University first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

Who to contact at CQUniversity	Other agencies that can receive PIDs:
<ul style="list-style-type: none"> • Deputy Vice-President (Students) and University Secretary (<i>preferred contact</i>) • Vice-President (Research) (<i>in the case of a disclosure concerning serious improprieties in the conduct of research</i>) • Vice-Chancellor and President • Director Governance • Director People and Culture • an employee's supervisor or head of unit • Manager Internal Audit 	<p>Disclosures can be made to an agency that has a responsibility for investigating the information disclosed:</p> <ul style="list-style-type: none"> • 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 Children, Youth Justice and Multicultural Affairs for disclosures about danger to the health and safety of a child or young person with a disability • Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships 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 for 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.

- 4.12 Once a disclosure has been received, it must be referred to the Deputy Vice-President (Students) and University Secretary, or the Vice-Chancellor and President if the disclosure concerns the Deputy Vice-President (Students) and University Secretary, as a matter of urgency.

How to make a public interest disclosure

- 4.13 A discloser can make a PID in any way, including anonymously, verbally or in writing.
- 4.14 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, and
 - provide this information in writing.
- 4.15 A disclosure can 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
 - 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.
- 4.16 A person who makes a disclosure to a journalist in these circumstances will be protected under the *Public Interest Disclosure Act*. However, disclosers should be aware that journalists are not bound under the confidentiality provisions of section 65 of the *Public Interest Disclosure Act*.
- 4.17 Disclosers are advised to maintain confidentiality, so that the matters raised can be properly investigated and their own interests protected.

Deciding whether a matter is a public interest disclosure

- 4.18 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.
- 4.19 Mere disagreements over policy do not meet the threshold for a PID.
- 4.20 It is an offence 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.

Assessing a public interest disclosure

- 4.21 The disclosure will be assessed in accordance with the *Public Interest Disclosure Act*, the PID Standard, this policy and procedure, and other relevant policy documents.
- 4.22 Once the matter has been assessed as a PID, the University will advise the discloser:
- that their information has been received and assessed as a PID
 - the action that will be taken by the University 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 University's PID support officer/s they can contact for updates or advice
 - of the discloser's obligations regarding confidentiality
 - the protections the discloser has under the Public Interest Disclosure Act
 - the commitment of the University to keep appropriate records and maintain confidentiality, except where permitted under the Public Interest Disclosure Act
 - how updates regarding intended actions and outcomes will be provided to the discloser, and

- contact details for the University's Employee Assistance Program.
- 4.23 If the PID has been made anonymously and the discloser has not provided any contact details, the University will not be able to acknowledge the PID or provide any updates.
- 4.24 Upon receiving a PID, the University will conduct a risk assessment to assess the likelihood of the discloser 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 suffering detriment, and will include consultation with the discloser.
- 4.25 Consistent with the assessed level of risk, the University will arrange any reasonably necessary support or protection for the discloser.

Referring a public interest disclosure

- 4.26 If the University 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
 - the agency has the power to investigate or remedy the matter
 - it is necessary to refer the PID to another agency due to legislative obligations – 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](#)).

In these cases, the discloser will be advised of the action taken by the University.

- 4.27 The confidentiality obligations of the *Public Interest Disclosure Act* permit appropriate officers of the University to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contacts with any other agency.

Declining to take action on a public interest disclosure

- 4.28 Under the *Public Interest Disclosure Act*, the University 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 University from the performance of its functions
 - another agency with jurisdiction to investigate the information has informed the University that an investigation is not warranted.
- 4.29 If a decision is made not to investigate or deal with a PID the University will give the discloser written reasons for that decision.
- 4.30 If the discloser is dissatisfied with the decision they can request a review by writing to the Vice-Chancellor and President within 28 calendar days of receiving the written reasons for decision.

Investigating a public interest disclosure

- 4.31 If a decision is made to investigate a PID, this will be done with consideration for the:
- principles of natural justice
 - obligation under the *Public Interest Disclosure Act* to protect confidential information
 - obligation under the *Public Interest Disclosure Act* to protect officers from reprisal, and
 - interests of subject officers.

- 4.32 A report prepared by the investigating officer on the outcome of an investigation and the management of the PID will be made to the Vice-Chancellor and President, through the Deputy Vice-President (Students) and University Secretary.
- 4.33 If, as a result of investigation, the information about wrongdoing is substantiated, appropriate action will be taken.
- 4.34 Where the investigation does not substantiate wrongdoing, the University will review systems, policies and procedures to identify whether there are improvements that can be made and consider if employee training is required.

Reprisals

- 4.35 Reprisal can take many forms:
- the personal safety of the discloser may be prejudiced
 - the personal property of the discloser may be damaged
 - disclosers may be faced with intimidation or harassment in the workplace and may be discriminated against or disadvantaged in their career or profession (for example, if disciplinary action is taken, a person is transferred, or duties downgraded)
 - inducing another person to take reprisal action, or
 - threats to the discloser that any of the above consequences may occur.
- 4.36 The legislation is designed to protect the discloser from these consequences. Taking a reprisal action against a discloser is an indictable offence, and a person who suffers a reprisal may also take civil action against an individual and, in some cases, against the University. A person against whom a reprisal is made or proposed may also be entitled to seek an injunction to halt reprisal action. An employee who takes a reprisal action against a discloser may be guilty of misconduct and may be disciplined, and in serious cases dismissed.
- 4.37 Provided that is made in good faith, and with an honest belief in the facts related to the misconduct or impropriety, a PID will still be entitled to protection, even if upon investigation, it is found to be without substance. However, making a PID does not reduce a person's liability for their own misconduct.

Organisational support for disclosers

- 4.38 Disclosers should not suffer any form of detriment as a result of making a PID. In the event of reprisal action being alleged or suspected, the University will:
- attend to the safety of disclosers or affected third parties as a matter of priority
 - review its risk assessment and any protective measures needed to mitigate any further risk of reprisal, and
 - manage any allegation of a reprisal as a PID in its own right.
- 4.39 Details about disclosures, investigations, and related decisions will be kept secure and accessible only to the people involved in the management of the PID. The University will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.
- 4.40 In a given case, it may be necessary for the supervisor or head of the unit in which the discloser is employed to be told of the disclosure and charged with the responsibility to monitor workplace conduct and report any harassment, ostracism or other workplace behaviour which might be construed as a reprisal. Where that occurs, the officer investigating the complaint will immediately inform the Deputy Vice-President (Students) and University Secretary who will determine appropriate action to be taken.
- 4.41 While the University will make every attempt to protect confidentiality, a discloser's identity may need to be disclosed to:
- provide natural justice to subject officers, or
 - respond to a court order, legal directive, or court proceedings.

- 4.42 Disclosers should be aware that while the University will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity. Information and support will be provided to the discloser until the matter is finalised.
- 4.43 Making a PID does not prevent reasonable management action. That means that the discloser will continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

Rights of subject officers

- 4.44 The University acknowledges that for officers who are the subject of a PID the experience may be stressful. The University 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, and
 - referring them to the Employee Assistance Program for support.
- 4.45 Information and support will be provided to the subject officer until the matter is finalised.

5 RESPONSIBILITIES

Compliance, monitoring and review

- 5.1 The Deputy Vice-President (Students) and University Secretary is responsible for implementing, monitoring, reviewing and ensuring compliance with this policy and procedure.
- 5.2 This policy and procedure will be reviewed annually and updated as required to ensure it meets the requirements of the *Public Interest Disclosure Act*.

Reporting

- 5.3 The Deputy Vice-President (Students) and University Secretary is responsible for providing reporting information on PIDs to the Queensland Ombudsman to include in the Ombudsman's annual report to Parliament.

Records management

- 5.4 All records of PIDs and their investigation will be kept strictly confidential in the official, central records system. Information will not be disclosed except for:
- the purposes of investigation and to remedy the matters disclosed
 - to afford procedural fairness to a person whose rights may be detrimentally affected
 - in discharge of other functions of the *Public Interest Disclosure Act* or for the purposes of court or other legal proceedings
 - on request, to the discloser on any information or action taken, except where to do so would jeopardise a person's safety or an investigation or if it is impractical to do so.
- 5.5 In accordance with obligations under the *Public Interest Disclosure Act* and the [Public Records Act 2002](#) (Qld), the University will ensure that:
- accurate data is collected about the receipt and management of PIDs, and
 - anonymised data is reported to the Office of the Queensland Ombudsman in their role as the oversight agency, through the PID reporting database.

6 DEFINITIONS

6.1 Terms not defined in this document may be in the University [glossary](#).

Terms and definitions

Term	Definition
Administrative action	<p>As defined in Schedule 4 of the <i>Public Interest Disclosure Act</i>, administrative action —</p> <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 person; and <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>
Corrupt conduct	<p>As defined in section 15 of the <i>Crime and Corruption Act</i>:</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

Term	Definition
	<p>(c) would, if proved, be—</p> <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 obtain, a benefit from the payment or application of public funds or the disposition of State assets; (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; (v) fraudulently obtaining or retaining 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.
Detriment	<p>As defined in Schedule 4 of the <i>Public Interest Disclosure Act</i>, detriment includes—</p> <ul style="list-style-type: none"> (a) personal injury or prejudice to safety; and (b) property damage or loss; and (c) intimidation or harassment; and (d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and (e) financial loss; and (f) damage to reputation, including, for example, personal, professional or business reputation.
Disability	<p>As defined in section 11 of the Disability Services Act 2006 (Qld), for the purposes of this policy and procedure:</p> <p>(1) A disability is a person's condition that—</p> <ul style="list-style-type: none"> (a) is attributable to— <ul style="list-style-type: none"> (i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or

Term	Definition
	<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	A person who makes a disclosure in accordance with the <i>Public Interest Disclosure Act</i> .
Journalist	As defined in section 20 of the <i>Public Interest Disclosure Act</i> , journalist means 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 <i>Public Interest Disclosure Act</i>, maladministration is administrative action that—</p> <p>(a) was taken contrary to law; or</p> <p>(b) was unreasonable, unjust, oppressive, or improperly discriminatory; or</p> <p>(c) was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or</p> <p>(d) was taken—</p> <p>(i) for an improper purpose; or</p> <p>(ii) on irrelevant grounds; or</p> <p>(iii) having regard to irrelevant considerations; or</p> <p>(e) was an action for which reasons should have been given, but were not given; or</p> <p>(f) was based wholly or partly on a mistake of law or fact; or</p> <p>(g) was wrong.</p>
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; and • 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

Term	Definition
	<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	<p>A proper authority is a person or organisation that is authorised under the <i>Public Interest Disclosure Act</i> to receive disclosures. A proper authority is —</p> <p>(a) a public sector entity; or</p> <p>(b) a member of the Legislative Assembly.</p>
Public officer	<p>As defined in section 7 of the <i>Public Interest Disclosure Act</i>:</p> <p>(1) A public officer, of a public sector entity, is an employee, member or officer of the entity.</p>
Reasonable belief	<p>A view which is objectively fair or sensible.</p>
Reasonable management action	<p>As defined in section 45 of the <i>Public Interest Disclosure Act</i>, reasonable management action taken by a manager in relation to an employee, includes any of the following taken by the manager—</p> <p>(a) a reasonable appraisal of the employee's work performance;</p> <p>(b) a reasonable requirement that the employee undertake counselling;</p> <p>(c) a reasonable suspension of the employee from the employment workplace;</p> <p>(d) a reasonable disciplinary action;</p> <p>(e) a reasonable action to transfer or deploy the employee;</p> <p>(f) a reasonable action to end the employee's employment by way of redundancy or retrenchment;</p> <p>(g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f);</p> <p>(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.</p>
Reprisal	<p>As defined in section 40 of the <i>Public Interest Disclosure Act</i>:</p> <p>(1) A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that—</p> <p>(a) the other person or someone else has made, or intends to make, a public interest disclosure; or</p> <p>(b) the other person or someone else is, has been, or intends to be, involved in a proceeding under the Act against any person.</p> <p>(2) An attempt to cause detriment includes an attempt to induce a person to cause detriment.</p> <p>(3) A contravention of subsection (1) is a reprisal or the taking of a reprisal.</p> <p>Reprisal under the <i>Public Interest Disclosure Act</i> is an indictable offence.</p>

Term	Definition
Subject officer	An officer who is the subject of allegations of wrongdoing made in a disclosure.
Substantial and specific	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.

7 RELATED LEGISLATION AND DOCUMENTS

[Code of Conduct](#)

[Crime and Corruption Act 2001](#) (Qld)

[Disability Services Act 2006](#) (Qld)

[Enterprise Risk Management Framework](#)

[Ombudsman Act 2001](#) (Qld)

[Public Interest Disclosure Act 2010](#) (Qld)

[Public Records Act 2002](#) (Qld)

[Public Sector Ethics Act 1994](#) (Qld)

[Risk Management Policy](#)

8 FEEDBACK

8.1 Feedback about this document may be emailed to policy@cqu.edu.au.

9 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Council
Delegated Approval Authority	N/A
Advisory Committee	Audit, Risk and Finance Committee
Required Consultation	N/A
Administrator	Deputy Vice-President (Students) and University Secretary
Next Review Date	02/02/2023

Approval and Amendment History	Details
Original Approval Authority and Date	Policy – Council 25/07/2011 Procedure – Vice-Chancellor and President 25/07/2011
Amendment Authority and Date	Combined Policy and Procedure: Council 24/06/2015; Council 29/08/2018; Deputy Vice-Chancellor (Student Experience and Governance) 23/07/2019; Editorial amendment 04/02/2021; Deputy Vice-President (Students) and University Secretary 02/02/2022.
Notes	

CQUniversity acknowledges the Queensland Ombudsman’s Model Public Interest Disclosure Procedure in developing this document.