



Policy

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Standard 13
Workplace Planning
and Management

Management of Public Interest Disclosures

1. Policy statement

This Policy aims to assist employees and other people to understand their obligations in reporting wrongdoing that concerns staff members from the Wide Bay Hospital and Health Service (WBHHS) including corrupt conduct, maladministration, misuse of public funds, a substantial danger to public health, safety and environment. This document also outlines the legislative provisions and procedures in place to protect people who make public interest disclosures under the *Public Interest Disclosure Act 2010* (PID Act).

2. Scope

This Policy relates to all Queensland Health staff employed by the WBHHS (permanent, temporary and casual) within all facilities and services. It also applies to any external person (member of the public) who is making a public interest disclosure (PID) to the WBHHS, in accordance with the PID Act.

Employee complaints (grievances): if the issue an employee is considering disclosing involves activity that is primarily aimed at themselves, such as harassment or bullying, these types of issues may be employee complaints and may not be a PID. These types of issues should be reported to a manager or supervisor, or a member of the Executive Team, in the first instance.

3. Related policies

- Queensland Health Policy Public Interest Disclosure HR Policy I5 (QH-POL-202)
- Requirements for Reporting Official Misconduct HR Policy E9 (QH-POL-218)

4. Related standards

- Wide Bay Hospital and Health Service Procedure for Integrated Risk Management (WBHHS-PRO-1:028v3)
- Department of Health Implementation Standard for Risk Management (QH-IMP-070-1:2013)
- Department of Health Risk Analysis Matrix
- QHRISK Intranet accessed at QHRisk system | Governance | System Support Services
- Code of Conduct for the Queensland Public Service
- Queensland Ombudsman Public Interest Disclosure Standard No. 1
- Public Service Commission Directive 3/17 – Appeals



5. Definitions

Term	Definition
Administrative action	<p>Any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> a) A decision and an act; and b) A failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and c) The formulation of a proposal or intention; and d) The making of a recommendation, including a recommendation to a Minister; and e) An action taken because of a recommendation made to a Minister.
Detriment	<p>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>A permanent disability or one likely to be permanent:</p> <ul style="list-style-type: none"> a) That is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of impairments; and b) That results in: <ul style="list-style-type: none"> i. A substantial reduction of the person's capacity for communication, social interaction, learning or mobility; and ii. The person needing support.
Discloser	A person who makes a public interest disclosure.
Environment	<p>Environment includes:</p> <ul style="list-style-type: none"> a) Ecosystems and their constituent parts; including people and communities; and b) All natural and physical resources; and c) The qualities and characteristics of locations, places and areas, however large or small that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and d) The social, economic, aesthetic and cultural conditions that affect, or are affected by, things mentioned in paragraphs (a) to (c).
Journalist	A person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
Maladministration	<p>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 unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances even though it is within the law; or d) Was taken for an improper purpose, or on irrelevant grounds, or having regards to irrelevant considerations, or e) Was an action for which reasons should have been given, but were not given; or f) Was based wholly or partly on a mistake of law or fact; or g) Was wrong.
Misconduct	Inappropriate or improper conduct in an official capacity or inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.



Official misconduct	<p>Conduct concerned with the performance of an officer's duties that is not honest or impartial, a breach of the trust placed in the person, or a misuse of information or material acquired through the officer's position and that could, if proved, be:</p> <ul style="list-style-type: none"> a) A criminal offence; or b) A disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment.
Corrupt conduct	<p>The 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 powers of a person holding an appointment; and c) Is engaged for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and d) 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.
Protected disclosure	<p>Protected disclosure means a person who makes a PID in accordance with provisions contained within the <i>Public Interest Disclosure Act 2010</i> and who is granted protected status (previously known as "whistleblower protection status").</p>
Public funds	<p>Public funds are available to, or under the control of, a public sector entity and include, for example, public moneys within the meaning of the <i>Financial Accountability Act 2009</i>.</p>
Public health or safety	<p>The health or safety of persons:</p> <ul style="list-style-type: none"> a) under lawful care or control; or b) using community facilities or services provided by the public or private sector; or c) in employment workplaces.
Public Interest Disclosure	<p>A disclosure of information specified in the <i>Public Interest Disclosure Act 2010</i> (section 12 and 13) and made to an appropriate public sector entity that has the responsibility or power to take appropriate action about the information disclosed or to provide an appropriate remedy.</p>
Reprisal	<p>Causing, attempting to or conspiring to cause detriment to another because, or in the belief that, they have made, or intend to make, a PID.</p>
Substantial and specific	<p>Substantial and specific (e.g. describing danger to the environment) while not defined in the Act, 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.</p>



6. References

- *Public Interest Disclosure Act 2010*
- *Crime and Corruption Act 2001*
- *Public Sector Ethics Act 1994*
- *Financial Accountability Act 2009*
- *Disability Services Act 2006*
- *Information Privacy Act 2009*
- *Right to Information Act 2009*
- *Industrial Relations Act 1999*
- *Anti-Discrimination Act 1991*
- *Environmental Protection Act 1994*

7. Policy revision and approval history

Executive Sponsor	Executive Director Human Resource Services				
Author	Human Resource Manager				
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Chief Executive signatory name: Adrian Pennington

Signature: _____ Original signed

Wide Bay Hospital and Health Service