

Public Interest Disclosure Standard No. 1/2019

1. Title

Public Interest Disclosure Standard No. 1/2019 – Public Interest Disclosure Management Program

2. Purpose

This Standard prescribes the organisational systems and procedures agencies must establish in order to give effect to the requirement under section 28(1)(d) of the *Public Interest Disclosure Act 2010* (PID Act) to ensure there is a management program for public interest disclosures.

3. Effective Date

1 March 2019

4. Authority

This standard is issued by the Queensland Ombudsman under section 60 of the PID Act.

5. Application

This standard applies to and is binding on all public sector entities within the meaning of section 6 of the PID Act. In addition, this standard applies to corporate entities and Government Owned Corporations (GOCs) to the extent that the PID Act expressly states that they are public sector entities to which the PID Act applies¹. The application of this standard to GOCs is also subject to sections 60(7) and 60(8) of the PID Act.

This standard operates in conjunction with Public Interest Disclosure Standard No. 2/2019 – Assessing, Investigating and Dealing with Public Interest Disclosures, and Public Interest Disclosure Standard No. 3/2019 – Public Interest Disclosure Data Recording and Reporting.

¹ Refer to s.6(2) of the *Public interest Disclosure Act 2010*

6. Definitions

For the purposes of this standard the following definitions apply:

discloser	A person who makes a PID.
entity	A public sector entity as defined at section 6 of the PID Act, a corporate entity or a GOC.
GOC	Government Owned Corporation as defined at schedule 4 of the PID Act.
officer	A public officer of a public sector entity, including an employee, member or officer of the entity as defined at section 7 of the PID Act.
PID	Public interest disclosure.
PID Act	<i>Public Interest Disclosure Act 2010</i>
proper authority	A public sector entity or member of the Legislative Assembly as defined at section 5 of the PID Act.
subject officer	A person about whom a PID is made.
wrongdoing	Conduct or other matter as defined at section 12(1) and section 13(1) of the PID Act.

7. Responsibilities

For the purposes of this standard the following responsibilities are relevant:

oversight agency	<p>The main functions of the Office of the Queensland Ombudsman as the oversight agency under the PID Act include²:</p> <ul style="list-style-type: none"> • monitoring the management of PIDs, including by monitoring compliance with the Act, collecting statistics about PIDs and monitoring trends in relation to PIDs • reviewing the way in which public sector entities deal with PIDs generally, or particular PIDs • performing an education and advisory role, including by promoting the objects of the Act, providing advice about PIDs and providing education and training programs about PIDs.
chief executive officer	<p>The chief executive officer of an entity has overall responsibility under the PID Act for the entity's compliance with the Act, including:</p> <ul style="list-style-type: none"> • receiving and assessing PIDs³ • establishing reasonable procedures to deal with PIDs⁴ • keeping a record of disclosures⁵ • reviewing the entity's decisions not to investigate or deal with PIDs on request⁶ • providing disclosure information to the oversight agency⁷ • delegating responsibilities under the PID Act as they consider appropriate, and

² Refer to s.59 of the *Public Interest Disclosure Act 2010*

³ Refer to s.17(3) of the *Public Interest Disclosure Act 2010*

⁴ Refer to s.28 of the *Public Interest Disclosure Act 2010*

⁵ Refer to s.29 of the *Public Interest Disclosure Act 2010*

⁶ Refer to s.30(3) of the *Public Interest Disclosure Act 2010*

⁷ Refer to s.33 of the *Public Interest Disclosure Act 2010*

	<ul style="list-style-type: none"> ensuring effective management and oversight of the entity's PID management program and procedures.
PID Coordinator	A PID Coordinator is an officer of the entity, delegated by the chief executive officer, with responsibility for the implementation of the entity's PID management program, including acting as a principal point of contact with the oversight agency.
PID Support Officer	A PID Support Officer is an officer of the entity, delegated by the chief executive officer or the PID Coordinator, with responsibility for providing support to a discloser, subject officer or witness who is involved in the management of a PID.

8. Public Interest Disclosure Management Program Standard

As provided at sections 60(1) and (2) of the PID Act, the Public Interest Disclosure Management Program Standard applies to the way in which public sector entities are to deal with public interest disclosures, and in particular the procedures relating to:

- the way in which public sector entities are to facilitate the making of public interest disclosures
- the way in which public sector entities are to perform their functions under the PID Act, and
- the protection of persons from reprisals taken by public sector entities or public officers.

Standard 1.1: Develop and implement PID procedures

The chief executive officer of an entity must develop and implement reasonable procedures for the management of PIDs (in accordance with section 28(1) of the PID Act). The procedures must meet the following minimum requirements:

1.1.1 Align to legislative principles	<ul style="list-style-type: none"> Encourage the reporting of wrongdoing. Confirm that all officers are offered protection from reprisals by the entity or other officers of the entity. Commit the entity to: <ul style="list-style-type: none"> provide appropriate support to all officers of the entity who make PIDs ensure that PIDs made to the entity are properly assessed and, when appropriate, properly investigated and dealt with, and take appropriate action in relation to any wrongdoing that is the subject of a PID made to the entity.
1.1.2 Explain coverage of the procedure	<ul style="list-style-type: none"> Identify who is covered by the procedure (for example, if the procedure covers both officers and members of the public, or if a separate procedure applies to members of the public). Provide a clear explanation of what types of wrongdoing can be reported.
1.1.3 Identify roles and responsibilities	<ul style="list-style-type: none"> Summarise the responsibilities of the chief executive officer, senior management, management and

	<p>supervisors under the PID procedure.</p> <ul style="list-style-type: none"> • Provide an explanation of the role and responsibilities of the PID Coordinator for the entity, including contact details⁸. • Describe the roles and responsibilities of officers designated responsibility for receiving, assessing, investigating and decision-making in relation to PIDs. • Include information about the role of a PID Support Officer in providing support to a discloser, subject officer or witness.
1.1.4 Set out the process for reporting wrongdoing	<ul style="list-style-type: none"> • Detail the mechanisms established by the entity to enable officers and members of the public to report wrongdoing (including options for officers to report internally). • Provide information about how to access the mechanisms for reporting wrongdoing, including the contact details for officers specifically designated responsibility for receiving PIDs. • Explain how a report of wrongdoing may be made anonymously. • Include information about how to make a PID externally with details of the proper authorities to which various types of wrongdoing can be reported. • Give guidance on the circumstances in which a discloser can make a report of wrongdoing to a journalist and retain the protections under the PID Act as provided at section 20 of the PID Act.
1.1.5 Explain the procedure for receiving a PID	<ul style="list-style-type: none"> • Provide an overview of the process of assessing a matter to determine whether it is a disclosure. • Acknowledge the entity's obligation to communicate with the discloser, in writing, about their disclosure in accordance with section 32 of the PID Act. • Include an explanation of the circumstances in which the entity may decide not to investigate or deal with a PID in accordance with section 30 of the PID Act. • Advise the circumstances in which the entity may refer the PID to another proper authority and details of the reprisal risk assessment that will be undertaken before the referral is made in accordance with section 31 of the PID Act. • Refer to the record-keeping obligations of the entity as provided at section 29 of the PID Act.
1.1.6 Assure protections and confidentiality obligations are met	<ul style="list-style-type: none"> • Explain the protections which apply to a discloser who makes a PID. • Identify the measures that the entity will take to comply with the confidentiality requirements at section 65 of the PID Act. • Detail the process the entity will follow to assess the risks of reprisal to a discloser or other person associated with a PID (for example, a witness), and the steps that may follow where a risk is identified.

⁸ Refer to Standard 1.3

	<ul style="list-style-type: none"> • Give information about the support available to a discloser during and after the management of a PID. • Include an explanation of the rights of subject officers. • Commit to apply the principles of natural justice (procedural fairness) in managing PIDs.
1.1.7 Identify review rights	<ul style="list-style-type: none"> • Detail how a discloser may exercise their right of review of a decision not to investigate or deal with a PID in accordance with section 30(2) of the PID Act. • Explain the rights of internal and external review available to a discloser or subject officer who is dissatisfied with a PID management process⁹.
1.1.8 Link to other policies and procedures	<ul style="list-style-type: none"> • Refer in the PID procedure to any other relevant policies or procedures that relate to the PID procedure (for example, a complaints management system or employee grievance procedure) • Refer in any other relevant policies and procedures to the PID procedure, to ensure that all information received is assessed to determine whether it must be treated as a PID.
1.1.9 Distinguish PID management responsibilities as a 'proper authority' from responsibilities as an employer	<ul style="list-style-type: none"> • Where the entity has a complaint management function under legislation, such that it receives PIDs as a proper authority because it has the power to investigate or remedy the matter¹⁰, ensure that: <ul style="list-style-type: none"> – the PID procedure (or a linked policy or procedure) provides a clear explanation of how PIDs will be identified, assessed and managed in the course of exercising the entity's statutory powers as distinct from its responsibilities as an employer – the PID procedure (or a linked policy or procedure) sets out the delegations for assessment, decision-making and review of PIDs in the context of the entity's business processes – communication to disclosers includes information about their rights, responsibilities, limitations and protections under the PID Act, in addition to any statutory protections available under the legislation the entity administers – the entity's business processes provide for the protection of disclosers in accordance with the PID Act and a standard made under section 60 of the PID Act.
1.1.10 Provide for procedure approval and review	<ul style="list-style-type: none"> • Record the approval of the procedure including the approving officer and date. • Identify the timeframe for review of the procedure and the responsible officer/s.

⁹ As a review decision by an entity under section 30(3) of the *Public Interest Disclosure Act 2010* falls within the meaning of 'administrative action' at section 7 of the *Ombudsman Act 2001*, a discloser may (subject to the jurisdictional limitations of the Office of the Queensland Ombudsman) seek an external review by making a complaint in accordance with section 20 of the Ombudsman Act.

¹⁰ Refer to s.15(1)(a)(ii) of the *Public Interest Disclosure Act 2010*

Standard 1.2: Publish PID procedures

The chief executive officer of an entity must ensure the entity's procedures for the management of PIDs are published (in accordance with section 28(2) of the PID Act). The publication of the procedures must meet the following minimum requirements:

1.2.1 Publication is timely	<ul style="list-style-type: none">• Publish procedures as soon as practicable after the procedures are approved.
1.2.2 Publication is accessible	<ul style="list-style-type: none">• Publish procedures on the entity's website that is readily accessible to the public and meets minimum web accessibility standards.• Publish procedures on the entity's internal website (intranet) that is readily accessible to all officers, or provide a link on the internal website to the procedures on the entity's public website.• Provide access to the procedures in other media (for example, hard copy) upon request, if reasonably practicable to do so.
1.2.3 Publication is visible	<ul style="list-style-type: none">• Locate in a logical, easy to find page on the website so that users can readily navigate to it.• Add the title of the document (and/or the term 'Public Interest Disclosure') to the relevant webpage metadata so the PID procedure is readily located using a search engine or the search function within the entity's website.
1.2.4 Publication is current	<ul style="list-style-type: none">• Record the date uploaded to the web page on the page.

Standard 1.3: Management program for PIDs

The chief executive officer of an entity must develop, implement and maintain a management program for PIDs (in accordance with section 28(1)(d) of the PID Act). The management program must meet the following minimum requirements:

1.3.1 Demonstrate organisational commitment	<ul style="list-style-type: none">• Commit the entity to encouraging internal reporting of wrongdoing.• Confirm the entity will manage PIDs and disclosers in accordance with the PID Act.• Acknowledge the value to the entity of receiving reports of wrongdoing, and investigating and acting on those reports.
1.3.2 Appoint a PID Coordinator	<ul style="list-style-type: none">• Appoint an officer of the entity as the PID Coordinator for the entity, with responsibility for the PID management program.• Ensure the PID Coordinator has direct access to the chief executive officer in relation to PID matters and appropriate delegated authority.• Provide the PID Coordinator with written guidance on the tasks to be performed to administer the PID management program.• Give the PID Coordinator access to the resources required to properly administer the PID management program

	(appropriate to the nature, size and geographic spread of the entity) ¹¹ .
1.3.3 Delegate PID responsibilities	<ul style="list-style-type: none"> • Inform all officers of the entity who directly or indirectly supervise or manage other officers that they are a person who may receive a PID in accordance with section 17(3)(d) of the PID Act. • Inform all officers of the entity who have the function of receiving or taking action on the type of information that may be disclosed in a PID that they are a person who may receive a PID in accordance with section 17(3)(e) of the PID Act. • Provide all officers designated responsibility for receiving, assessing, investigating and/or decision-making in relation to PIDs with written guidance on the performance of these tasks and appropriate delegated authority. • Provide all officers nominated to undertake the role of a PID Support Officer with written guidance on the performance of this role, including information about support services available to assist disclosers within the entity and externally.
1.3.4 Implement a communication strategy	<ul style="list-style-type: none"> • Provide all new officers of the entity with information about PIDs at induction, including a clear explanation of how to make a PID. • Publish information about the entity's PID management program on the entity's internal website (intranet) that is readily accessible to all officers, or provide a link on the internal website to the procedures on the entity's public website. • Communicate regularly with all officers to raise their awareness about PIDs, the entity's PID management program and the entity's PID procedures, including communications that target the specific information needs of officers of the entity who directly or indirectly supervise or manage other officers.
1.3.5 Implement a training strategy	<ul style="list-style-type: none"> • Give all officers of the entity access to regular training about the identification of wrongdoing, how to make a PID, the protection and support afforded to disclosers and how the entity deals with PIDs.¹² • Provide regular training to all officers of the entity who directly or indirectly supervise or manage other officers about the entity's obligations under the PID Act, the entity's PID procedures, protection of confidentiality and prevention of reprisal. • Provide comprehensive training to the PID Coordinator and all officers with designated responsibility for receiving, assessing, investigating and/or decision-making in relation to PIDs about the entity's obligations under the PID Act, the entity's PID procedures, protection of confidentiality, risk assessment and prevention of reprisal, and the specialised

¹¹ The exercise of functions of a 'proper authority' (section 17), decision-making powers (including the review right at section 30) and determinations as to action to be taken in relation to alleged breaches of the offence provisions in the PID Act (section 41, section 65(1), section 66 and section 67) may not be contracted to an external authority.

¹² This may be provided in conjunction with other relevant training, for example, corruption prevention, ethics or Code of Conduct training.

	<p>knowledge and skills required to perform the tasks assigned (for example, investigation skills training, decision-making training).</p> <ul style="list-style-type: none"> • Provide regular training to officers nominated to undertake the role of a PID Support Officer about the entity's obligations under the PID Act, the entity's PID procedures, protection of confidentiality, prevention of reprisal, and the skills required to provide effective support.
1.3.6 Analyse PIDs to inform improvements	<ul style="list-style-type: none"> • Implement procedures to regularly analyse PIDs and identify systemic issues and trends. • Implement systems to enable learnings from PID analyses to inform improvements to service delivery, personnel management, business processes and internal controls.

Standard 1.4: Oversight of PIDs management program

The chief executive officer of an entity must establish and maintain oversight of the management program for PIDs implemented in accordance with section 28(1)(d) of the PID Act. The oversight arrangements must meet the following minimum requirements:

1.4.1 Document the program	<ul style="list-style-type: none"> • Document the PID management program in a manner appropriate to the nature, size and geographic spread of the entity. • Record the date the PID management program is approved by the chief executive officer. • Publish the PID management program as soon as practicable after it is approved on a website accessible to the public and in a manner accessible to officers of the entity.
1.4.2 Oversee the program	<ul style="list-style-type: none"> • Designate the PID Coordinator for the entity, or another suitably qualified officer, with responsibility for operational oversight of the PID management program. • Implement processes to oversee PID assessments to ensure consistent application of the PID Act. • Implement processes to oversee PID management to ensure consistent application of the PID Act, and fair and reasonable decision-making. • Implement processes to co-ordinate the support and protections offered to disclosers and other persons associated with PIDs (for example, witnesses).
1.4.3 Review the program	<ul style="list-style-type: none"> • Provide regular reports on the implementation and oversight of the PID management program to the chief executive officer. • Conduct regular reviews of the effectiveness of the PID Management Program.