



PUBLIC INTEREST DISCLOSURE POLICY – GENERAL PUBLIC

Human Resource Services

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1. Purpose

To establish an accurate reporting system at Building Services Authority (BSA) for the management of disclosures concerning wrongdoings in line with the provisions of the *Public Interest Disclosure Act 2010*.

2. Scope

This policy applies to the general public.

3. Policy

BSA is committed to creating and maintaining an environment that encourages and facilitates the disclosure of dangerous, unlawful, corrupt, negligent and improper conduct.

BSA encourages any person who considers that he or she has witnessed a wrongdoing to come forward and report it. BSA aspires to an organisational climate where all who have internal and external dealings with BSA feel confident and comfortable about reporting wrongdoings.

When a wrongdoing or danger is reported, BSA commits to:

- investigating the disclosure thoroughly
- when some form of wrongdoing or danger is found, taking action to deal with it
- keeping the discloser informed of progress and the outcome.

In line with the *Public Interest Disclosure Act 2010*, BSA is committed to protecting anyone who raises concerns about a wrongdoing from retaliation and/or reprisals.

4. Definitions

Public Interest Disclosures – a public interest disclosure may concern:

- a substantial and specific danger to the health or safety of a person with a disability
- a substantial and specific danger to the environment or contravention of environmental law
- conduct amounting to a reprisal.

Reprisal – refers to a situation where a person causes, attempts or conspires to cause detriment to another person because of a belief that the person or another person has made or may make a public interest disclosure.

Wrongdoing – any dealings or behaviour including but not limited to instances of dangerous, unlawful, negligent, corrupt or improper conduct.

5. Roles and Responsibilities

The General Manager is responsible for ensuring adherence to this policy.

The general public and anyone who has dealings with BSA have the right to voice concerns and question processes in line with the *Public Interest Disclosure Act 2010*.

6. Procedure

In broad terms the *Public Interest Disclosure Act 2010* protects the general public who make a public interest disclosure to a proper entity about specific types of wrongdoings.

Making a complaint

Public interest disclosures maybe made by any member of the general public or anyone who has dealings with the BSA in line with the *Public Interest Disclosure Act 2010*. Under this legislation:

- Anybody may disclose a “reprisal” taken against anybody for making a public interest disclosure.
- Anybody may disclose a substantial and specific danger to the environment
- Anybody may disclose a substantial and specific danger to the health or safety of a person with a “disability”

(Please note the Act highlights different criteria for public sector employees).

This Act also details that a public interest disclosure must be made to an appropriate entity. This means public interest disclosures are made to public sector entities that have responsibility or power to take appropriate action about the information disclosed or to provide an appropriate remedy. They are also responsible to ensure that unfair damage is not caused to the reputations of persons against whom disclosures are made by inappropriate publication of unsubstantiated disclosures.

For disclosures that relate and concern BSA the appropriate entity is:

- the BSA, or
- any Queensland organisation that has the power to investigate the alleged wrongdoing which could include the following:

Danger to public health & safety of a person with a disability	Department of Communities Adult Guardian
Danger to environment	Department of Environment & Resource Management
Reprisal	Crime & Misconduct Commission

- A member of the Legislative Assembly (MP)

BSA like other public sector entities has obligations when reviewing and investigating public interest disclosures. These include:

- public sector entities receiving public interest disclosures are required to keep proper records about them
- certain information about public interest disclosures is required to be provided annually to the Legislative Assembly
- reasonable information about action taken on a public interest disclosure made or referred to an appropriate entity, and the results, is required to be given to the discloser or referrer.

Disclosures

Disclosures that are made directly to BSA may be made in any manner, in writing, over the telephone, in person, or anonymously and will be treated with utmost confidence.

When disclosures are made to a person other than the General Manager or the Manager, Human Resources, that person must forthwith and without commencing any inquiry into the matter which is the subject of the disclosure, refer the disclosure – IN CONFIDENCE – to the General Manager or the Manager, Human Resources. The person receiving the disclosure must maintain confidentiality.

In making a disclosure, the individual should state that he or she is making a public interest disclosure and say in his or her own words what happened and provide as much relevant information and documentation as possible to enable the matter to be dealt with expediently. An individual should, of course, provide contact details for follow up action but this is not essential. Disclosures can be made anonymously.

It is important to note that anybody may make a public interest disclosure about someone else's conduct if—

- the person has information about the conduct, and
- the conduct is a reprisal.

The threshold level for making a disclosure is low. Honest belief on reasonable grounds that significant wrongdoing or danger is involved is sufficient. The evidence does not have to be to a standard that is admissible in court. A person may make a public interest disclosure whether or not the person is able to identify a particular person to which the information disclosed relates. Involuntary disclosures may also occur. A disclosure may be a public interest disclosure even though it is made under a legal requirement.

A disclosure does not have to identify a particular person and a disclosure may be about a matter that occurred before the commencement of the Act.

Protection

Those who appropriately and in line with the Act make a public interest disclosure:

- incur no criminal or civil liability for a disclosure made appropriately
- are afforded reasonable protection from reprisals.

Please note, there is no protection afforded to those who make disclosures to or through the media or via means not stated in the Act.

Action

In general terms, BSA (through the General Manager or the Manager, Human Resources) will establish reasonable procedures to:

- receive the disclosure if it is the 'appropriate entity' to do so (or refer the disclosure for consideration by another public sector entity that appears to have the power to take appropriate action about the information disclosed)
- consider the risk to the discloser if referral of the disclosure is necessary or desirable
- treat the disclosure with appropriate confidentiality
- investigate the disclosure and if requested and if appropriate provide advice to the individual on progress or result of investigations
- it will normally follow that the Human Resources Branch of BSA undertakes or manages the necessary investigation and preparation of any relevant reports
- keep records of all disclosures made to it and of actions taken
- provide advice and support to any person who wants to make or makes a disclosure (see below)

- report annually to the Public Service Commission on the number of disclosures received and verified.

False or Misleading Information

It is an offence for a person to give intentionally false or misleading information intending it to be treated as a public interest disclosure.

7. References / Related Documents

Legislation

- *Public Interest Disclosure Act 2010*
- *Industrial Relations Act 1999*
- *Criminal Justice Act 1989*
- *Crime and Misconduct Act 2001.*

Related Policies/Procedures

- BSA Code of Conduct.