



Public Interest Disclosure (Qld)

Guideline

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1 Introduction

The NHVR is committed to an ethical, transparent culture. In pursuit of this, the NHVR values the disclosure of information about suspected wrongdoing within the NHVR, including corrupt conduct and maladministration. It also recognises the value in NHVR officers identifying such wrongdoing.

Disclosure of information allows wrongdoing to be properly assessed and, if necessary, appropriately investigated.

This guideline applies to wrongdoing and its disclosure within Queensland. However, given the NHVR's operations across various jurisdictions, if necessary, the PID Co-ordinator will determine the relevant jurisdiction under which the disclosure will be actioned.

The NHVR's [Fraud and Corrupt Conduct Policy](#) outlines the reporting obligations for fraud and corrupt conduct upon NHVR staff and CEO. Please refer to that policy to ascertain *when* to report such conduct.

This guideline outlines *how* such conduct (and other relevant conduct) is to be reported so as to comply with the *Public Interest Disclosure Act 2010 (Qld)* (PID Act (Qld)). The NHVR will provide support to an employee or others who make disclosures about matters in the public interest. This guideline demonstrates this commitment and ensures that practical and effective procedures are implemented that comply with the PID Act (Qld).

2 Purpose

This guideline sets out the processes for making a public interest disclosure (PID) and the way the NHVR receives, assesses, and deals with PIDs.

By complying with the PID Act (Qld), the NHVR will encourage and facilitate PIDs by:

- enhancing and augmenting established procedures for making disclosures concerning such matters
- protecting persons from reprisals that might otherwise be inflicted on them because of those disclosures
- providing for those disclosures to be properly investigated and dealt with.

The NHVR's [Public Interest Disclosures Policy](#) is available on the NHVR website at nhvr.gov.au. The policy and this guideline will be reviewed annually and updated as required.

This guideline is concerned with the making of a disclosure about wrongdoing that relates to the NHVR, or to an employee or officer of the NHVR.

3 What can a disclosure be made about?

A disclosure may be made about any of the wrongdoings listed below:

- corrupt conduct
- maladministration
- substantial misuse of public resources
- substantial and specific danger to:
 - public health or safety
 - the environment
 - the health or safety of a person with a disability (as defined in the *Disability Services Act 2006*).
- a reprisal taken against someone as a result of a PID.

This guideline applies only to disclosures about wrongdoing that relates to the conduct of the NHVR or an employee or officer of the NHVR.

3.1 Corrupt conduct

Corrupt conduct has the meaning in section 15 of the *Crime and Corruption Act 2001* (CC Act)—see [Appendix A – Corrupt conduct definition \(CC Act\)](#) in this document.

3.2 Maladministration

The PID Act (Qld) defines maladministration as an action that:

- (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 a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances
or
- (d) was taken—
 - (i) for an improper purpose
or
 - (ii) on irrelevant grounds
or
 - (iii) having regard 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.

3.3 Substantial misuse of public resources

A substantial misuse of public resources means a a significant or considerable degree of misuse, not something trivial.

3.4 Substantial and specific dangers

As to substantial and specific dangers:

- 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.

3.5 Reprisal

A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that, the other person or someone else has made, or intends to make, a PID.

4 Who can make a disclosure?

Any public officer (see 15 [Definitions](#)) may make a disclosure about the first two wrongdoings:

- corrupt conduct
- maladministration.

Any person may make a PID about the substantial misuse of public resources and substantial and specific danger wrongdoing categories.

To be a PID under the PID Act (Qld), the discloser must either have a 'reasonable belief' that wrongdoing has occurred, or provide evidence which tends to show the wrongdoing has occurred.

A reasonable belief requires the existence of facts which are sufficient to induce belief in a reasonable person. Belief requires something more than suspicion.

5 How is a disclosure made and who can it be made to?

5.1 Made to the proper authority

A disclosure must be made to the 'proper authority'. A proper authority is a person or organisation that is authorised under the PID Act (Qld) to receive disclosures.

A proper authority can be a:

- public sector entity
- member of the Legislative Assembly.

The NHVR is the proper authority where the disclosure is about either:

- any of the categories of wrongdoing referred to above that relate to the NHVR or its officers
- anything the NHVR has the power to investigate or remedy.

A disclosure to the NHVR may be made to the NHVR's CEO, Board, PID Coordinator or, if the discloser is an employee or officer of the NHVR, to the person's supervisor or manager and should be made in accordance with [5.2 Method](#).

Disclosures to a journalist are addressed in the [Disclosure to a journalist](#) section.

Disclosures can also be made to an agency that has a responsibility for investigating the information disclosed, for instance:

If the disclosure concerns ...	it may be made to the ...	being in accordance with the ...
corrupt conduct	CCC	<i>Crime and Corruption Act 2001 (CC Act)</i>
Maladministration	Office of the Qld Ombudsman	<i>Ombudsman Act 2001 (Qld)</i>
substantial misuse of resources	Qld Audit Office	<i>Auditor-General Act 2009 (Qld)</i>

Such disclosures may be made via those entity's websites, which also include alternate contact details.

(For further information please see [Appendix B – Other agencies to whom disclosures may be made and what they can be made about.](#))

A disclosure may be made anonymously (see [6.3 Anonymous disclosure](#)).

5.2 Method

A disclosure to the NHVR's PID Co-ordinator may be made by one of the following methods:

Email:	PID@nhvr.gov.au
Post:	PID Coordinator National Heavy Vehicle Regulator GPO Box 492 Fortitude Valley Qld 4006
By phone:	The Whistle-Blower's Hotline: (07) 3309 8889
In person:	A private conversation with the NHVR's PID Coordinator.

6 What happens after a disclosure is made?

Following receipt of a disclosure, the person who receives the disclosure or the PID Coordinator must consider the following:

- If the content of the disclosure suggests that there is an imminent risk of serious physical injury or death to any person or the public generally, information should be immediately communicated to the most appropriate agency (e.g. the Qld Police Service) to mitigate that risk.

Note: In a high-risk situation, the person who receives the disclosure must immediately communicate the risk to the appropriate agency. If that person is not the PID Coordinator, then they must then immediately notify the PID Coordinator.

- If the person to whom the disclosure is made, or the PID Coordinator, forms a reasonable suspicion that the nature of the disclosure involves corrupt conduct, the matter must be reported under the CC Act.

Note: If a person receiving a disclosure indicating corruption is not the PID Coordinator, they must immediately report it to the PID Coordinator. The PID Coordinator must then arrange report of the conduct to the CCC.

If an NHVR employee makes a disclosure to their supervisor or manager, the disclosure must (unless the complaint is about the PID Coordinator) be referred to the NHVR's PID Coordinator for assessment, investigation (if required) and management.

If the complaint is about the PID Coordinator, the matter should be referred to the NHVR's CEO for consideration of whether to authorise a new PID Coordinator for the purpose of the matter or whether any other action should be taken.

6.1 Assessing whether the disclosure is a PID

The disclosure will be assessed in accordance with the PID Act, the PID Standards (made by the Ombudsman), the NHVR's PID Policy, this guideline and any other relevant procedure(s).

6.2 Advice to the discloser

6.2.1 Is a PID

Once the matter has been assessed as a PID, the NHVR will advise the discloser, within six months of receiving the disclosure:¹

- that their information has been received and assessed as a PID
- the action to be taken by the NHVR in relation to the disclosure, which could include referring the matter to an external agency, or the NHVR investigating the matter, or not dealing with the matter (see below)
- the name and contact details of the NHVR's PID Coordinator
- of their obligations regarding confidentiality
- of protections under the PID Act
- the commitment of the NHVR to keep appropriate records and maintain confidentiality
- how updates regarding intended actions and outcomes will be provided
- if the discloser is an NHVR employee, contact details for the NHVR's Employee Assistance Program.

6.2.2 No action taken

The NHVR may decide not to investigate or deal with a PID if:

- the substance of the disclosure has already been investigated or dealt with by another appropriate process
- the NHVR reasonably considers that the disclosure should be dealt with by another appropriate process
- the age of the information the subject of the disclosure makes it impracticable to investigate
- the NHVR reasonably considers that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert resources from their use in the performance of the NHVR's functions

¹ In determining whether a disclosure is a PID and what, if any action, is to be taken, the PID Coordinator may consult or engage with those persons whom the PID Coordinator considers it necessary, e.g., the Director, Legal Services, or the Director, People, Safety, and Culture, etc.

- another entity that has jurisdiction to investigate the disclosure has notified the NHVR that investigation of the disclosure is not warranted.

If the NHVR decides not to investigate or deal with a PID, the NHVR must give the discloser written reasons for its decision.

6.3 Anonymous disclosure

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

6.4 Doubts about disclosure

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. Where a discloser states they are making a PID, but it is assessed that the matter is not a PID, the NHVR 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
- any action the NHVR proposes to take in relation to the matter
- any other options the discloser has in relation to the matter.

6.5 Completing a risk assessment and managing risks

The PID Coordinator will, as soon as possible after receipt of the disclosure, conduct a risk assessment to assess the likelihood of reprisal action being taken against the discloser as a result of having made the disclosure.²

A risk management plan may be developed, depending on the level of risk, in consultation with the discloser (where their identity is known), the NHVR's Manager People and Culture (HR), and any other individual as identified by the PID Coordinator. The risk management plan will be reviewed and amended if required until such time as the PID is finalised.

Whether or not a management plan has been developed, the PID Coordinator must, in consultation with the Director, People, Safety, and Culture (or their nominee), so far as reasonably practicable, manage any allegations of detrimental action or suspected detrimental action taken against the discloser.

When conducting the risk assessment and considering appropriate measures to manage the risk of detrimental action being taken against the discloser, the PID Coordinator will have regard to the principles in the [Public Interest Disclosure Risk Assessment and Risk Management Guide](#) published by the Queensland Ombudsman.

If the discloser is concerned or suspects that they may have been or will be the subject of detrimental action on the grounds of having made or being about to make a PID, they are encouraged to report that suspicion by either:

- raising the concern or suspicion with the PID Coordinator
- contacting an investigating authority, such as the Office of the Qld Ombudsman (for instance, if the concern or suspicion relates to the PID Coordinator).

6.6 Referring to another proper authority

If the NHVR 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 NHVR will conduct a risk assessment, and may not proceed with the referral if there is an unacceptable risk of reprisal to any relevant individual.

² The PID Coordinator may consult or engage with the Director, Legal Services, and the Director, People, Safety, and Culture (or their respective nominees) in relation to the risk assessment.

It may also be necessary to refer the PID to another agency because of a legislative obligation—for example, having to 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 CC Act).

The confidentiality obligations of the PID Act permit appropriate officers of the NHVR 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 referral by the NHVR.

6.7 Investigation

If a decision is made to investigate a PID, the NHVR may appoint an investigator (which may be internal or external to the NHVR) to conduct the investigation. The investigation will be undertaken with consideration of the:

- principles of natural justice
- obligation under the PID Act (Qld) to protect confidential information
- obligation under the PID Act (Qld) to protect public officials from reprisal
- interests of the person the subject of the disclosure.

If the information about wrongdoing provided in the PID is substantiated, the NHVR will decide what appropriate action should be taken (which may include, via the appropriate delegate, action in accordance with the NHVR's disciplinary and/or other processes).

Where the investigation does not substantiate any wrongdoing, the PID Coordinator may recommend that the NHVR review its systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

The PID Coordinator will advise the discloser in writing of the outcome of the PID.

7 Protections for disclosers

The PID Act (Qld) provides disclosers with appropriate protections including:

- immunity from liability
- confidentiality
- protection from defamation action.

7.1 Immunity from liability

A person who makes a public interest disclosure is not subject to any civil or criminal liability or any liability arising by way of administrative process, including disciplinary action, for making the disclosure.

7.2 Confidentiality

While the NHVR will make every attempt to protect confidentiality, a discloser's identity may need to be disclosed. For instance, for the NHVR to respond to a court order, legal directive or court proceedings.

The NHVR will ensure that, wherever possible, relevant communications will be arranged discreetly to avoid identifying the discloser.

7.3 Defamation action

Without limiting 'Immunity from liability' (under section 36 of the PID Act (Qld)), in a proceeding for defamation, a person who makes a PID has a defence of absolute privilege for publishing the information disclosed.

8 Disclosure to a journalist

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
- the proper authority either:

- decided not to investigate or deal with the disclosure
- investigated the disclosure but did not recommend taking any action
- 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.

9 Protections for the subject of the complaint

The NHVR acknowledges that for officers who are the subject of a PID the experience may be stressful. The NHVR 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
- noting 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 the subject officer until the matter is finalised.

10 Welfare management for the discloser

The NHVR 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 (Qld) 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 continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

11 Offences

Pursuant to section 41 of the PID Act (Qld), it is an offence to take reprisal action against a person who makes or intends to make a disclosure. (See the [Completing a risk assessment and managing risks](#) section).

- Maximum penalty is 167 penalty units or two years imprisonment.

Pursuant to section 65 of the PID Act (Qld), it is an offence to misuse confidential information gained by the PID.

- Maximum penalty is 84 penalty units.

Pursuant to section 66 of the PID Act (Qld), it is an offence for a person to make a statement to a proper authority intending that it be actioned as a PID or intentionally give false or misleading information.

- Maximum penalty is 167 penalty units or two years imprisonment.

12 The NHVR's reporting obligations

The NHVR must maintain records of PIDs made to or referred to the NHVR and to report all data about the PIDs to the oversight agency (the Queensland Ombudsman) through the PID reporting database 'RaPID'. The NHVR is required to report on PIDs in its Annual Report, and to provide as soon as practicable after the end of each financial year a report on the operation of the PID Act (Qld) and give a copy of the report to the Minister.

13 Discloser's right of review

If the NHVR decides not to deal with a disclosure (as described in 6.2.2 [No action taken](#)), the discloser may apply to the NHVR's CEO, within 28 days of receiving the written reasons, for a review of the decision. If a discloser is concerned or believes that the disclosure is not being dealt with appropriately by the NHVR, the discloser may either:

- contact other relevant authorities such as the Qld Ombudsman
- raise the matter with the NHVR's CEO for review and consideration of authorising another PID Co-ordinator for the PID.

14 Roles and responsibilities

The following roles are responsible for the activities in this guideline.

Role	Responsibilities
Chief Executive Officer/Principal Officer	<ul style="list-style-type: none"> • appoints one or more officers as the PID Coordinator • ensures the name and contact details of the NHVR's PID Coordinator is made available to all NHVR employees and officers • ensures procedures are made available for a person who wants to make an appropriate disclosure of public interest information to the NHVR • ensures NHVR staff are aware of the contents of the policy and the protections under this Act for a person who makes a public interest disclosure.
PID Coordinator Director, Governance, Risk, and Assurance	<ul style="list-style-type: none"> • designated by the NHVR's CEO to: <ul style="list-style-type: none"> ○ receive appropriate disclosures of public administration information relating to the NHVR public officers ○ encourage the discloser to raise any concerns they have about potential detrimental outcomes that may be caused from the disclosure ○ assess the PID and if appropriate appoint an investigator ○ ensure that the person making the disclosure is kept informed of progress in the investigation into the PID ○ ensure compliance with the PID Act (Qld) and these guidelines ○ make appropriate recommendations to the NHVR's CEO for dealing with PIDs ○ provide advice to NHVR staff in relation to their obligations, protections and offences under PID Act (Qld) and about this guideline.
Chiefs/Executive Directors/Directors/Managers/Supervisors	<ul style="list-style-type: none"> • maintains a workplace culture that values professionalism, integrity and diligence • demonstrates positive ethical standards through their own conduct and communications at work and values all employees • creates a supportive reporting environment that encourages employees to report any concerns about wrongdoing • provides appropriate confidential support to employees who report suspected wrongdoing and provide assurance to them by making clear statements of support • liaises with the PID Coordinator and Manager People and Culture (HR) to ensure appropriate protective measures are in place for the discloser • monitors the workplace and taking all reasonable steps to minimise the risk of detrimental action towards the discloser • implements appropriate controls to prevent harm to the NHVR's assets and resources.
Director, People, Safety, and Culture	<ul style="list-style-type: none"> • appoints a PID support officer for the discloser if required • decides on appropriate action on the outcome of the PID—consults with senior management (i.e. Chief/ED/CEO).

Role	Responsibilities
PID Support Officer	<ul style="list-style-type: none"> provides advice and information to the discloser on the NHVR's PID procedure provides personal support and referral to other sources of advice or support as required facilitates updates on progress of investigation proactively contacts the discloser throughout PID management process.
Employee	<ul style="list-style-type: none"> conducts their duties to a high professional and ethical standard seeks appropriate guidance if they have an ethical issue immediately reports a matter, to a relevant authority, if they honestly believe that some wrongdoing has occurred maintains confidentiality about the fact that a PID has been made, the information disclosed and the identity of those referred to in the PID is prepared to assist in an investigation of the PID if requested by an investigator to provide information reports any reprisal action to their workplace manager or appropriate NHVR officer.

15 Definitions

The following terms are specific to this guideline.

Term	Definition
CC Act	<i>Crime and Corruption Act 2001 (Qld)</i>
Chiefs	The NHVR's Chief Corporate Officer, Chief Operations Officer, and Chief Regulatory Policy & Standards Officer.
Corrupt conduct	See Appendix A.
Crime and Corruption Commission (CCC)	The CCC is a statutory body whose functions and powers are set out in the <i>Crime and Corruption Act 2001</i> .
Detriment	includes – <ul style="list-style-type: none"> (a) personal injury or prejudice to safety (b) property damage or loss (c) intimidation or harassment (d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business (e) financial loss (f) damage to reputation, including, for example, personal, professional or business reputation.
Discloser	A person who makes a disclosure in accordance with the <i>Public Interest Disclosure Act 2010</i> .
Journalist	A person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
Maladministration	The PID Act (Qld) defines maladministration as an action that: <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 a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances or

Term	Definition
	<p>(d) was taken—</p> <ul style="list-style-type: none"> (i) for an improper purpose or (ii) on irrelevant grounds or (iii) having regard to irrelevant considerations or <p>(e) was an action for which reasons should have been given, but were not given</p> <p>or</p> <p>(f) was based wholly or partly on a mistake of law or fact</p> <p>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, to:</p> <ul style="list-style-type: none"> • avoid bias • give a fair hearing.
PID Coordinator	<p>The NHVR officer authorised by the NHVR’s Chief Executive Officer for the implementation of the NHVR’s PID management program and as the principal point of contact with the relevant oversight agency.</p> <p>The PID Coordinator is the Director, Governance, Risk, and Assurance.</p>
Proper authority	<p>A person or organisation that is authorised under the <i>Public Interest Disclosure Act 2010</i> to receive disclosures.</p> <p>A proper authority is:</p> <ul style="list-style-type: none"> (a) a Public Sector entity (b) a member of the Legislative Assembly.
Public officer	A public officer, of a public sector entity, is an employee, member or officer of the entity.
Reasonable belief	A reasonable belief requires the existence of facts which are sufficient to induce belief in a reasonable person. Belief requires something more than suspicion.
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 disclosure Act against any person. <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>

Term	Definition
Support Officer	The person nominated or appointed by the NHVR to support the discloser.

16 References

16.1 Other policies and procedures

- [Policy – Public Interest Disclosures](#)
- [Policy – Code of Conduct](#)
- [Policy – Conflict of Interest](#)
- [Policy – Customer Complaints Management](#)
- [Policy – Fraud and Corrupt Conduct](#)
- [Quick Guide – Whistle-Blower Hotline](#)

16.2 Legislation

- [Crime and Corruption Act 2001 \(Qld\)](#)
- [Public Interest Disclosures Act 2010 \(Qld\)](#)

Appendix A – Corrupt conduct definition (CC Act)

As defined in section 15 of the *Crime and Corruption Act 2001*

1. **Corrupt conduct** means conduct of a person, regardless of whether the person holds or held an appointment, that—
 - (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - (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—
 - (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—
 - (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.
2. Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—
 - (a) impairs, or could impair, public confidence in public administration; and
 - (b) involves, or could involve, any of the following—
 - (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)—
 - (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—
 - (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.

Appendix B – Other agencies to whom disclosures can be made and what they can be made about

Particular types of conduct by particular officials may be reported to the appropriate investigating authority as follows:

Type of conduct	Investigating authority	Act
Corruption	CC www.ccc.qld.gov.au	<i>Crime and Corruption Act 2001</i>
Maladministration	Ombudsman www.ombudsman.qld.gov.au	<i>Ombudsman Act 2001</i>
Substantial misuse of public resources	Qld Audit Office https://www.qao.qld.gov.au/	<i>Auditor-General Act 2009 (Qld)</i>
Government information contravention	Information Commissioner www.oic.qld.gov.au	<i>Government Information (Information Commissioner) Act 2009</i>

Appendix C – Public Interest Disclosure (QLD) process

