

 <p>QIMR Berghofer Medical Research Institute</p>	<h1 style="margin: 0;">Public Interest Disclosure Policy</h1>	Effective: 18 October 2022
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		Approved by: QIMR Council

CONTENTS

1	PURPOSE AND SCOPE	2
1.1	Purpose	2
1.2	Scope.....	2
2	DEFINITIONS	2
3	POLICY	3
4	WHAT IS A PUBLIC INTEREST DISCLOSURE	4
4.1	Type of Information	4
4.2	Subjective or Objective Test	5
4.3	Who can a Public Interest Disclosure be made to?.....	5
4.4	Public Interest Disclosures to Journalists.....	5
4.5	Disclosures not protected by the PID Act & Grievances	5
4.6	False Reporting & Disciplinary Action	6
4.7	Communication with Disclosers	6
5	PROTECTIONS UNDER THE PID ACT.....	6
5.1	Protection against Reprisal	6
5.2	Confidentiality and Identity of Discloser	7
5.3	Allocation of PID Support Officer	7
5.4	Immunity from Liability	7
5.5	Confidentiality obligations under contract or other legislative provisions do not apply.....	8
5.6	Protection from defamation action	8
6	RECORD KEEPING	8
7	PID MANAGEMENT PROGRAM.....	8
8	ROLES AND RESPONSIBILITIES	8
8.1	Director and CEO.....	8
8.2	Deputy Director (PID Coordinator)	9
8.3	PID Support Officer.....	9
8.4	Personnel.....	9
9	RELATED DOCUMENTS	9
10	CONTACT OFFICER.....	9
11	AMENDMENT HISTORY	10

1 PURPOSE AND SCOPE

1.1 Purpose

The purpose of this policy is to outline the Institute's commitment to uphold the principles of the *Public Interest Disclosure Act 2010* (Qld) (PID Act). This policy aims to encourage people to raise genuine concerns about possible wrongdoing as soon as possible and to provide appropriate guidance in relation to how those concerns will be managed.

1.2 Scope

As a public sector entity established under the *Queensland Institute of Medical Research Act 1945* (Qld) (QIMR Act), the Institute is considered a Proper Authority for the purposes of section 6 of the PID Act. This policy applies to all Personnel or any other person who makes a disclosure in accordance with this policy and the Procedures.

The PID Act applies to disclosures made by employees, Council Members and honorary appointments who are considered Public Officers under the PID Act. However, in recognising the importance of transparency and accountability, the Institute has extended the protections of this Policy, to the extent possible, to all other Personnel. The protections that the Institute is able to extend to those Personnel are the commitment to confidentiality (clause 5.2), the allocation of a PID Support Officer (clause 5.3) and the commitment to protect Personnel from any Reprisals (clause 5.1).

This policy and the Procedures will not extend to the management of Grievances. Further details on the management of Grievances are contained in clause 4.5.

2 DEFINITIONS

Complaint/disclosure	A statement that something is unsatisfactory or unacceptable in the workplace. It does not include a Grievance.
Corrupt Conduct	Defined in accordance with section 15 of the <i>Crime and Corruption Act 2001</i> (CC Act) and as extracted at Schedule 1 .
Council	The Council of the Queensland Institute of Medical Research constituted under the QIMR Act.
Discloser	Any person making a disclosure under this policy and the Procedures.
Grievance	A complaint that relates to an individual's personal circumstances that does not have significant implications for the Institute, such as interpersonal matters or decisions regarding employment arrangements.
Journalist	A person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
Institute	QIMR Berghofer Medical Research Institute
Nominated Officers	Officers that are nominated in clause 3.2 of the Procedures to receive and manage PIDs on behalf of the Institute.

Personnel	Personnel means all current and former Institute employees, members of Council's committees, Students, Visiting Scientists, Honorary Scientists and Emeritus Scientists.
Reprisal	To cause or attempt or conspire to cause detriment to another person because of, or in the belief that, the person has made or intends to make, a public interest disclosure (see section 40 of the PID Act).
PID Standards	The Public Interest Disclosure Standards issued by the Queensland Ombudsman under section 60 of the PID Act.
PID	A Public Interest Disclosure made in accordance with the requirements of the PID Act and is subject to the protections afforded by the PID Act.
PID Coordinator	The Deputy Director who is responsible for the implementation of the Institute's PID management program as delegated by section 8 of this Policy.
PID Support Officer	The person delegated by the Director and CEO in the Procedures who is responsible for providing support to a Discloser, Subject Officer, witnesses or any other persons involved in the management of a PID as required by the PID Standards.
Procedures	Reference to Procedures in this policy are to the Public Interest Disclosure Procedures.
Proper Authority	The Institute or a member of the Legislative Assembly.
Public Officers	An Institute employee, Council Member or honorary appointment in accordance with the definition in section 7 of the PID Act.
Subject Officer	The officer of the Institute who is the subject of the disclosure and/or complaint.

3 POLICY

The Institute is committed to the objectives of the PID Act and recognises the value and importance of the disclosure of wrongdoing in enhancing administrative and management practices. All PIDs will be dealt with in accordance with the PID Act, the PID Standards, this policy and the Procedures.

The Institute considers PIDs to be an important component of ensuring its employees uphold the highest standard of integrity and accountability. Accordingly, the Institute is committed to creating and maintaining a safe environment that encourages disclosure of information about wrongdoing or danger.

The Institute is committed to:

- facilitating disclosures of information, or complaints, about wrongdoing or danger that relate to the Institute;
- ensuring disclosures, including those made anonymously, are properly assessed and when appropriate, properly investigated or otherwise dealt with;

- acting to protect disclosers from reprisals and providing the appropriate support for disclosers;
- ensuring PID assessments, investigations and decision-making processes are completed within a reasonable timeframe;
- ensuring appropriate consideration is given to the interests of those who are the subject of a PID; and
- ensuring Institute staff are sufficiently aware of and trained in relation to the application of this policy and the requirements for PIDs.

4 WHAT IS A PUBLIC INTEREST DISCLOSURE

A PID is a disclosure of wrongdoing in the Institute which satisfies the following three criteria:

1. The disclosure is about a relevant type of information;
2. The disclosure meets the subjective or objective test; and
3. The disclosure is made to a Proper Authority.

Disclosures that meet the elements above are afforded specific protections under the PID Act as outlined in this policy and the Procedures. These criteria are set out in more detail below.

4.1 Type of Information

For a disclosure to be a PID, the information must relate to one of the following:

a. For disclosures made by Personnel:

- the conduct of another person relating to the Institute that could, if proved, be Corrupt Conduct;
- the conduct of another person relating to the Institute that could, if proved, be maladministration that adversely affects a person's interests in a substantial and specific way;
- a substantial misuse of public resources at the Institute - other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure;
- a substantial and specific danger to public health and safety; or
- a substantial and specific danger to the environment.

b. For disclosures by any person (including Personnel):

- a substantial and specific danger to the health and safety of a person with a disability;
- a substantial and specific danger to the environment; or
- the conduct of another person that could, if proved, be a Reprisal.

4.2 Subjective or Objective Test

In addition, the disclosure must:

- a. be based on an honest belief, on reasonable grounds that the information disclosed tends to show the conduct or danger concerned (subjective test); or
- b. the information tends to show the conduct or danger, regardless of whether the discloser honestly believes that the information tends to show the conduct or danger (objective test).

4.3 Who can a Public Interest Disclosure be made to?

In order for a disclosure to be a PID it must be made to a Proper Authority. If a disclosure is not made to a person or an entity that is a Proper Authority, the discloser will not receive the protections of the PID Act. The Institute is a Proper Authority for the purposes of the PID Act.

To ensure PIDs are identified and appropriately investigated, it is preferable that the disclosure is made to the Nominated Officers who are identified in the Procedures. Notwithstanding this, the PID Act also provides that a PID may always be made to a member of the Legislative Assembly of the Queensland Parliament who may refer it to a relevant public sector entity or to the other supervisors and/or managers identified in the Procedures.

If the three elements outlined above are not satisfied, the PID Act will not apply to the disclosure. However, the disclosure will be managed in accordance with the Institute's other processes and procedures and will be afforded the appropriate care and respect.

4.4 Public Interest Disclosures to Journalists

Disclosures to Journalists are not protected under the PID Act unless the disclosure was previously made to a Proper Authority that:

- a. decided not to investigate or deal with the disclosure;
- b. investigated the disclosure but did not recommend the taking of any action in relation to the disclosure; or
- c. did not notify the person who made the disclosure within 6 months from the date of the disclosure whether or not it was to be investigated.

The disclosure to a Journalist must be of substantially the same information as previously disclosed to the Institute or Proper Authority.

4.5 Disclosures not protected by the PID Act & Grievances

The protections afforded by the PID Act will not extend to disclosures that have not met the 3 elements noted above. For example, if a disclosure is made directly to the media, to federal government departments, to private organisations and unions, it will not be protected under the PID Act.

Further, the PID Act protections do not protect the following types of disclosures:

- disclosures which intentionally contain false or misleading information;
- frivolous or vexatious complaints (abuse of process);
- disclosures which are entirely policy disputes;
- disclosures which meet the definition of a Grievance.

There are circumstances where an issue may appear to be a Grievance but it will meet the criteria outlined in clauses 4.1 - 4.3 above. In those circumstances, the disclosure will be managed as a PID under this policy and the Procedures. For example, a personal work-related Grievance may still qualify for protection if it is bundled with a report of illegal activity or if it includes information about wrongdoing which could amount to Corrupt Conduct.

Further information on how Grievances are to be managed is outlined in the Institute's Grievance Procedures.

For clarity, while the PID Act protections are not available to disclosures which do not meet the requirements of this Policy, the Institute will not tolerate any Reprisals arising from any disclosure and such behaviour will be managed in accordance with the Misconduct and Serious Misconduct Procedure.

4.6 False Reporting & Disciplinary Action

It may be a criminal offence under the PID Act to intentionally make a false or misleading disclosure. Any Personnel making a false or misleading disclosure will be assessed pursuant to the Institute's Misconduct and Serious Misconduct Policy. Further, making a PID does not protect the discloser from any management, disciplinary or criminal action if they have been involved in improper conduct or their performance is unsatisfactory.

4.7 Communication with Disclosers

The Institute will ensure that Disclosers and Subject Officers receive appropriate information relating to decisions made under this policy and the Procedures as soon as reasonably practicable after decisions have been made.

5 PROTECTIONS UNDER THE PID ACT

5.1 Protection against Reprisal

The Institute is committed to protecting the rights of disclosers who have made a PID and will not tolerate any Reprisals against the disclosers. It may be a criminal offence pursuant to section 40 of the PID Act for a person to cause or attempt or conspire to cause a detriment to another person because a PID has been made. To do so is considered a Reprisal and this behaviour can take many forms, including the following:

- the personal safety of the discloser may be prejudiced;
- the personal property of that person 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).

Sometimes there may be other reasons for taking action that affects a person's interests; however, where the making of the PID constitutes a substantial ground for the act or omission which might constitute a Reprisal, that action taken may constitute an offence under the PID Act.

Reprisals extend to threats made to a discloser that any of the above consequences may occur. Additionally, inducing another person to take Reprisal action may itself constitute a Reprisal. Penalties for contravening section 40 of the PID Act range from financial penalties to up to two years imprisonment. Further, if the person that suffers the Reprisal suffers loss as a result, section 42 of the PID Act allows them to bring an action in damages against the person that committed the Reprisal.

For clarity, the prohibition on actions that constitute Reprisals, does not prevent a manager from taking reasonable management action in relation to a discloser.

5.2 Confidentiality and Identity of Discloser

It may be an offence under the PID Act for a person to make a record of, or intentionally or recklessly disclose, confidential information received in the administration of the PID Act to anyone, except where authorised by the PID Act.

The Institute is committed to keeping the identity of the discloser confidential to the extent possible and will manage confidentiality in accordance with section 5.4 of the Procedures, the PID Standards and the PID Act.

5.3 Allocation of PID Support Officer

The Institute will protect disclosers, Subject Officers and witnesses from any Reprisals by appointing a PID Support Officer who will be responsible for assessing the risk of Reprisals and working with the relevant persons, as required, to implement strategies to protect them and provide appropriate support in accordance with the Procedures.

5.4 Immunity from Liability

A person who makes a PID will not be subject to any civil or criminal liability or any liability arising by way of administrative process, including disciplinary action, for making the PID. This does not remove a person's liability for their own conduct.

Any person who discharges a function under the PID Act (for example, the PID Support Officer) is not civilly liable to someone for any act done or omission made honestly and without negligence.

These protections extend to Journalist where a disclosure is made to that Journalist pursuant to the PID Act as referred to in clause 4.4 above.

5.5 Confidentiality obligations under contract or other legislative provisions do not apply

A person who makes a PID will not be subject to prosecution or other legal proceedings for a breach of any confidentiality requirements under another Act or other restriction e.g. contractual confidentiality clauses.

This means a person who makes a PID does not breach an obligation by way of oath, or a rule of law (e.g. another Act), restricting or requiring the person to maintain confidentiality, provided the disclosure is made in accordance with this policy and associated Procedures.

5.6 Protection from defamation action

A person who makes a PID will have absolute privilege in defamation proceedings from the making of the disclosure, provided the disclosure is made to a Proper Authority.

6 RECORD KEEPING

The Institute will maintain a proper record of PIDs in accordance with the requirements of the PID Act and Standards. The Institute will ensure the security and confidentiality of the PID records by ensuring limited access to the record-keeping system to only those with direct and delegated responsibility for maintaining PID records.

The Institute's Legal Office will ensure it submits anonymised data, as required, to the PID database managed by the Queensland Ombudsman.

7 PID MANAGEMENT PROGRAM

The PID Coordinator is responsible for the development and management of the Institute's PID management program and being the primary contact for the Queensland Ombudsman. In particular, the PID Coordinator will:

- a. Be responsible for review and management of the Public Interest Disclosure policy.
- b. Develop and publish PID policy and procedures that align with the relevant PID Standards.
- c. Develop and implement the Institute's management program for PIDs.
- d. Coordinate training for all Nominated Officers and any other relevant supervisors and/or managers who may receive a PID and provide appropriate material to support the management of PIDs.
- e. Coordinate the communication strategy to ensure understanding of the Public Interest Disclosure Policy and related Procedures.
- f. Analyse PIDs to identify any systemic issues that require review and make recommendations to the Institute on improvements or actions that may be required as result.

8 ROLES AND RESPONSIBILITIES

8.1 Director and CEO

The Director and CEO has overall responsibility for the Institute's management of PIDs, overall compliance with the PID Act and ensuring the effectiveness of this policy. The Director and CEO will be responsible for approving any procedures developed pursuant to this policy.

8.2 Deputy Director (PID Coordinator)

The Deputy Director is the nominated PID Coordinator with the responsibility for the implementation of the Institute's PID management program.

8.3 PID Support Officer

This officer is responsible for providing support to disclosers, Subject Officers or witnesses involved in PIDs in accordance with the Procedures.

8.4 Personnel

Personnel are encouraged and have a responsibility to make PIDs about actual or suspected instances of corrupt conduct, maladministration, wastage of Institute funds, substantial and specific dangers to public safety, the environment or a person with a disability, and Reprisal action.

Personnel have an important role to play in supporting people who have made disclosures and must abstain from any conduct that is or could be perceived as a reprisal.

All Personnel are required to comply with the Institute's Code of Conduct, policies, procedures and guidelines, as amended from time to time, in the conduct of their duties.

9 RELATED DOCUMENTS

- Public Interest Disclosure Procedures
- Grievance Procedures
- Public Interest Disclosure Standards No. 1/2019 - Public Interest Disclosure Management Program.
- Public Interest Disclosure Standards No. 2/2019 – Assessing, Investigating and Dealing with Public Interest Disclosures.
- Public Interest Disclosure Standards No. 3/2019 – Public Interest Disclosure Data Recording and Reporting.
- Misconduct and Serious Misconduct Policy
- Research Misconduct Policy
- Complaints involving the Director and CEO (Public Official) Policy
- Code of Conduct

10 CONTACT OFFICER

Deputy Director – ext. 3177

General Counsel – ext. 3808

11 AMENDMENT HISTORY

Version	Date approved	Approved by/Scope of change	Date due for review
1	21 March 2017	Approved by Council	March 2020
2	18 October 2022	Approved by Council – policy separated into policy and procedures and updated to incorporate Your Call and legislative changes.	August 2025

Schedule 1 – Meaning of *corrupt conduct* – extracted from s. 15 *Crime and Corruption Act 2001* (Qld)

- 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.