

Public Interest Disclosure

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1.0 Introduction

The University is committed to fostering an ethical, transparent culture and values the disclosure of information about suspected unlawful, negligent or improper conduct or about danger to public health or safety of the environment.

As a public sector entity established by an Act of the Queensland Parliament, Griffith University is covered by the Public Interest Disclosure Act 2010 (Qld) ('the PID Act') and all University staff are public officers for the purposes of the legislation. The PID Act provides for the protection of staff of the University and, where applicable, other people making public interest disclosures ('PIDs').

Griffith University is also covered by the Corporations Act 2001 (Cth) ('the Corporations Act') to the extent it contains protections for whistleblowers, which will include staff of the University and certain others.

Staff can be the most important sources of information to assist the University to identify and address suspected wrongdoing.

The University supports the disclosure of information about suspected wrongdoing as this contributes to the organisation's integrity, assists in the prevention of fraud and other economic loss, and ensures the trust of the community that the University serves.

PIDs and disclosers will be managed and protected in accordance with the PID Act and with the standards issued by the Queensland Ombudsman under Section 60 of the PID Act.

Protected whistleblower disclosures under the Corporations Act ('Corporations Act Disclosures') and whistleblowers will be managed and protected in accordance with the Corporations Act.

PIDs and Corporations Act Disclosures are collectively referred to as 'Protected Disclosures' in this policy. Differences between PIDs and Corporations Act Disclosures are also detailed in this policy.

Where a disclosure qualifies as both a PID and a Corporations Act Disclosure, the University will manage the Protected Disclosure consistently with the University's obligations (and having regard to an individual's rights) under both the PID Act and the Corporations Act as recorded in this policy. Any inconsistency between those obligations will be escalated to the Chief Operating Officer to determine how the inconsistency is to be resolved.

By complying with the PID Act and Corporations Act, the University demonstrates its commitment to:

- ensuring that all Protected Disclosures about suspected wrongdoing are properly assessed, appropriately investigated and that appropriate action is taken in relation to any wrongdoing.
- providing support to an employee or others who make Protected Disclosures about matters in the public interest.
- ensuring appropriate consideration is given to the interests of persons who are the subject of a Protected Disclosure.
- ensuring protection from reprisal or victimisation is afforded to persons making a Protected Disclosure.

The Vice Chancellor, as chief executive officer, has overall responsibility under the PID Act and Corporations Act for the University's compliance with the legislation. The Chief Operating Officer (email: coo@griffith.edu.au | telephone: 07 373 57343) has been appointed the responsible officer for receiving disclosures and acting on them.

2.0 Scope

This policy applies to all University staff, whether they are continuing, fixed-term, temporary or casual appointments, including senior management, executive, academic, general, conjoint appointments, and members of the University Council and its committees, unpaid workers, volunteers, or interns. This policy also applies in a more limited way to suppliers, former officers, employees and contractors, and certain family members of University staff in respect of Corporations Act Disclosures.

3.0 Protected Disclosures

All staff are required to comply with University policy, including the Code of Conduct which sets out the standards of behaviour expected of staff. Staff members who are aware of any activity or incident that they consider is wrongdoing or which would adversely impact on the operation of the University are encouraged to report the behaviour.

However, for a disclosure to receive the unique protections as a Protected Disclosure, it must also:

- be made by someone eligible to make a PID and/or Corporations Act Disclosure;
- in respect of a PID, concern corrupt conduct; maladministration; a misuse of public resources; danger to public health or safety; danger to the health or safety of a person with a disability; danger to the environment; or a reprisal (as detailed in Annexure A of this policy); and
- in respect of a Corporations Act Disclosure, concern certain unlawful conduct; other misconduct or an improper state of affairs or circumstances; or victimisation (as detailed in Annexure B of this policy); and
- be made to a person or agency authorised to receive that type of Protected Disclosure. If a disclosure is made to someone who is not authorised to receive that type of disclosure, the discloser will not receive the protections provided under the legislation and this policy.

Annexure A of this policy details protected disclosures under the PID Act and sets out:

- who can make a PID;
- the types of alleged conduct that can be subject to a PID; and
- who is a proper authority to receive a PID (internal and external).

Annexure B of this policy details protected disclosures under the Corporations Act and sets out:

- who can make a Corporations Act Disclosure;
- the types of alleged conduct that can be subject to a Corporations Act Disclosure; and
- who is an eligible recipient of a Corporations Act Disclosure (internal and external).

A disclosure amounts to a Protected Disclosure even if the:

- discloser reports the information as part of their duties;
- disclosure is made anonymously – the discloser is not required to give their name or any identifying information however this may affect the ability of the University to efficiently investigate the disclosure;
- discloser has not identified the material as a Protected Disclosure. The University must assess the information received and decide if it is a Protected Disclosure;
- disclosure is unsubstantiated following investigation. The discloser is protected when the information they provide is assessed as a Protected Disclosure, whether or not it is subsequently investigated or found to be unsubstantiated.

3.1 Making a Protected Disclosure to the University

Wherever possible, a Protected Disclosure about the University should first be made internally so that the University has an opportunity to investigate the matter. This is usually the quickest and most effective way to correct wrongdoing and the option that best protects the discloser from reprisal or victimisation. Options for making a disclosure to the University are set out in Annexure C.

3.2 Making an External Disclosure

The discloser may choose to make a disclosure to an agency external to the organisation because they are not satisfied with the University's response to a disclosure; or they are concerned about confidentiality.

While staff are encouraged to make a disclosure to the University as a first step (as detailed in Section 3.1 of this policy), disclosers will be respected and supported should they disclose to an external authority. It is very likely that the external authority will discuss the disclosure with the University and the University will make every effort to assist and cooperate with any external authority to work towards a satisfactory outcome.

The external authorities that are eligible to receive a PID or Corporations Act Disclosure are detailed in Annexures A and B of this policy respectively.

3.3 What information to Provide When Making a Protected Disclosure

While there is no particular information that the discloser needs to provide, the content provided should be clear and factual and avoid speculation.

Disclosures must be made honestly and on reasonable grounds. This means a discloser must have a genuine belief in its truth and/or, if available, provide evidence which tends to show the wrongdoing has occurred. However, a discloser is not required (and is discouraged) from undertaking their own investigation into the matter before making the Protected Disclosure.

Depending on the circumstances, the discloser should where possible provide information on:

- the nature of the wrongdoing;
- the name, job title and workplace address of the person the subject of the disclosure;
- when (dates and times) and where the wrongdoing occurred;

- events surrounding the issue;
- if the discloser did anything in response to the wrongdoing;
- others who also know about the wrongdoing and have allowed it to continue;
- if the discloser is concerned about possible reprisal as a result of making the disclosure;
- names of others who may be able to support the disclosure or any other evidence to support the disclosure;
- steps already taken by the discloser to report the matter internally should also be included, if relevant.

See the disclosure flowchart for a summary of the Protected Disclosure process (Diagram 1 on page 19).

Although it is not mandatory, disclosers are encouraged to provide their contact details when making a PID as this will enable the University to formally acknowledge the disclosure, make contact to ask for additional information if required, and to provide organisational support and to protect the discloser from reprisal or victimisation.

3.2 False or Misleading Information

Disclosers must not intentionally provide false or misleading information when making a Protected Disclosure or in connection with an assessment or investigation about a Protected Disclosure. If a discloser is found to have intentionally provided false or misleading information, disciplinary action may be taken against them. Further, it is an offence under the PID Act to intentionally give false or misleading information intending that it be acted on as a PID. Providing false or misleading information could also be a criminal offence under the Corporations Act.

4.0 Receiving a Disclosure

Where a supervisor or other University officer receives a verbal Protected Disclosure, or complaint which might amount to a Protected Disclosure, they should encourage the discloser to put the details in writing. If the discloser is unable or unwilling to do so, the supervisor or other University officer should document the Protected Disclosure and ask the discloser to confirm the contents before signing it and referring it to the Chief Operating Officer [or to the Vice Chancellor if the disclosure is about the Chief Operating Officer].

Supervisors and other University officers must protect the confidentiality of the discloser and the information as set out in section 9 of this policy.

If an anonymous telephone caller calls a University staff member rather than the 'Your Call' Hotline, the University staff member receiving the disclosure should record the date, time, and circumstances of the disclosure. It should then be forwarded to the Chief Operating Officer.

5.0 Assessment of a Disclosure

The Office of the Chief Operating Officer is the University's central contact point for the receipt and assessment of all Protected Disclosures. All Protected Disclosures, including those that are made anonymously, will be assessed by the Chief Operating Officer or the Chief Operating Officer's delegate to determine if the:

- disclosure concerns a matter about which a Protected Disclosure can be made, in accordance with the PID Act and/or Corporations Act and this policy;

- disclosure has been made to a proper authority under the PID Act or eligible recipient under the Corporations Act and in accordance with the University's policy;
- person making the disclosure is able to receive the protection of the PID Act and/or Corporations Act;
- person making the disclosure is likely to suffer reprisal action or detriment as a result of having made the disclosure.

If there is doubt about whether a disclosure is a Protected Disclosure, further information may be obtained to inform the decision. If doubt still remains, the Chief Operating Officer will assume the disclosure is protected and manage it as if it is a Protected Disclosure.

Upon receiving the Protected Disclosure, the Chief Operating Officer or the Chief Operating Officer's delegate will make an assessment as to whether it is to be referred to an external agency, such as the Crime and Corruption Commission, Australian Securities and Investment Commission or police, for review or investigation or whether the University is able to investigate the matter or deal with it in some other way.

If the matter is to be referred to an external agency, the referral will be made in accordance with legislative and other requirements. This will usually include seeking consent from the discloser to forward the information to the proper authority, informing the discloser when the information has been forwarded, and undertaking a risk assessment to ensure there is not an unacceptable risk that a reprisal or victimisation would happen before the referral is made.

If the matter is required to be investigated by the University, the Chief Operating Officer will be responsible for the investigation which may be completed by an internal or external investigator, as appropriate. If choosing to appoint an external investigator, the Chief Operating Officer or the Chief Operating Officer's delegate may consult with the discloser before appointing the external investigator.

If a disclosure is referred to the University under the PID Act by another entity, acknowledgement will be made in accordance with legislative requirements.

6.0 Investigation of a Disclosure

If a decision is made to investigate a Protected Disclosure, this will be done with consideration for the:

- principles of natural justice;
- obligations under the PID Act and Corporations Act to protect confidential information, including the identity of the discloser as required;
- obligations under the PID Act and Corporations Act to protect disclosers from reprisal or detriment; and
- interests of subject officers.

If as a result of investigation the information about wrongdoing provided in the Protected Disclosure is substantiated, appropriate action will be taken.

Once the investigation has been completed, a report of the investigation will be provided to the Chief Operating Officer. The report may contain recommendations for further action. The Chief Operating Officer will decide what further action (if any) will be taken on the disclosure.

The discloser will be informed of progress and of the outcome by the Chief Operating Officer or the Chief Operating Officer's delegate. If a decision is made not to investigate or deal with a Protected Disclosure, the discloser will be provided with written reasons for that decision. Where reasonable, the report (or an edited extract of the report) will be provided.

The discloser may request a review of the decision taken on the disclosure via a formal request made to the Vice Chancellor within 28 days after receiving written reasons. The Vice Chancellor (or delegate) will review the matter and determine whether to confirm or overturn the decision and written reasons will be provided to the discloser together with advice about the right of external review by the Queensland Ombudsman or by making a complaint to a regulator such as the Australian Securities and Investment Commission ('ASIC') or the Australian Tax Office.

7.0 Protections and Organisational Support for Disclosers

7.1 Protection against civil, criminal and administrative liability

Without limiting section 3.4, a person who makes a Protected Disclosure is not subject to any civil or criminal liability or any liability arising by way of administrative process, including disciplinary action, by reason only of making the disclosure.

Disclosers cannot be disciplined by reason only of making a Protected Disclosure, but disclosers will continue to be managed in accordance with normal, fair, and reasonable practices during and after the handling of the Protected Disclosure (see reasonable management action under section 12 Definitions). However, the Protected Disclosure protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.

7.2 Protection against detrimental conduct including reprisal and victimisation

The University will treat all Protected Disclosures appropriately and seriously, ensuring privacy and confidentiality (as far as possible) throughout the process. The University reassures staff who report wrongdoing, whether the information constitutes a Protected Disclosure or not that they will be supported and protected from possible detrimental conduct including reprisals or victimisation.

Once the matter has been assessed as a Protected Disclosure, the Chief Operating Officer will advise the discloser:

- that their information has been received and assessed as a Protected Disclosure under either or both of the PID Act and/or Corporations Act;
- the action to be taken in relation to the disclosure;
- the likely timeframe involved;
- the name and contact details of the support officer who the discloser may contact for updates or advice. The support officer will have sufficient authority to ensure that the discloser has appropriate organisational support and protection from detrimental conduct including reprisals and victimisation and will be separate from the investigation function;
- the discloser's obligations regarding confidentiality, except as permitted by law;
- the protections the discloser has under the legislation;
- the commitment of the University to keep the discloser's identity and the information disclosed confidential, except where permitted under the PID Act and/or Corporations Act;
- the discloser's likely involvement in any action to be taken and how updates regarding intended actions and outcomes will be provided to the discloser;
- the arrangements that will be put in place to support the discloser and contact details for the University's employee assistance program.

The Chief Operating Officer or the Chief Operating Officer's delegate will conduct a risk assessment to ensure that the health, safety and wellbeing of the discloser is not put at risk as a result of making the disclosure, and assess the likelihood of the discloser suffering detriment as a result of having made the disclosure. The assessment will take into account the actual and perceived risk of the discloser suffering detriment and will include consultation with the discloser and their consent to consult with other entities or third parties about the risk assessment, if required. The assessment of risk to the discloser and others associated with the discloser and the protective measures will be proportionate to the risk and potential consequences of any detrimental conduct. The risk management plan developed in response to the assessment will be developed in consultation with the discloser and will be regularly reviewed and amended if required, until management of the Protected Disclosure is finalised. The Chief Operating Officer will also consider the University's obligations to any officers who are the subject of the Protected Disclosure.

In undertaking the risk assessment and the development of the risk management plan, the Chief Operating Officer will protect the confidentiality of the discloser and the information as set out in section 9.

If the discloser is anonymous, the Chief Operating Officer will conduct the risk assessment taking into account the information disclosed in the Protected Disclosure and any other information reasonably available.

The work environment of University affected staff will be monitored for any evidence of detrimental conduct including reprisal or victimisation. In the event of detrimental conduct being alleged or suspected, the University will:

- attend to the safety of disclosers or affected third parties, including those who may wrongly be suspected of being a discloser, as a matter of priority;
- review its risk assessment and risk management plan to mitigate any further risk of detrimental conduct;
- manage any allegation of a reprisal or victimisation as a Protected Disclosure in accordance with the PID Act and/or Corporations Act and provide support and information to the person reporting the alleged or suspected detrimental conduct.

7.3 Court Orders

Courts are given broad scope to make orders remedying a detriment or threatened detriment. These include injunctions, compensation orders (including against individual employees and their employer), reinstatement, exemplary damages and the making of apologies. Civil and criminal sanctions also apply to breaches of the PID Act and Corporations Act.

7.4 Other possible protections

Disclosures may also amount to the exercise of a workplace right by an employee or contractor. The University and its employees are prohibited under the Fair Work Act 2009 (Cth) from taking adverse action against employees or contractors because they exercised or propose to exercise any workplace rights.

8.0 Rights of Staff and Officers who are Subject of a Disclosure

The University acknowledges that being the subject of a Protected Disclosure is a stressful experience. As the subject of an allegation, staff may seek assistance from a staff or legal representative or support person.

Those who are the subject of or in some way associated with a Protected Disclosure are entitled to the presumption of innocence, confidentiality so far as possible and should not be treated adversely as a result of their involvement. The University will protect the rights of persons who are the subject of a Protected Disclosure, including by:

- assuring them that the Protected Disclosure will be dealt with impartially, fairly and reasonably, in accordance with the principles of natural justice;
- confirming that the Protected Disclosure is an allegation only until information or evidence obtained through an investigation substantiates the allegations;
- providing them with information about their rights and the progress and outcome of any investigation; and
- referring them to the University's employee assistance program.

9.0 Confidentiality

The University will, to the greatest extent possible, keep the disclosure confidential. While all necessary steps will be taken to protect the confidentiality of the information provided, the discloser also has obligations to preserve confidentiality and not to discuss the disclosure with work colleagues or other unauthorised persons.

Maintaining confidentiality protects the discloser against detrimental conduct and also protects other people affected by the disclosure. In protecting confidentiality, the University will ensure that the details of the disclosure, the investigation and related decisions will be kept secure and restricted to a 'need to-know' basis. The University's expectations regarding confidentiality encompasses:

- the fact that a disclosure has been made;
- any information that may identify the discloser or any person who may be the subject of a disclosure;
- the actual information that has been disclosed; and
- information relating to the disclosure that may cause detriment, if known.

An unauthorised revelation of the identity of the discloser or of the details of the disclosure may result in disciplinary action against the divulger of the information.

It is an offence under section 65 of the PID Act to make a record of or intentionally or recklessly disclose confidential information received in the administration of the PID Act, except as authorised under the PID Act. Similarly, it is an offence under section 1317AAE of the Corporations Act for a person to disclose a discloser's identity or any information that may lead to their identification (subject to the exceptions set out below) without the consent of the discloser or as authorised under the Corporations Act.

The University takes the protection of a discloser's identity seriously. The University will consider on a case-by-case basis the steps it will take to help achieve this, which may include:

- maintaining mechanisms to reduce the risk that the discloser will be identified from the information contained in a disclosure (such as redactions or referring to the person in gender neutral terms etc);
- maintaining mechanisms for secure record-keeping and information-sharing processes and limiting access to records and information. All statements and correspondence in relation to the matter will be regarded as strictly confidential; and

- reminding each person (as appropriate) who is involved in handling and investigating a disclosure about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence.

In practice, it is important to recognise that a discloser's identity may still be determined if the discloser has previously mentioned to other people that they are considering making a disclosure, the discloser is one of a very small number of people with access to the information or the disclosure related to information that a discloser has previously been told privately and in confidence.

While every attempt to protect confidentiality will be made, there will be occasions when disclosure of the discloser's identity is required and permitted by law. These include:

- in respect of PIDs which are not also Corporations Act Disclosures, where required for procedural fairness (after considering the risk of detrimental conduct) (noting this is not an allowable exception for Corporations Act Disclosures);
- where the University is required to notify the subject matter of the Protected Disclosure to a law enforcement agency or regulatory body, including ASIC, the ATO, the Crime and Corruption Commission or the police;
- to a legal practitioner for the purposes of obtaining advice about the disclosure;
- where it is otherwise required by law, including responding to a court order or legal directive, or in court proceedings; or
- if it is necessary to prevent a serious threat to a person's health or safety.

To avoid inadvertent breaches of confidentiality, disclosers are encouraged to consent to their identity being disclosed on a need-to-know basis.

10.0 Engaging in Detrimental Conduct

It is unlawful under both the PID Act and Corporations Act to cause, or attempt to cause, detriment to another person because, or in the belief that, anybody has made, or may make, a PID or Corporations Act Disclosure respectively. Such detrimental conduct is called a reprisal (for a PID) or victimisation (for a Corporations Act Disclosure) and is not condoned or tolerated by the University.

The meaning of 'detriment' is very broad and includes threats of detriment, acts or omissions and potential harm.

Furthermore, taking a reprisal or victimisation action may also constitute corrupt conduct and be reported to the Crime and Corruption Commission.

Any information about detrimental conduct, or suspected detrimental conduct, at the University should be referred immediately to the Chief Operating Officer. Any such information is considered a Protected Disclosure and will be treated accordingly. See section 7 of this policy for further information about the process for assessing and managing the risks of detrimental conduct, reprisal, and victimisation.

11.0 Record Keeping and Reporting

In accordance with its obligations under the PID Act and the Public Records Act 2023 (Qld), the University will ensure that accurate data is collected about the receipt and management of all PIDs, and the de-identified data will be reported to the Office of the Queensland Ombudsman through the PID reporting database. The Queensland Ombudsman reports statistical information in the Office's annual report to the Parliament.

The Office of the Chief Operating Officer will keep a secure record of all Protected Disclosures or purported Protected Disclosures received by the University in the central records system. Access to the confidential records will be strictly limited.

12.0 Definitions

For the purposes of this policy and related policy documents, the following definitions apply:

Chief Executive Officer refers to the Vice Chancellor, who has overall responsibility under the PID Act for Griffith's compliance with the PID Act, and responsibility as an eligible recipient under the Corporations Act including:

- receiving Protected Disclosures
- establishing reasonable procedures to deal with Protected Disclosures
- keeping a record of Protected Disclosures
- reviewing the University's decisions not to investigate or deal with Protected Disclosures on request
- providing PID information to the Queensland Ombudsman
- delegating responsibilities under the PID Act as they consider appropriate, and
- ensuring effective management and oversight of the University's Protected Disclosure management program and procedures.

The Chief Operating Officer (email: coo@griffith.edu.au | telephone 07 3735 7343) has been appointed the responsible officer for receiving Protected Disclosures and acting on them.

Confidential information includes:

- information about the identity, occupation, residential or work address or whereabouts of a person who makes a Protected Disclosure; or against whom a Protected Disclosure has been made; and
- information disclosed by a Protected Disclosure; and
- information about an individual's personal affairs; and
- information that, if disclosed, may cause detriment to a person; and

Does not include information publicly disclosed in a Protected Disclosure made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.

Corrupt Conduct is defined in Section 15 of the Crime and Corruption Act 2001, and means:

- the conduct of a person, regardless of whether the person holds or held an appointment, that adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of a unit of public administration or a person holding an appointment; and
- results or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned above in a way that is not honest or is not impartial, or involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or involves a misuse of information or material acquired in or in connection with the performance of functions of the exercise of powers of a person holding an appointments; and
- would, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt Conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that:

- impairs, or could impair, public confidence in public administration; and
- involves, or could involve any of the following:
 - collusive tendering;
 - 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: protecting health or safety of persons, protecting the environment, protecting or managing the use of the State's natural, cultural, mining or energy resources, dishonestly obtaining, or helping someone to dishonestly obtain a benefit from the payment or application of public funds or the disposition of State assets, evading a State tax, levy or duty or otherwise fraudulent causing a loss of State revenue, fraudulently obtaining or retaining an appointment; and
- would, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment.

Detriment includes:

- personal injury or prejudice to safety including psychological harm;
- property damage or loss;
- intimidation or harassment;
- adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business;
- financial loss;
- damage to reputation, including for example, personal, professional or business reputation;
- dismissal;
- injury of an employee in their employment;
- alteration of an employee's position or duties to their disadvantage; and
- discrimination between and employee and other.

Threats of detriments will also be unlawful if the person making the threat intended to cause fear that a detriment would be carried out or was reckless as to whether the person against who it was directed would fear the threatened detriment being carried out.

Threats may be express or implied, conditional or unconditional. A discloser (or another person) who has been threatened in relation to a disclosure does not have to actually fear that the threat will be carried out.

Detrimental conduct means engaging in conduct which causes any detriment to another person, or constitutes the making of a threat to cause any such detriment to another person. Liability for detrimental conduct may also be borne by another employee, who did not engage in the detrimental conduct, but who:

- aided, abetted, counselled or procured the detrimental conduct; or
- induced, whether by threats or promises or otherwise, the detrimental conduct; or
- was in any way, by act or omission, directly or indirectly, knowingly concerned in, or party to, the detrimental conduct; or
- conspired with others to effect the detrimental conduct.

Disability as defined in section 11 of the Disability Services Act 2006 (Qld), is a person's condition that:

- is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment (or a combination of these impairments) and results in:
 - for the above paragraph, the impairment may result from an acquired brain injury.
 - the disability must be permanent or likely to be permanent.
 - the disability may be, but need not be, of a chronic episodic nature.

Discloser is a person who makes a disclosure in accordance with the PID Act or the Corporations Act.

Eligible recipient is a person or organisation that is authorised under the Corporations Act to receive Corporations Act Disclosures.

Employee of an entity, includes a person engaged by the entity under a contract of service.

Journalist is a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.

Maladministration as defined in schedule 4 of the PID Act, is administrative action that:

- was taken contrary to law; or
- was unreasonable, unjust, oppressive, or improperly discriminatory; or
- 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
- was taken for an improper purpose; or on irrelevant grounds; or having regard to irrelevant considerations; or
- was an action for which reasons should have been given, but were not given; or
- was based wholly or partly on a mistake of law or fact; or
- was wrong.

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. The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, require: that the decision-making process is free from bias; and that individuals are afforded a fair hearing, which includes a reasonable opportunity to make submissions before an adverse decision is made affecting their interests.

Organisational support means actions such as, but not limited to:

- providing moral and emotional support
- advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure
- appointing a mentor, confidante or other support officer to assist the disclosure through the process
- referring the discloser to the agency's Employee Assistance Program or arranging for other professional counselling
- generating support for the discloser in their work unit where appropriate
- ensuring that the suspicions of victimisation or harassment are dealt with

- maintaining contact with the discloser
- negotiating with the discloser and their support officer for formal end to their involvement with the support program when it is agreed that they no longer need assistance.

PID Coordinator refers to the Chief Operating Officer (email: coo@griffith.edu.au | telephone 07 3735 7343) has been appointed the responsible officer for receiving disclosures and acting on them. The Chief Operating Officer is responsible for implementation of the University's Protected Disclosure management program, including acting as the principal point of contact with the Queensland Ombudsman, as oversight agency.

Proper authority refers to a person or organisation that is authorised under the PID Act to receive disclosures.

Public officer is an employee, member, or officer of a public sector entity.

Reasonable belief is a view which is objectively fair or sensible.

Reasonable management action is action taken by a manager in relation to an employee, and includes any of the following:

- a reasonable appraisal of the employee's work performance;
- a reasonable requirement that the employee undertake counselling;
- a reasonable suspension of the employee from the employment workplace;
- a reasonable disciplinary action;
- a reasonable action to transfer or deploy the employee;
- a reasonable action to end the employee's employment by way of redundancy or retrenchment;
- a reasonable action in relation to any of the actions mentioned above;
- a reasonable action in relation to the employee's failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee's employment.

Reprisal means causing, attempting to cause, or conspiring to cause detriment to another person in the belief that they or someone else had made or intends to make a disclosure, or has been or intends to be involved in a proceeding under the PID Act against any person. Reprisal under the PID Act is a criminal offence and investigations may be undertaken by the Queensland Police Service.

Specific means "precise or particular". This refers to the conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns of criticisms.

Subject officer is an officer who is the subject of allegations of wrongdoing made in a disclosure.

Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight of importance.

Victimisation is defined under the Corporations Act as a person making a threat to cause detriment or engaging in conduct against another person that causes or will cause a detriment:

- in circumstances where the person believes or suspects that the other person or a third person made, may have made, proposes to make or could make a qualifying disclosure; and
- if the belief or suspicion held by that person is the reason or part of the reason for their conduct.

Victimisation under the Corporations Act is an offence.

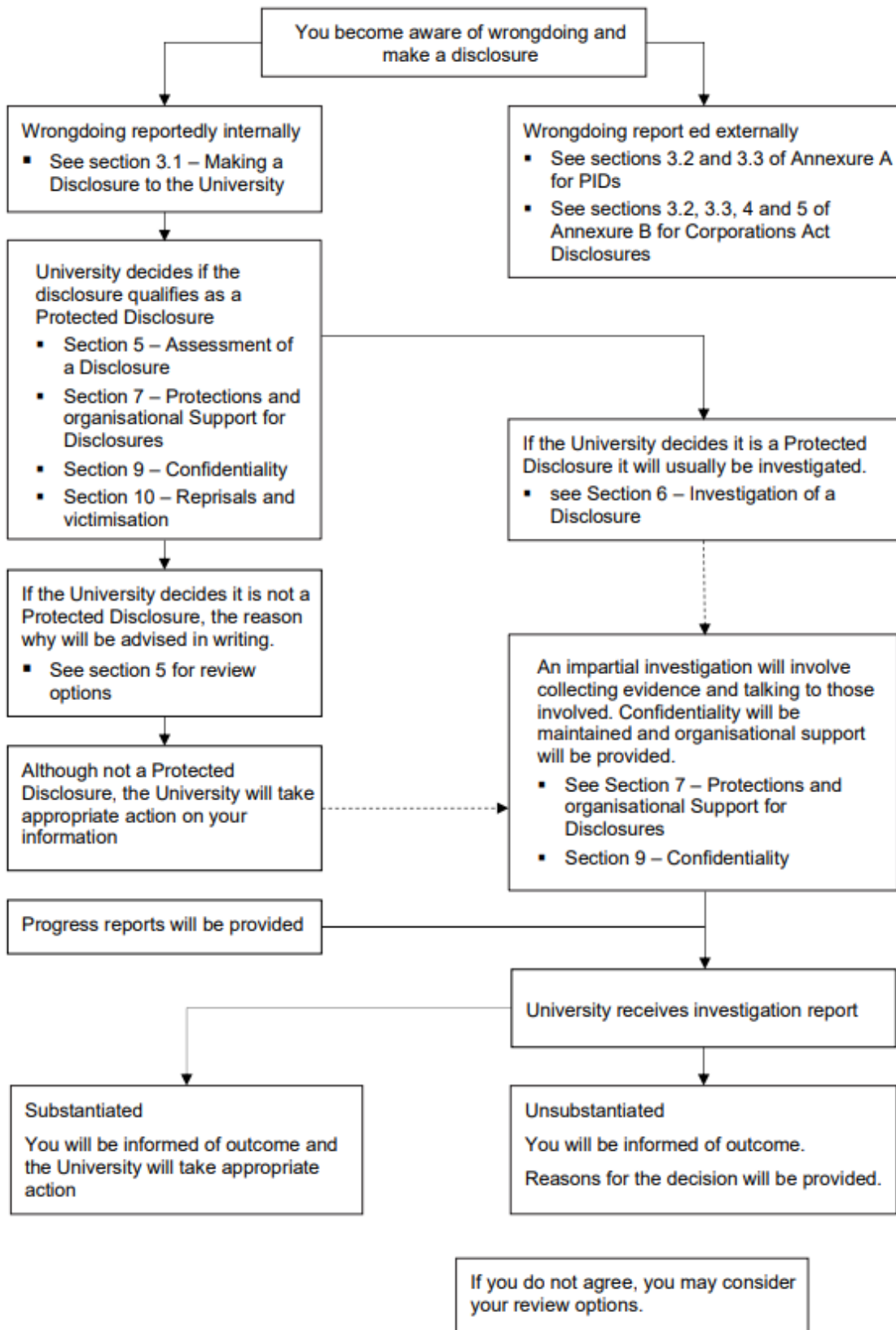
13.0 Information

| | |
|---|--|
| Title | Public Interest Disclosure Policy |
| Document number | 2024/0001032 |
| Purpose | This policy outlines the process and protections available and actions to be taken as a result of a protected disclosure being made. The policy has been prepared to comply with section 28 of the Public Interest Disclosure Act 2010 (Qld) ('the PID Act') which stipulates that the "chief executive officer of a public sector entity" must establish reasonable procedures to deal with public interest disclosures and section 1317AI of the Corporations Act 2001 (Cth) which requires the University to have a whistleblower policy. The development of this policy was guided by the Model Public Interest Disclosure Procedure developed by the Office of the Queensland Ombudsman, as the oversight agency under the PID Act and Regulatory Guide 270 published by the Australian Investment and Securities Commission. |
| Audience | Public |
| Category | Governance |
| Subcategory | Risk & Integrity |
| UN Sustainable Development Goals (SDGs) | This document aligns with Sustainable Development Goal/s: 8: Decent Work and Economic Growth 16: Peace, Justice and Strong Institutions |
| Approval date | 7 June 2020 |
| Effective date | 3 April 2024 |
| Review date | 2027 |
| Policy advisor | General Counsel |
| Approving authority | Vice Chancellor |

14.0 Related Policy Documents and Supporting Documents

| | |
|----------------|--|
| Legislation | <p>Corporations Act 2001 (Cth)</p> <p>Crime and Corruption Act 2001 (Qld)</p> <p>Griffith University Act 1998 (Qld)</p> <p>Public Interest Disclosure Act 2010 (Qld)</p> <p>Public Records Act 2023 (Qld)</p> <p>Public Sector Ethics Act 1994 (Qld)</p> <p>Queensland Ombudsman – Public Interest Disclosure Guides for Individuals Working in the Public Sector; Public Sector Managers and Supervisors; and Public Sector Organisations</p> |
| Policy | <p>Code of Conduct</p> <p>Fraud and Corruption Control Policy</p> <p>Health Safety and Wellbeing Policy</p> <p>Information Management Policy</p> <p>Staff Harassment, Bullying and Discrimination Policy</p> <p>Student Complaints Policy</p> <p>Student Sexual Assault, Harassment, Bullying and Discrimination Policy</p> |
| Procedures | <p>Fraud and Corruption Control Procedure</p> <p>Individual Grievance Resolution Procedure</p> <p>Reporting and Resolution of Staff Sexual Assault Harassment Bullying and Discrimination Procedures</p> <p>Student Complaints Procedure</p> <p>Student Reports of Bullying, Harassment, Discrimination and Sexual Harm</p> |
| Local Protocol | N/A |
| Forms | N/A |

Summary of the Protected Disclosure Process



Public Interest Disclosures

1. Who can make a PID?

The PID Act distinguishes between PIDs made by public officers and those made by others. All University staff, whether they are continuing, fixed-term, temporary or casual appointments, including senior management, executive, academic, general, conjoint appointments, and members of the University Council and its committees are considered public officers for the purpose of the PID Act. Mere disagreements over policy do not meet the threshold for a PID under the PID Act.

2. What types of matters can a PID be about?

A public officer (including University staff) may make a PID about:

- Corrupt conduct as defined in section 15 of the Crime and Corruption Act 2001 (refer to section 12 Definitions of this policy).
- Maladministration that adversely affects anyone's interests in a substantial and specific way.
- Substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy).
- Substantial and specific danger to public health or safety.
- Substantial and specific danger to the environment.

Any person (including former staff and public officers) may make a PID about:

- 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
- A reprisal taken against anybody as a result of a PID.

To be protected as a PID, the:

- discloser must honestly and reasonably believe the information provided tends to show the conduct or danger; or
- information must tend to show the conduct or danger regardless of the discloser's belief. Information that 'tends to show' wrongdoing or danger must be more than a mere suspicion. There must be information that indicates or supports a view that the wrongdoing or danger has or will occur. The discloser is not required to undertake any investigative action before making a PID.

3. Who must a PID be disclosed to?

University staff are encouraged to report wrongdoing and to seek assistance when doing so (refer to section 3.1 Making a Disclosure) and to Annexure C for the options for making a disclosure to the University.

To qualify as a PID, a disclosure must be made to a proper authority.

4. Internal

Staff are encouraged to make PIDs to the University as this is usually the most effective and efficient way for them to be addressed. The list of people within the University who are authorised to receive a PID are listed at section 3.1 in the main body of this policy.

5. External

External agencies that can receive PIDs are listed below:

- Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal;
- Queensland Ombudsman for disclosure about maladministration;
- Queensland Audit Office for disclosures about a substantial misuse of resources;
- Department of Child Safety, Youth and Women for disclosures about danger to the health and safety of a child or young person with a disability;
- Department of Communities, Disability Services and Seniors or the Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability;
- Department of Environment and Science for disclosures about danger to the environment; and
- A Member of the Legislative Assembly (MP) for any wrongdoing or danger.

6. Making a Disclosure to a Journalist

A disclosure made to a journalist is protected under the PID Act in limited circumstances if the following conditions have been met:

- A valid PID was initially made to a proper authority; and
- The proper authority:
 - Decided not to investigate or deal with the disclosure; or
 - Investigated the disclosure but did not recommend taking any action; or
 - 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.

Staff making a PID to a journalist should be aware that journalists are not bound under the confidentiality provisions of Section 65 of the PID Act.

Corporations Act Disclosures

1. Who can make a Corporations Act Disclosure?

A Corporations Act Disclosure can be made by:

- all current University staff, whether they are continuing, fixed-term, temporary or casual appointments, including senior management, executive, academic, general, conjoint appointments, and members of the University Council and its committees;
- an individual who supplies goods or services to the University (whether paid or unpaid) or an employee of a supplier (which may include, among others, contractors, consultants and service providers);
- an individual who previously held any of the above positions or functions; or
- a spouse, relative or dependent of a person who currently or previously held any of the above positions or functions.

2. What types of matters can Corporations Act Disclosures be about?

The types of disclosures that qualify for protection as a Corporations Act Disclosure are those which:

- concern misconduct or an improper state of affairs or circumstances in relation to the University or one of its related bodies corporate;
- indicate the University, a related body corporate or one of its or their officers or employees has engaged in conduct that constitutes an offence against, or a contravention of, the:
 - Corporations Act;
 - Australian Securities and Investments Commission Act 2001 (Cth);
 - Financial Sector (Collection of Data) Act 2001; and
 - Any regulations or instruments made under these Acts;
- constitute an offence against any other law of the Commonwealth punishable by imprisonment for 12 months or more;
- represent a danger to the public or the financial system; or
- concern actual or threats to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.

The misconduct or an improper state of affairs can also be in respect of tax affairs.

Disclosable matters do not necessarily involve a contravention of a law. For example, 'misconduct or an improper state of affairs or circumstances' could involve conduct that, whilst not unlawful, indicates a systemic issue of concern that the relevant regulator should know about to properly perform its functions. It may also relate to business behaviour and practices that may cause consumer harm, even if it does not involve a breach of a particular law.

A disclosure does not qualify for protection as a Corporations Act Disclosure to the extent that the information disclosed concerns a 'personal work-related grievance' of the discloser, which is where:

- the information concerns a grievance about any matter in relation to the discloser's employment, or former employment, having (or tending to have) implications for the discloser personally; and

- the information:
 - does not have significant implications for the University that do not relate to the discloser; and
 - does not concern alleged detrimental conduct.

Concerns about personal work-related grievances should be raised under the University's Individual Grievance Resolution Procedure.

Corporations Act public interest and emergency disclosures (detailed below) are also protected as Corporations Act Disclosures.

A person who makes a Corporations Act Disclosure must have 'reasonable grounds to suspect' the information to qualify for protection. This means that even if a disclosure turns out to be incorrect, the protections will still apply, provided the person had 'reasonable grounds to suspect'.

3. Who must a Corporations Act Disclosure be disclosed to?

3.1 Internal Recipients

Staff are encouraged to make Corporations Act Disclosures to the University as this is usually the most effective and efficient way for them to be addressed. Refer to section 3.1 Making a Disclosure and to Annexure C for the options for making a disclosure to the University.

3.2 External Recipients

Disclosers may choose to raise disclosable matters outside of the University with:

- ASIC; or
- the Australian Prudential Regulation Authority ('APRA'); or
- a Commonwealth authority prescribed in the Corporations Regulations.

3.3 Disclosure to a legal practitioner

A report of a disclosable matter will also be protected as a Corporations Act Disclosure if it is to a qualified legal practitioner for the purpose of taking legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act.

4 Corporations Act public interest disclosures

There is an additional category of disclosures in the Corporations Act called 'public interest disclosures' that qualify for protection. These can be made to journalists and members of federal Parliament, but only if the discloser complies with the following strict requirements:

- the discloser must have first made a Corporations Act Disclosure to ASIC, APRA, or a prescribed Commonwealth authority;
- at least 90 days has passed since the Corporations Act Disclosure was made;
- the discloser does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the Corporations Act Disclosure related;
- the discloser has reasonable grounds to believe that making a public interest disclosure would be in the public interest;
- after 90 days has passed, the discloser must give the body to which the qualifying disclosure was originally made, a written notification that:

- includes sufficient information to identify the Corporations Act Disclosure; and
- states that the person intends to make a public interest disclosure; and
- the extent of the information disclosed in the public interest disclosure is no greater than to inform the journalist or member of Parliament of the misconduct or improper state of affairs or circumstances, or other conduct falling within the scope of the whistleblower protection scheme in the Corporations Act.

5 Corporations Act Emergency disclosures

There is an additional category of disclosures called 'emergency disclosures' that qualify for protection under the Corporations Act. These can be made to journalists and members of Parliament, but only if the discloser complies with the following strict requirements:

- the discloser must have first made a Corporations Act Disclosure to ASIC, APRA or a prescribed Commonwealth authority;
- the discloser has reasonable grounds to believe that information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
- the discloser gave notice to the body to which the Corporations Act Disclosure was made that states:
- that they intend to make an emergency disclosure; and
- includes sufficient information to identify the Corporations Act Disclosure; and
- the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or member of Parliament of the substantial and imminent danger.

Making a Protected Disclosure to the University

Options for making a disclosure to the University include:

- An independent hotline 'Your Call' has been engaged by the University to impartially and confidentially manage disclosures, and to facilitate disclosers to provide information or concerns without fear of reprisal. Your Call will record the details of the Protected Disclosure, will refer the disclosure to the University and will act as an intermediary, including receiving and forwarding all communications between the discloser and the University. The University is responsible for all decisions and actions taken in response to a Protected Disclosure submitted via Your Call.

Your Call contact information:

The Your Call organisational identification code for the University is GRIFFITH.

Telephone Your Call on: 1300 790 228 on business days between 9.00 am and 12 am.

Visit the Your Call website: www.yourcall.com.au/report to make a secure report online at any time using the organisational identification code: GRIFFITH. Your Call will provide disclosers with a disclosure identification number and password to enable subsequent communication via the Your Call message board.

For disclosers with a hearing or speech impairment, please contact the National Relay Service www.relayservice.gov.au and request Your Call's hotline.

Disclosers may opt to remain anonymous or to identify themselves to Your Call only, or to identify themselves to both Your Call and to the University.

The Chief Operating Officer will have access to reports made by disclosers to Your Call and will assess the information received and decide if it is a Protected Disclosure. If the disclosure is about the Chief Operating Officer, the Vice Chancellor will have access to the report and will decide if it is a Protected Disclosure.

- Alternatively, disclosers may submit a verbal or written Protected Disclosure to:
 - Your supervisor or other University officer who indirectly supervises or manages you;
 - The Chief Operating Officer: Email: coo@griffith.edu.au | Telephone (07) 3735 7343;
 - The Manager, Internal Audit Email: d.constantinous@griffith.edu.au | Telephone (07) 3735 6402;
 - The Vice Chancellor, in the case of a disclosure about the Chief Operating Officer Email vc@griffith.edu.au | Telephone (07) 5552 8178; or
 - The Chancellor, in the case of a disclosure about the Vice Chancellor Email chancellor@griffith.edu.au | Telephone (07) 3735 8502
 - Protected Disclosures may also be made to the Vice Chancellor or a member of University Council.