

# PUBLIC INTEREST DISCLOSURE POLICY AND PROCEDURE

## DOCUMENT CONTROL

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## CONTEXT

1. The *Public Interest Disclosure Act 2010* (PID Act) protects a person who makes a Public Interest Disclosure (PID), formerly known as a whistleblower.
2. The PID Act requires the Chief Executive to establish procedures to deal with PIDs and requires QPAC to comply with standards made by the Ombudsman.
3. The Ombudsman has made 3 *Public Interest Disclosure Standards* (PID Standards) which prescribe the way in which QPAC must deal with PIDs:
  - (a) *Public Interest Disclosure Standard No. 1 / 2019* prescribes the organisational systems and procedures QPAC must establish in order to give effect to the requirement under section 28(1)(d) of the PID Act to ensure there is a management program for PIDs.
  - (b) *Public Interest Disclosure Standard No. 2 / 2019* prescribes the organisational systems and procedures QPAC must establish in order to give effect to the requirement under section 28(1)(a), (b), (d) and (e) of the PID Act to ensure that Board members and Employees are given appropriate support; PIDs made to QPAC are properly assessed and, where appropriate, investigated and dealt with; appropriate action is taken in relation to any Wrongdoing that is the subject of a PID made to QPAC; and Board members and Employees are offered protection from Reprisals by QPAC or other Board members or Employees.
  - (c) *Public Interest Disclosure Standard No. 3 / 2019* prescribes the organisational systems and procedures QPAC must establish in order to give effect to the requirement under section 29 of the PID Act to keep proper records of PIDs and under section 33 to give information to the Office of the Queensland Ombudsman (OQO).
4. The *Crime and Corruption Act 2001* (CC Act) establishes the Crime and Corruption Commission (CCC), which receives and investigates allegations of Corrupt Conduct.
5. The CCC may itself investigate complaints of Corrupt Conduct relevant to QPAC, or may refer complaints to QPAC for investigation, or may investigate complaints jointly with QPAC. The CC Act requires the Chief Executive, if he reasonably suspects that any complaint, information or matter involves or may involve Corrupt Conduct, to refer that complaint to the CCC.
6. Neither this PID Procedure nor any part of its contents forms part of any person's contract of employment or engagement or creates, or forms part of, any contract between any other party to whom this Procedure applies and QPAC.
7. QPAC may, in its absolute discretion, amend this PID Procedure at any time.

## PURPOSE

8. This PID Procedure seeks to:
  - (a) promote the public interest by facilitating PIDs;
  - (b) ensure that PIDs are properly assessed and, where appropriate, properly investigated and dealt with;
  - (c) ensure appropriate consideration is given to the interests of Subjects; and
  - (d) ensure protection from Reprisal is afforded to Disclosers.

## APPLICATION

9. This Policy applies to all Board members and Employees, in relation to PIDs.

10. For the purpose of this PID Procedure, any complaint of Corrupt Conduct received by QPAC is dealt with as a PID. However, a person who is not a Board member or Employee who complains of Corrupt Conduct is not entitled to the protections afforded to Disclosers under the PID Act.

## **POLICY**

### **Policy Statement**

11. QPAC is committed to fostering an ethical and transparent culture.
12. QPAC values the disclosure of information about suspected Wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated.
13. Employees who are prepared to speak up about public sector misconduct, wastage of public funds, suspected unlawful activity or danger to health, safety or the environment can be the most important sources of information to identify and address problems in public sector administration.
14. QPAC supports the disclosure of information about Wrongdoing because:
  - (a) implementing systems for reporting and dealing with Wrongdoing contributes to the integrity of QPAC;
  - (b) the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to QPAC; and
  - (c) the community's trust in public administration is strengthened by having strong processes in place for reporting Wrongdoing.
15. QPAC provides support to:
  - (a) Employees making PIDs and, where appropriate, other Disclosers; and
  - (b) Employees who are Subjects.
16. QPAC ensures as far as possible that Employees and other Disclosers receive the protections provided under the PID Act:
  - (a) confidentiality – the Discloser's name and other identifying information are protected; and
  - (b) protection against Reprisal – the Discloser is protected from unfair treatment by QPAC and Employees as a result of making the PID.
17. QPAC acknowledges the further protections provided to Employees and other Disclosers under the PID Act:
  - (a) immunity from liability – the Discloser cannot be prosecuted for disclosing the information but is not exempt from action if they have engaged in Wrongdoing; and
  - (b) protection from defamation – the Discloser has a defence against an accusation of defamation by any Subject.

### **PID Program**

18. QPAC establishes, maintains and implements a *Public Interest Disclosure Management Program* (PID Program), approved by the Chief Executive, which encompasses:
  - (a) commitment to encouraging the internal reporting of Wrongdoing;
  - (b) senior management endorsement of the value to QPAC of PIDs and the proper management of PIDs;

- (c) a communication strategy to raise awareness among employees about PIDs and this PID Procedure;
- (d) a training strategy to give employees access to training about:
  - (i) how to make a PID;
  - (ii) support available to a Discloser; and
  - (iii) how PIDs are managed;
- (e) specialist training and awareness about PIDs for senior management and other Employees who may receive or manage PIDs, Disclosers or workplace issues relating to PIDs;
- (f) the nomination of specialist Employees to be responsible for issues related to the management of PIDs;
- (g) ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls; and
- (h) regular review and evaluation of the effectiveness of this PID Procedure and the PID Program.

## **PROCEDURE – FOR DISCLOSERS**

### **WHAT IS A PUBLIC INTEREST DISCLOSURE?**

#### **Public Interest Disclosure**

19. A PID is a disclosure made in accordance with the PID Act. It includes all information and help given by the Discloser to the Proper Authority for the disclosure.
20. Any person may make a disclosure about:
  - (a) a Substantial and Specific danger to the health or safety of a person with a Disability;
  - (b) the commission of a particular offence or contravention of a particular condition (specified in Schedule 2 of the PID Act), if the offence or contravention would be a Substantial and Specific danger to the environment; or
  - (c) the conduct of another person that could, if proved, be a Reprisal.
21. In addition, a Public Officer may make a disclosure about the following public interest matters:
  - (a) Corrupt Conduct;
  - (b) Maladministration that adversely affects a person's interests in a Substantial and Specific way;
  - (c) a Substantial misuse of public resources;
  - (d) a Substantial and Specific danger to public health or safety; or
  - (e) a Substantial and Specific danger to the environment.
22. In either case:
  - (a) the Discloser must honestly believe on reasonable grounds that the information tends to show the conduct or other matter; or
  - (b) the information must tend to show the conduct or other matter, regardless of whether the Discloser honestly believes the information tends to show the conduct or other matter.

23. A disclosure may be a PID covered by the PID Act even if:
- (a) the Discloser reports the information as part of their duties – for example, an auditor reporting a fraud or a work health and safety officer reporting a safety breach;
  - (b) the Discloser makes the disclosure under a legal requirement;
  - (c) the disclosure is made anonymously – the discloser is not required to give their name or any identifying information;
  - (d) the discloser has not identified the material as a PID – it is up to QPAC to assess information received and decide if it is a PID;
  - (e) the disclosure is unsubstantiated following investigation – the discloser is protected when the information they provide is assessed as a PID, whether or not it is subsequently investigated or found to be substantiated;
  - (f) the Discloser is unable to identify a particular person to whom the information disclosed relates.
24. A PID may be about:
- (a) events that happened or may have happened (whether before or after the commencement of the PID Act);
  - (b) events that are or may be happening; or
  - (c) events that will or may happen.
25. Mere disagreements over policy do not meet the threshold for a PID under the PID Act.
26. If there is any uncertainty as to whether a disclosure is a PID, further information may be obtained to inform the decision. If uncertainty still remains, the disclosure will be considered and managed as a PID.

### **Corrupt Conduct**

27. Corrupt Conduct is:
- (a) conduct of a person that:
    - (i) 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
    - (ii) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers by the Unit of Public Administration or Person Holding an Appointment 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 or the exercise of powers of a Person Holding an Appointment;and
    - (iii) would, if proved, be:
      - a criminal offence; or
      - a disciplinary breach providing reasonable grounds for terminating the person's services;

OR

(b) conduct of a person that:

(i) impairs, or could impair, public confidence in public administration;

and

(ii) 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 protecting health or safety of persons, or protecting the environment, or 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 fraudulently causing a loss of State revenue;
- fraudulently obtaining or retaining an appointment;

and

(iii) would, if proved, be:

- a criminal offence; or
- a disciplinary breach providing reasonable grounds for terminating the person's services.

28. If there is any uncertainty as to whether a disclosure involves or may involve Corrupt Conduct, further information may be obtained to inform the decision. If uncertainty still remains, the disclosure will be considered and managed as one that involves or may involve Corrupt Conduct.
29. Technically, a complaint which involves, or may involve, Corrupt Conduct of a Board member or Employee which is made by a person other than a Public Officer is not a public interest disclosure under the PID Act.
30. However, QPAC deals with all disclosures which involve, or may involve, Corrupt Conduct of a Board member or Employee as PIDs, except that:
- (a) requirements to report to the OQO do not apply;
  - (b) requirements regarding appointment of a PID Support Officer are not mandatory; and
  - (c) requirements regarding protection against Reprisals are not mandatory.
31. Complaints which involve, or may involve, Corrupt Conduct of the Chief Executive are specifically addressed in QPAC's *Complaints against the Chief Executive Policy*.

### **Maladministration**

32. Maladministration is Administrative Action that:

- (a) was taken contrary to law;
- (b) was unreasonable, unjust, oppressive or improperly discriminatory;
- (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;
- (d) was taken:
  - (i) for an improper purpose;
  - (ii) on irrelevant grounds; or

- (iii) having regard to irrelevant considerations;
- (e) was an action for which reasons should have been given, but were not given;
- (f) was based wholly or partly on a mistake of law or fact; or
- (g) was wrong.

33. Administrative Action is any action about a matter of administration, including, for example:

- (a) a decision and an act;
- (b) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision;
- (c) the formulation of a proposal or intention;
- (d) the making of a recommendation, including a recommendation made to a Minister; and
- (e) an action taken because of a recommendation made to a Minister.

### **TO WHOM MAY A PID BE MADE?**

34. A PID must be made to the Proper Authority to receive disclosures of the type being made.

#### **Proper Authority**

35. A Proper Authority is:

- (a) a Public Sector Entity if:
  - (i) the information that is the subject of the disclosure relates to:
    - the conduct of that Public Sector Entity or any of its Public Officers;
    - anything the Public Sector Entity has a power to investigate or remedy; or
    - the conduct of another person that could, if proved, be a Reprisal that relates to a previous disclosure made by the person to a Proper Authority; or
  - (ii) the person honestly believes that the information that is the subject of the disclosure relates to a matter mentioned in paragraph (i); or
- (b) a Member of the Parliament of Queensland.

#### **QPAC**

36. Disclosers are encouraged to make a disclosure to QPAC first.

37. If the matter is not resolved, or the Discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

38. Within QPAC, Disclosers are encouraged to make a disclosure to a PID Coordinator – see paragraph 155.

39. However, Disclosers may also make a disclosure to:

- (a) for Employees: A Manager;
- (b) the Chief Executive;
- (c) any Board member.

#### **Disclosures to the Board**

40. A person who wishes to make a disclosure may do so by email to [qpacpid@outlook.com](mailto:qpacpid@outlook.com).

41. The mailbox for qpacpid@outlook.com will automatically forward all emails to the Chair, the Deputy Chair and the RMAC Chair. These persons may also access the mailbox directly.
42. The Chief Executive and other Employees (other than as outlined in paragraph 43) do not have access to the qpacpid@outlook.com mailbox.
43. For administrative purposes only, the PID Coordinators and the Manager – Information, Communication and Technology have access to the qpacpid@outlook.com mailbox. These persons may only access the mailbox with the authority of a person mentioned in paragraph 41.

### **Other Agencies**

44. Other appropriate agencies may include:
  - (a) the Minister for the Arts;
  - (b) any other Member of the Parliament of Queensland;
  - (c) the CCC for disclosures about Corrupt Conduct including Reprisals;
  - (d) the Ombudsman for disclosures about Maladministration;
  - (e) the Queensland Audit Office for disclosures about a Substantial misuse of resources;
  - (f) the 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;
  - (g) the Department of Communities, Disability Services and Seniors for disclosures about danger to the health and safety of a person with a Disability;
  - (h) the Office of the Public Guardian for disclosures about danger to the health and safety of a person with a Disability;
  - (i) the Department of Environment and Science disclosures about danger to the environment.

### **Journalists**

45. A PID may also be made to a Journalist only if the following conditions are met:
  - (a) a valid PID was initially made to a Proper Authority;
  - (b) the Proper Authority:
    - (i) decided not to investigate or deal with the disclosure;
    - (ii) investigated the disclosure but did not recommend taking any action; or
    - (iii) failed to notify the Discloser within 6 months of making the disclosure whether or not the disclosure was to be investigated or otherwise dealt with; and
  - (c) the disclosure is of substantially the same information that was the subject of the PID mentioned in paragraph (a).
46. 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 the PID Act.

### **HOW TO MAKE A PID**

47. A Discloser may make a PID in any way, including in writing, over the telephone or in person.  
QPAC
48. In making a PID, the Discloser should say in their own words what has happened and provide as much relevant information or documentation as possible to enable the matter to be dealt with expediently.

49. To assist in the assessment, and any subsequent investigation of a PID, Disclosers are encouraged, where possible, to provide the following information, in writing:
- (a) who was involved;
  - (b) what happened;
  - (c) when it happened;
  - (d) where it happened;
  - (e) who said what to whom;
  - (f) whether anyone saw what happened (and include the names and contact details of any witnesses);
  - (g) any evidence that supports the PID (and, if that evidence is not included with the disclosure, details of where the evidence is located);
  - (h) any further information that could help investigate the PID; and
  - (i) whether the Discloser has reported the matter to any other person or entity.
50. If documents are included with a disclosure, it is useful for the Discloser to explain their relevance to the PID.
51. To assist in the assessment and any subsequent investigation of a PID and follow up action, Disclosers are encouraged to provide their name and contact details.

### **Anonymous Complaints**

52. Despite paragraph 51, a PID may be made anonymously.
53. For Employees and Board members only, QPAC's external Whistle Blower Program - Whispli may be used. This service provides the Discloser with the ability to have ongoing communications in relation to a PID whilst remaining anonymous. Employees and Board members can access Whispli via this link - <https://qpac.whispli.com/speakupplatform>
54. A Discloser who does not use QPAC's external Whistle Blower Program to raise a PID and who does not wish to provide their name may provide an alias and contact point instead (this could be an email address that is created for the purpose of making the disclosure or a telephone number).

### **False or Misleading Information**

55. Refer to paragraphs 147 to 149 regarding the provision of false or misleading information in relation to PIDs or to the CCC.

### **LEGAL PROTECTIONS FOR DISCLOSERS**

56. This section is intended only as a broad overview for general information purposes only. QPAC is unable to provide legal advice to disclosers. A discloser wishing to obtain specific information about their legal rights under the PID Act should obtain independent legal advice.
57. A Discloser who makes a valid PID is entitled to various protections under the PID Act.
58. The PID Act does not protect a person who makes a disclosure to a person or entity other than a Proper Authority. For example, disclosure to a Journalist prior to making a PID to a Proper Authority would mean that the person would not receive the protections.

## **Liability**

59. A Discloser is not liable, civilly, criminally or under an administrative process (including disciplinary action), for making a PID.
60. The Discloser is also protected from actions for breach of confidentiality and defamation.
61. However, a person's liability for their own conduct is not affected only because the person discloses that conduct as a PID.

## **Reprisals**

62. The PID Act protects a Discloser from Reprisals.
63. A person takes a Reprisal if they cause, or attempt or conspire or induce another person to cause, Detriment to another person because, or in the belief that:
  - (a) the other person or someone else has made, or intends to make, a PID; or
  - (b) the other person or someone else is, has been, or intend to be, involved in a proceeding under the PID Act against any person.
64. It is sufficient if the unlawful ground is a substantial ground for the act or omission that is the Reprisal, even if there is another ground for the act or omission.
65. Detriment includes (without limitation):
  - (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; or
  - (f) damage to reputation, including, for example, professional or business reputation.
66. A Discloser who suffers detriment from a Reprisal may:
  - (a) sue for damages or apply for an injunction;
  - (b) make a complaint under the *Anti-Discrimination Act 1991* (Qld);
  - (c) if the Discloser is a Public Officer appealing against, or applying for review of, unfair treatment, disciplinary action or reappointment or transfer – apply to have the action set aside because it was the taking of a Reprisal.
67. Refer to paragraphs 133 and 134 regarding the consequences for a person who takes a Reprisal.

## **Reasonable Management Action**

68. Nothing in the PID Act is intended to prevent a Manager from taking Reasonable Management Action in relation to an employee who has made a PID. However, a Manager may take Reasonable Management Action in relation to an employee who has made a PID only if the Manager's reasons for taking the action do not include the fact that the employee has made the PID.
69. Reasonable Management Action, taken by a Manager in relation to an Employee, includes any of the following:
  - (a) a reasonable appraisal of the employee's work performance;

- (b) a reasonable requirement that the employee undertake counselling;
- (c) a reasonable suspension of the employee from the employment workplace;
- (d) a reasonable disciplinary action;
- (e) a reasonable action to transfer or deploy the employee;
- (f) a reasonable action to end the employee's employment by way of redundancy or retrenchment;
- (g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f); or
- (h) 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.

70. For these purposes, Manager of an employee means a person to whom the employee reports or a person who directly or indirectly supervises the employee in the performance of the employee's functions as an employee.

## **PROCEDURE – FOR RECEIVERS**

### **RECEIVING A DISCLOSURE**

#### **Employees**

71. Where a PID is made to an Employee other than the Chief Executive or a PID Coordinator, the Employee must forthwith and without commencing any inquiry into the matter, refer the PID – IN CONFIDENCE – to a PID Coordinator.
72. If a PID discloses a risk to the health or safety of any person, the person in receipt of the complaint must also immediately take all necessary and appropriate steps to protect the health and safety of the person at risk while preserving the confidentiality of the PID to the maximum extent possible in the circumstances.

#### **Complaints against the Chief Executive**

73. Complaints against the Chief Executive must be dealt with under the *Complaints against the Chief Executive Policy*.

#### **Complaints against Board Members**

74. The PID Coordinator must, before taking any further action, immediately refer any PID in relation to which a Board Member is a Subject to the Chief Executive.
75. The Chief Executive must refer the matter to (in order of preference providing they do not have a conflict of interest in the matter) the Chair, the Deputy Chair, the RMAC Chair or the Minister for the Arts.
76. The Chief Executive, with the assistance of the PID Coordinator if required, must assist the person to whom he has referred to the complaint under paragraph 75 to investigate the complaint, if and as required by that person.
77. If the Chief Executive reasonably suspects that the PID involves or may involve Corrupt Conduct, the Chief Executive must refer the complaint to the CCC.
78. The Subject (Board Member) is not advised of the referral to the Minister or any referral to the CCC so as not to jeopardise the conduct of any investigation or risk the destruction of any evidence.

79. For the purposes of an investigation pursuant to paragraphs 73 to 76 of this PID Procedure only, the Chair, Deputy Chair or RMAC Chair to whom a complaint is referred has authority to:
- (a) approach Employees directly;
  - (b) engage external resources to assist in the investigation and handling of the complaint or to direct the PID Coordinator to do so; and
  - (c) approve any related expenditure.

## **DEALING WITH A DISCLOSURE**

### **Appointment of PID Coordinator**

80. The PID Coordinator who receives the disclosure must liaise with Chief Executive to determine which PID Coordinator is appointed to deal with the disclosure.
81. The Chief Executive may appoint both PID Coordinators to deal with the matter jointly.

### **Assessment of disclosure**

82. The PID Coordinator assesses the disclosure to determine whether it is a PID that meets the requirements of the PID Act (as set out in paragraphs 19 to 46).
83. If there is any uncertainty as to whether a disclosure is a PID, the PID Coordinator may obtain further information to inform the decision. If uncertainty still remains, the disclosure will be considered and managed as a PID.
84. Each separate allegation is dealt with as a separate PID, unless the matters are clearly linked and it would be reasonable to view them as a single disclosure.
85. QPAC cannot decline to receive and/or assess a PID as a public interest disclosure if it meets the requirements of the PID Act.

### **Advice to Discloser**

86. If a discloser states that they are making a PID, but it is assessed that the matter is not a PID, the PID Coordinator advises the Discloser in accordance with paragraphs 99 to 104.
87. If the disclosure is assessed as a PID, the PID Coordinator advises the Discloser in writing:
- (a) that the information has been received by QPAC and assessed as a PID;
  - (b) a description of the action proposed to be taken, or taken, by QPAC in relation to the PID;
  - (c) the likely timeframes for dealing with the PID;
  - (d) how the Discloser will be advised of progress and outcomes;
  - (e) the protections under the PID Act that apply to the Discloser;
  - (f) the Discloser's obligation of confidentiality (see paragraphs 140 to 143)
  - (g) QPAC's obligation of confidentiality (see paragraphs 140 to 143);
  - (h) the name and contact details of the PID Support Officer (if one is appointed for the Discloser – see paragraphs 125 to 127); and
  - (i) if the Discloser is an Employee, contact details for QPAC's Employee Assistance Program.
88. The PID Coordinator does not provide information to the Discloser if:
- (a) the Discloser has not given their name and address;

- (b) the Discloser has indicated that they do not wish to be kept informed; or
- (c) disclosure of the information would be likely to adversely affect:
  - (i) anybody's safety;
  - (ii) the investigation of an offence or possible offence; or
  - (iii) necessary confidentiality about an informant's existence or identity.

### **No further action**

89. The PID Coordinator may decide not to investigate or deal with a PID if:
- (a) the PID does not raise a reasonable suspicion of Wrongdoing;
  - (b) the substance of the PID has already been investigated or dealt with by another appropriate process;
  - (c) the PID Coordinator reasonably considers that the PID should be dealt with by another appropriate process;
  - (d) the age of the information the subject of the PID makes it impracticable to investigate;
  - (e) the PID Coordinator reasonably considers that the PID is too trivial to warrant investigation and that dealing with the PID would substantially and unreasonably divert QPAC's resources; or
  - (f) another Queensland Government agency with jurisdiction to investigate the PID has notified QPAC that investigation of the PID is not warranted.
90. If the PID Coordinator decides not to investigate or deal with the PID, the PID Coordinator advises the Discloser in accordance with paragraph 119.

### **Referral of PID**

91. The PID Coordinator decides whether the PID should be dealt with by QPAC or whether it is more appropriate to refer it to another Queensland Government agency which has the power to investigate or remedy the matter that is the subject of the PID.
92. It may also be necessary to refer the PID to another agency because of a legislative obligation. (For example, referral of Corrupt Conduct to the CCC – see paragraphs 99 to 104).
93. The PID Coordinator may refer the PID to another Queensland Government agency if the PID is about:
- (a) the conduct of another Queensland Government agency or an officer or employee of that entity; or
  - (b) the conduct of a Queensland Government agency (including QPAC), or another matter, that another Queensland Government agency has the power to investigate or remedy.
94. Before referring a PID to another Queensland Government agency, the PID Coordinator conducts a risk assessment and does not proceed with the referral if there is an unacceptable risk of Reprisal.
95. The confidentiality obligations of the PID Act permit appropriate QPAC officers to communicate with another agency about the referral of a PID. QPAC officers exercise discretion in their contacts with any other agency.
96. When a PID Coordinator or other person receiving a PID is unsure as to how a complaint should be referred or handled, that person may contact the OQO or the CCC to seek advice and guidance on the matter.
97. The PID Coordinator informs the Discloser in writing of the referral of the PID to the other agency.

98. The Subject is not advised of the referral so as not to jeopardise the conduct of any investigation or risk the destruction of any evidence.

### **Referral of Corrupt Conduct**

99. Where the PID Coordinator reasonably suspects that a PID involves, or may involve, Corrupt Conduct, the PID Coordinator refers the matter to the CCC.

100. The PID Coordinator does not take any further action until advised by the CCC.

101. The CCC assesses the complaint and forms a preliminary view as to whether Corrupt Conduct is or may be involved.

102. If the CCC forms the view that Corrupt Conduct is involved, it decides whether to:

- (a) investigate the matter itself;
- (b) refer the matter back to QPAC for investigation and report;
- (c) refer the matter to another Queensland Government agency (for example, the Queensland Police Service) for investigation and report; or
- (d) jointly investigate the matter with QPAC or another Queensland Government agency.

103. If the CCC forms the view that Corrupt Conduct is not involved, it refers the matter back to QPAC to deal with.

104. If the CCC refers the matter back to QPAC, QPAC deals with the PID in accordance with this PID Procedure, subject to any directions made by the CCC.

### **Receipt of Referral**

105. If QPAC receives a referral of a PID from another agency or a Member of the Queensland Parliament, QPAC deals with the matter in accordance with this PID Procedure.

### **Investigation**

106. If a PID is investigated by QPAC, a PID Coordinator:

- (a) investigates the matter and prepares a report of the investigation and its outcomes; or
- (b) appoints an external investigator to do so and assists that external investigator as required.

107. Where possible and appropriate, the investigation should include interviews with the Discloser and all other witnesses.

108. The investigation is conducted with consideration of:

- (a) the principles of Natural Justice;
- (b) the rights of the Subject/s (see paragraphs 135 to 139);
- (c) QPAC's obligation to protect Confidential Information (see paragraphs 140 to 143); and
- (d) QPAC's obligation to protect Disclosers from Reprisal (see paragraphs 129 to 131).

### **Decision**

109. The investigation report is provided to the Chief Executive, who reviews the report and determines:

- (a) whether the alleged Wrongdoing is substantiated; and
- (b) what action should be taken in relation to the findings of the investigation.

## Action

110. QPAC takes appropriate action in relation to the findings of the investigation, which may include:
- (a) rectification of any Wrongdoing;
  - (b) taking any action required to prevent future occurrences of the same or similar Wrongdoing;
  - (c) any necessary improvements to QPAC's service delivery, business processes and internal controls;
  - (d) disciplinary or legal action against persons involved in the Wrongdoing; and/or
  - (e) reporting of the matter to appropriate authorities or regulators.

## Resources

111. QPAC ensures that sufficient resources are available to the PID Coordinator to enable them to deal with a Relevant Complaint appropriately.

## Communication with Discloser

112. Subject to paragraph 114, if:
- (a) a Discloser states that they are making a PID, but it is assessed that the matter is not a PID;
  - (b) the PID Coordinator decides not to investigate or deal with a PID;
  - (c) no further action is taken on the PID; or
  - (d) action on the PID is discontinued,
- the PID Coordinator advises the Discloser in writing of:
- (e) confirmation that QPAC received the disclosure;
  - (f) the decision;
  - (g) the reasons for the decision;
  - (h) the review rights available if the Discloser is dissatisfied with the decision; and
  - (i) how to request a review (see paragraphs 116 to 119).
113. If the PID is investigated by QPAC:
- (a) the PID Coordinator arranges for regular follow up with the Discloser to advise on the progress in resolving the PID; and
  - (b) at the conclusion of the investigation, the PID Coordinator advises the Discloser in writing of:
    - (i) the action proposed to be taken, or taken, by QPAC in relation to the PID;
    - (ii) the reason the action is considered to be appropriate in the circumstances; and
    - (iii) any results of the action that are known at the time of the response.
114. The PID Coordinator does not provide information to the Discloser if:
- (a) the Discloser has not given their name and address;
  - (b) the Discloser has indicated that they do not wish to be kept informed; or
  - (c) disclosure of the information would be likely to adversely affect:
    - (i) anybody's safety;
    - (ii) the investigation of an offence or possible offence; or

(iii) necessary confidentiality about an informant's existence or identity.

115. If a PID is dealt with by the CCC or another Queensland Government agency, then the CCC or other agency responds to the Discloser.

## **OTHER MATTERS**

### **RIGHTS OF REVIEW**

116. A Discloser who is dissatisfied with the outcome of a PID:

- (a) that has been dealt with by QPAC; or
- (b) in relation to which QPAC has decided to take no further action

may apply to the Chief Executive for a review of the decision.

117. The application must be made in writing within 28 days of receiving notice of the decision.

118. The Chief Executive informs the Discloser in writing, within 28 days of receipt of the request for review where possible, of:

- (a) the outcome of the review; and
- (b) the reasons for the decision.

119. There may also be external avenues of review, including:

- (a) the CCC (for Corrupt Conduct matters);
- (b) the Ombudsman;
- (c) the Queensland Civil and Administrative Tribunal (QCAT).

## **PROTECTION AND SUPPORT FOR DISCLOSERS**

### **Risk Assessment**

120. The PID Coordinator determines the level of protection and support appropriate for the Discloser by conducting an assessment of:

- (a) the risk of a Reprisal to the Discloser and others associated with the Discloser, including those who may wrongly be suspected of being the Discloser, witnesses or other affected third parties;
- (b) the potential consequences of Reprisals; and
- (c) the Discloser's need for support.

121. The risk assessment:

- (a) includes consultation with the Discloser (and the PID Support Officer if one is appointed); and
- (b) takes into account the actual and reasonably perceived risk of the Discloser or others suffering Detriment.

122. Even where the Discloser is anonymous, the PID Coordinator undertakes a risk assessment on the basis of information available in the PID and taking into account the risk to persons who may be suspected of making the PID, witnesses or other affected third parties.

## **Protection**

123. Consistent with the risk assessment, the PID Coordinator:
- (a) develops and implements a risk management plan; and
  - (b) arranges any reasonably necessary protection for the Discloser (or others).
124. The PID Coordinator regularly:
- (a) reassesses the risk of Reprisal while the PID is being dealt with, in consultation with the Discloser and the PID Support Officer; and
  - (b) reviews the risk management plan if required.

## **PID Support Officer**

125. In consultation with the Director – Human Resources and Safety, the PID Coordinator:
- (a) identifies and assesses the Discloser's need for support; and
  - (b) where appropriate, assigns a PID Support Officer to the Discloser.
126. The PID Support Officer:
- (a) assists the Discloser to access information about PIDs, protections available under the PID Act and the PID management process;
  - (b) proactively contacts the Discloser to offer support; and
  - (c) provides information and support to the Discloser until the matter is finalised, or until the Discloser no longer requires support.
127. The support may include:
- (a) acknowledging that making the PID was the right thing to do and is valued;
  - (b) making a clear statement that QPAC will support the Discloser;
  - (c) providing moral and emotional support;
  - (d) maintaining contact with the Discloser;
  - (e) regularly checking on the Discloser's well-being, where this is warranted;
  - (f) advising the Discloser of the availability of QPAC's Employee Assistance Program;
  - (g) generating support for the Discloser in their work unit, where appropriate;
  - (h) arranging for an external party to provide support.

## **Prevention of Reprisals**

128. See paragraphs 62 to 70 in relation to Reprisals.
129. The PID Coordinator and the PID Support Officer monitor the workplace for any signs of Reprisal action.
130. The PID Support Officer reports any suspected Reprisal action to the PID Coordinator.
131. If Reprisal action is suspected or alleged, the PID Coordinator:
- (a) attends to the safety of the Discloser (or others) as a matter of priority;
  - (b) reviews the risk assessment and risk management plan and necessary protective measures; and
  - (c) manages any allegation of a Reprisal as a PID in its own right.

132. Employees must not take Reprisals.
133. A person who takes a Reprisal:
- (a) commits an offence; and
  - (b) is liable in damages to any person who suffers Detriment as a result.
134. In addition, an Employee who takes a Reprisal is in breach of QPAC's Code of Conduct and may be subject to disciplinary action, including (without limitation) termination of employment.

## **RIGHTS OF SUBJECTS**

135. A Subject is entitled to:
- (a) the presumption of innocence;
  - (b) the right to information and support; and
  - (c) Natural Justice.
136. Employees who are the Subject of a PID may:
- (a) seek assistance from their employee association (i.e. union), if a member;
  - (b) engage their own private legal representation; and/or
  - (c) utilise the services of QPAC's Employee Assistance Program.
137. Where an Employee has engaged in conduct in their official capacity, in good faith and without gross negligence, they may be entitled to indemnity from the State for liability, reasonable legal costs and/or legal representation.
138. In consultation with the PID Coordinator, the PID Coordinator:
- (a) identifies and assesses the Subject's need for support; and
  - (b) where appropriate, assigns a PID Support Officer (separate from the PID Support Officer appointed for the Discloser) to provide information and support to the Subject until the matter is finalised.
139. Once the Subject is aware of the PID and/or the investigation, the PID Coordinator informs the Subject in writing of:
- (a) the name and contact details of the PID Support Officer (if one is appointed for the Subject); and
  - (b) the matters set out in paragraphs 135 to 137.

## **CONFIDENTIALITY**

### **Confidential Information**

140. For the purposes of this PID Procedure, Confidential Information:
- (a) includes:
    - (i) about the identity, occupation, residential or work address or whereabouts of a Discloser or a Subject;
    - (ii) disclosed by a PID;
    - (iii) about an individual's personal affairs; or
    - (iv) that, if disclosed, may cause Detriment to a person; and

- (b) does not include information publicly disclosed in a PID made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.

141. A person who gains Confidential Information because they receive a PID or are involved in dealing with a PID must not make a record of the information, or intentionally or recklessly disclose the information to anyone, other than:

- (a) under the PID Act;
- (b) to discharge a function under another Act including, for example, to investigate something disclosed by a PID;
- (c) to respond to a court order, legal directive or court proceedings;
- (d) if the person to whom the Confidential Information relates consents in writing to the making of the record or disclosure of the information;
- (e) if the person cannot reasonably obtain the consent of the person to whom the Confidential Information relates and making the record or disclosing the information is unlikely to harm the interests of the person to whom the Confidential Information relates and is reasonable in all the circumstances;
- (f) if the person reasonably believes that making the record or disclosing the information is necessary to provide for the safety or welfare of a person;
- (g) if authorised under a regulation or another Act;
- (h) if the person has an obligation under the principles of Natural Justice to disclose information to a person whose rights would otherwise be detrimentally affected. The identity of the Discloser may only be disclosed if:
  - (i) it is essential to do so under the principles of Natural Justice; and
  - (ii) it is unlikely that a Reprisal will be taken against the Discloser.

142. It is an offence under the PID Act for a person to make a record of or disclosing Confidential Information to anyone (other than for the reasons noted at paragraph 141).

143. In addition, an Employee who makes a record of or discloses Confidential Information to anyone (other than for the reasons noted at paragraph 141) is in breach of QPAC's Code of Conduct and may be subject to disciplinary action, including (without limitation) termination of employment.

### **Discloser's Identity**

144. While QPAC makes every attempt to protect confidentiality, a Discloser's identity may need to be disclosed in the circumstances outlined in paragraph 141.

145. QPAC will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the Discloser wherever possible.

146. Disclosers should be aware that while QPAC will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

### **FALSE OR MISLEADING INFORMATION**

147. It is an offence under the PID Act for a person to:

- (a) make a statement to a Proper Authority intending that it be acted on as a PID; and
- (b) in the statement, or in the course of inquiries into the statement, intentionally give information that is false or misleading in a material particular.

148. It is an offence under the CC Act for a person to provide false or misleading information to the CCC.

149. In addition, an Employee who intentionally gives false or misleading information in a PID or during an investigation into a PID or to the CCC is in breach of QPAC's Code of Conduct and may be subject to disciplinary action, including (without limitation) termination of employment.

## RECORDS

150. The PID Coordinators keep accurate records of all PIDs made to QPAC, including:

- (a) the date the PID was made;
- (b) the name of the Discloser, if known;
- (c) the status of the Discloser (e.g. employee, public, anonymous);
- (d) the gender of the Subject;
- (e) the status of the Subject (e.g. Employee or non-Employee);
- (f) the location of the Subject;
- (g) a summary of the allegation / information disclosed;
- (h) the involvement of an external agency / party;
- (i) the action taken to minimise any risk of Reprisal;
- (j) the date the inquiry / investigation commenced;
- (k) the date the inquiry / investigation was completed;
- (l) the outcome of the inquiry / investigation;
- (m) the date the PID was resolved / closed;
- (n) the date the outcome was advised to the Discloser;
- (o) any action taken on the PID; and
- (p) if no action was taken, the reason for the decision;
- (q) any legal processes associated with the PID; and
- (r) any other information required under a PID Standard.

151. All records relating to PIDs are stored securely and confidentially and are able to be accessed only by authorised Employees.

## REPORTING

152. The PID Coordinators provide the OQO with statistical information regarding PIDs as required by *Public Interest Disclosure Standard No. 3*.

153. If, during the PID management process, the PID Coordinator considers that the Wrongdoing includes any matter that may:

- (a) prevent, or significantly affect, QPAC's achievement of its goals under its strategic plan;  
or
- (b) significantly affect QPAC's performance in delivering the outputs under its operational plan,

the PID Coordinator must immediately inform the Chief Executive so that the Chair may inform Minister for the Arts of the matter under section 52(c) of the QPAT Act..

154. If, during the PID management process, the PID Coordinator becomes aware of a loss of QPAC's property that is a result of Corrupt Conduct, the PID Coordinator must:
- (a) ensure a written record is kept of the following details about the loss:
    - (i) a description of the property, including its value;
    - (ii) the reason for the loss;
    - (iii) the action taken about the loss, including, for example the following:
      - action to remedy any weakness in QPAC's internal control;
      - action taken to obtain reimbursement;
      - details about approval for writing off the loss; and
  - (b) if the loss is a material loss (being money of more than \$500 or property of more than \$5,000 value) – inform the Chief Executive so that the Chair may, as soon as practicable but not later than 6 months after becoming aware of the loss, notify:
    - (i) the Minister for the Arts;
    - (ii) the Auditor-General;
    - (iii) the CCC; and
    - (iv) for a loss resulting from a criminal offence: a police officer

under section 16 of the *Financial and Performance Management Standard 2001*.

### Roles, Responsibilities and Contact Details

155. The following roles have the following responsibilities in relation to PIDs:

Role	Responsibilities	Contact Details
Chief Executive	<ul style="list-style-type: none"> <li>• Reviewing investigation report and determine whether alleged Wrongdoing is substantiated</li> <li>• Determining what action should be taken</li> </ul>	<i>Employees may obtain the direct telephone number and email addresses for the Chief Executive officers from InfoPAC or from their Manager.</i>
Employees	<ul style="list-style-type: none"> <li>• Conducting their duties to a high professional and ethical standard</li> <li>• Seeking appropriate guidance if they have an ethical dilemma;</li> <li>• Complying with the PID Procedure</li> <li>• Immediately referring any PIDs they receive – IN CONFIDENCE – to a PID Coordinator</li> <li>• Cooperating fully with investigations into PID matters</li> <li>• Maintaining the confidentiality of PID matters</li> <li>• Refraining from Reprisal action (or inaction, as the case may be)</li> </ul>	

Role	Responsibilities	Contact Details
Executive Team	<ul style="list-style-type: none"> <li>• Maintaining a workplace culture that values professionalism, integrity and diligence</li> <li>• Demonstrating positive ethical standards and values to Employees through their own conduct and communications at work</li> <li>• Creating a supportive reporting environment (i.e. a workplace culture where Employees feel comfortable reporting suspected Wrongdoing, have confidence that their concerns will be appropriately dealt with and do not fear or concern adverse treatment arising from their reporting of suspected Wrongdoing)</li> <li>• Providing appropriate support to Employees who report suspected Wrongdoing</li> <li>• Implementing appropriate controls to prevent harm to QPAC's assets and resources</li> <li>• Assisting Employees to resolve ethical dilemmas, as required</li> </ul>	<p><i>Employees may obtain the direct telephone number and email addresses for Executive Team members from InfoPAC or from their Manager.</i></p>
PID Coordinators	<ul style="list-style-type: none"> <li>• Being the principal contacts for PID issues within QPAC</li> <li>• Assessing PIDs received</li> <li>• Providing acknowledgment of receipt of PID to Discloser</li> <li>• Undertaking risk assessments in consultation with Disclosers and other relevant officers</li> <li>• Liaising with other agencies about referral of PIDs</li> <li>• Conducting an investigation of the PID matter and preparing an investigation report or engaging an external investigator</li> <li>• Allocating a PID Support Officer if required</li> <li>• Documenting and managing implementation of the PID Program</li> <li>• Reviewing and updating the PID Procedure and PID Program as required</li> <li>• Maintaining and updating internal records of PIDs received</li> <li>• Reporting data on PIDs to the Queensland Ombudsman</li> <li>• Notifying all complaints of reasonably suspected Corrupt Conduct within QPAC to the CCC</li> </ul>	<p>Director – Human Resources and Safety General Counsel</p> <ol style="list-style-type: none"> <li>1. By post - PO Box 3567, South Bank Qld 4101</li> <li>2. By phone - (07) 3840 7400</li> <li>3. <a href="mailto:publicinterestdisclosure@qpac.com.au">publicinterestdisclosure@qpac.com.au</a></li> <li>4. (For PIDs made by Employees and Board members only) Via QPAC's external Whistle Blower Program - Whispli (Details can be found on the intranet and in induction materials)</li> </ol> <p><i>Employees may obtain the direct telephone number and email addresses for these officers from InfoPAC or from their Manager.</i></p>

Role	Responsibilities	Contact Details
PID Support Officers	<ul style="list-style-type: none"> <li>• Providing advice and information to a Discloser on the PID Procedure</li> <li>• Providing personal support and referral to other sources of advice or support for a Discloser as required</li> <li>• Facilitating updates to a Discloser on the progress of the PID management process</li> <li>• Proactively contacting a Discloser throughout the PID management process</li> <li>• Monitoring and managing the risk of Reprisals</li> </ul>	<p>Human Resources Manager Human Resources Advisor</p> <ol style="list-style-type: none"> <li>1. By post - PO Box 3567, South Bank Qld 4101</li> <li>2. By phone - (07) 3840 7400</li> <li>3. publicinterestdisclosure@qpac.com.au</li> </ol> <p><i>Employees may obtain the direct telephone number and email addresses for these officers from InfoPAC</i></p>

## ENQUIRIES

156. If you have any enquiries regarding this PID Procedure, please contact a PID Coordinator.
157. Any person who requires support and assistance in making a PID is encouraged to contact a PID Coordinator.

## REVIEW

158. This PID Procedure and the PID Program must be reviewed at least every 3 years, or earlier if there are regulatory amendments.
159. The reviews must:
- (a) ensure that this PID Procedure and the PID Program meet the requirements of the PID Act, PID Standards, CC Act and any other regulatory requirements; and
  - (b) include an evaluation of the effectiveness of this PID Procedure and the PID Program.

## PUBLICATION

160. This PID Procedure and the PID Management Program must be published on QPAC's internal intranet and QPAC's public website.
161. Minor amendments to this PID Procedure and the PID Management Program, for example changes to contact details or nominated PID Coordinators or PID Support Officers, may be approved by the Chief Executive.

## DEFINITIONS

Term	Definition
Administrative Action	See paragraph 33.
Board	QPAC's Board. (Queensland Performing Arts Trust comprising members appointed under section 6(1) of the QPAT Act)
CC Act	<i>Crime and Corruption Act 2001</i>
CCC	Crime and Corruption Commission.
Chair	The Chair of the Board.
Chief Executive	QPAC's Chief Executive.

<b>Term</b>	<b>Definition</b>
	(The director of Queensland Performing Arts Trust appointed under section 32 of the QPAT Act)
Confidential Information	See paragraph 157.
Corrupt Conduct	See paragraph 27.
Deputy Chair	The Deputy Chair of the Board.
Detriment	See paragraph 65.
Disability	<p>A person's condition that:</p> <ul style="list-style-type: none"> <li>• is attributable to:</li> <li>• an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</li> <li>• a combination of impairments mentioned above;</li> </ul> <p>and results in:</p> <ul style="list-style-type: none"> <li>• a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self care or management; and</li> <li>• the person needing support.</li> </ul> <p>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. [Section 4 &amp; Schedule 4 PID Act &amp; section 11 <i>Disability Services Act 2006</i>]</p>
Discloser	A person who makes a PID.
Employees	All QPAC employees, including permanent, temporary, casual, full time, part time, variable part time and flexible part time employees
Executive Team	QPAC's Chief Executive, Executive Directors and Directors.
Journalist	A person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
Maladministration	See paragraph 32.
Manager	In relation to an Employee – a person to whom the Employee reports or a person who directly or indirectly supervises the Employee in the performance of the Employee's functions as an Employee.
Natural Justice	<p>Also referred to as 'procedural fairness'.</p> <p>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, are:</p> <ul style="list-style-type: none"> <li>• avoid bias; and</li> <li>• give a fair hearing.</li> <li>• act only on the basis of logically probative evidence.</li> </ul>
Ombudsman	Queensland Ombudsman.
OQO	Office of the Queensland Ombudsman.
Person Holding an Appointment	Any person holding an office, place or position in a Unit of Public Administration, whether the appointment is by way of election or selection. [Section 21 CC Act]
PID	Public Interest Disclosure.
PID Act	<i>Public Interest Disclosure Act 2010</i>
PID Coordinators	Employees nominated in this PID Procedure as Public Interest Disclosure Coordinators. See paragraph 155.
PID Program	QPAC's Public Interest Disclosure Management Program.

<b>Term</b>	<b>Definition</b>
PID Procedure	QPAC's Public Interest Disclosure Policy and Procedure (this document).
Subject	A person who is the subject of allegations of Wrongdoing made in a PID.
PID Support Officers	Employees nominated in this PID Procedure as Public Interest Disclosure Support Officers. See paragraph 155.
Proper Authority	See paragraph 35.
Public Interest Disclosure	A disclosure of information made in accordance with Chapter 2 of the PID Act. [Section 11 PID Act] See paragraphs 19 to 26. For the purposes of this PID Procedure and the PID Program, a PID includes any complaint which involves, or may involve, Corrupt Conduct of a Board member or Employee (whether or not made by a Public Officer).
Public Officer	Includes QPAC Employees. An employee (including a person engaged under a contract of service), member or officer of a Public Sector Entity. Also, the Minister, Assistant Minister (and Ministerial staff) responsible for the administration of a department are public officers of the department and a member of a school council is a public officer of the education department. [Section 7 PID Act]
Public Sector Entity	<i>Includes QPAC.</i> Any of the following: <ul style="list-style-type: none"> <li>• a committee of the Legislative Assembly;</li> <li>• the parliamentary service;</li> <li>• a Queensland court or tribunal or their administrative offices;</li> <li>• the Executive Council;</li> <li>• a Queensland government department;</li> <li>• the Queensland Ambulance Service, Queensland Fire and Rescue Service or Queensland Police Service.</li> <li>• a Queensland local government;</li> <li>• a Queensland registered higher education provider or TAFE Queensland;</li> <li>• a Queensland Agricultural Training College;</li> <li>• an entity established under an Act or under State or local government authorisation for a public, State or local government purpose; or</li> <li>• an entity prescribed under a regulation, that is assisted by public funds.</li> </ul> [Section 6 PID Act]
QPAC	Queensland Performing Arts Trust.
QPAT Act	<i>Queensland Performing Arts Trust Act 1977</i>
Reasonable Management Action	See paragraph 69.
Reprisal	See paragraph 63.
RMAC Chair	The Chair of QPAC's Risk Management and Audit Committee.
Specific	Precise or particular. Conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms.

<b>Term</b>	<b>Definition</b>
Substantial	Of a significant or considerable degree. Must be more than trivial or minimal and have some weight or importance.
Unit of Public Administration	<i>Includes QPAC.</i> Each of the following: <ul style="list-style-type: none"> <li>• the Legislative Assembly and the parliamentary service;</li> <li>• the Executive Council;</li> <li>• a Queensland Government department;</li> <li>• the Queensland Police Service;</li> <li>• a Queensland local government;</li> <li>• a corporate entity established by a Queensland Act or that is of a description of a corporate entity provided for by a Queensland Act which, in either case, collects revenues or raises funds under the authority of a Queensland Act;</li> <li>• a noncorporate entity, established or maintained under a Queensland Act, that is funded to any extent with State moneys or is financially assisted by the State;</li> <li>• a State court, of whatever jurisdiction, and its registry and other administrative offices;</li> <li>• another entity prescribed under a regulation.</li> </ul> However, none of the following is a Unit of Public Administration: <ul style="list-style-type: none"> <li>• the CCC;</li> <li>• the Parliamentary Commissioner;</li> <li>• the entity consisting of the Parliamentary Commissioner and officers and employees of the parliamentary service assigned to the parliamentary commissioner and persons engaged to provide the parliamentary commissioner with services, information or advice;</li> <li>• an entity declared by an Act not to be a unit of public administration.</li> </ul> [Section 20 CC Act]
Wrongdoing	Conduct or a matter which may be disclosed as a PID. See paragraphs 20 and 21.

## REFERENCES

<i>Anti-Discrimination Act 1991</i>
<i>Crime and Corruption Act 2001</i>
<i>Disability Services Act 2006</i>
<i>Financial and Performance Management Standard 2001</i>
<i>Ombudsman Act 2001</i>
<i>Public Interest Disclosure Act 2010</i>
<i>Public Interest Disclosure Standard No. 1 / 2019 – Public Interest Disclosure Management Program</i>
<i>Public Interest Disclosure Standard No. 2 / 2019 – Assessing, Investigating and Dealing with Public Interest Disclosures</i>
<i>Public Interest Disclosure Standard No. 3 / 2019 – Public Interest Disclosure Data Recording and Reporting</i>
<i>Public Records Act 2002</i>
<i>Public Service Act 2008</i>
<i>Queensland Government Indemnity Guideline</i>
<i>QPAC Code of Conduct</i>
<i>QPAC Complaints against the Chief Executive Policy</i>
<i>QPAC Fraud and Corruption Control Plan</i>

**Resources**

<b>OQO:</b>
Model Public Interest Disclosure Procedure
Disclosure Fact Sheet 1: What is a disclosure
Disclosure Fact Sheet 2: Checklist for making a disclosure
Disclosure Fact Sheet 3: Discloser information and support
Public Interest Disclosure Guide: Handling a public interest disclosure: A guide for public sector managers and supervisors
Public Interest Disclosure Guide: Making a public interest disclosure: A guide for individuals working in the public sector
Public Interest Disclosure Guide: Managing a public interest disclosure program – A guide for the public sector
Public Interest Disclosure Assessment Guide
Public Interest Disclosure Risk Assessment and Risk Management Guide
Public Interest Disclosures: Rights and responsibilities of employees (video and slides)
Public Interest Disclosures: Obligations of managers and supervisors (video and slides)
<b>CCC:</b>
<i>Corruption in Focus</i> - A guide to dealing with corrupt conduct in the Queensland public sector