

CORRUPT CONDUCT AND PUBLIC INTEREST DISCLOSURE PROCEDURE

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CONTEXT

1. The *Crime and Corruption Act 2001* establishes the Crime and Corruption Commission (CCC), which receives and investigates allegations of Corrupt Conduct.
2. The *Crime and Corruption Act 2001* 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.
3. 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.
4. The *Crime and Corruption Act 2001* also requires the Chief Executive to prepare a policy about how QPAC will deal with a complaint about the Chief Executive.
5. The *Public Interest Disclosure Act 2010* protects a person who makes a Public Interest Disclosure (PID), formerly known as a whistleblower.
6. The *Public Interest Disclosure Act 2010* requires the Chief Executive to establish reasonable procedures to ensure that:
 - (a) Board members and Employees who make PIDs are given appropriate support;
 - (b) PIDs made to QPAC are properly assessed and, when appropriate, properly investigated and dealt with;
 - (c) appropriate action is taken in relation to any Wrongdoing that is the subject of a PID made to QPAC;
 - (d) a management program for PIDs made to QPAC is developed and implemented; and
 - (e) Board members and Employees are offered protection from Reprisals by QPAC or other Board members or Employeesand to ensure the procedures are published on QPAC's public website.
7. *Public Interest Disclosure Standard No. 1* requires the Chief Executive to develop and implement reasonable procedures for dealing with PIDs and sets out the minimum requirements for those procedures.

PURPOSE

8. This Procedure set out how complaints of Corrupt Conduct and PIDs are managed by QPAC.

APPLICATION

9. This Procedure applies to all:
 - (a) Board members;
 - (b) Employees;
 - (c) Volunteers;

- (d) Contactors; and
 - (e) persons making a complaint of Corrupt Conduct or a PID to QPAC.
10. For the purpose of this 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 should note that they are not entitled to the protections afforded to Disclosers under the PID Act.

PROCEDURE

Obligation to report

11. It is QPAC policy that Board members, Employees, Volunteers and Contractors must report any Wrongdoing within QPAC of which they become aware.
12. The *Crime and Corruption Act 2001* requires the Chief Executive to refer to the CCC all complaints, information or matters which he suspects involve, or may involve, Corrupt Conduct.

Authority

13. Within QPAC, only the Chief Executive has authority to deal with Corrupt Conduct matters under the *Crime and Corruption Conduct Act 2001*. However, the Chief Executive may expressly authorise another Employee to investigate an allegation of Corrupt Conduct.
14. Within QPAC, the Chief Executive and PID Contact Officers have authority to deal with PIDs under the *Public Interest Disclosure Act 2010*.

PID Contact Officers

15. QPAC's PID Contact Officers are the:
- (a) Director – Human Resources and Safety; and
 - (b) Manager – Legal and Governance.
16. Any person who wishes to make a PID is encouraged to contact a PID Contact Officer.

PID Support Officer

17. QPAC provides support and assistance as appropriate to people who make, or wish to make, a PID, through QPAC's PID Support Officers.
18. QPAC's PID Support Officers are the:
- (a) Human Resources Advisor; and
 - (b) Human Resources Officer.

Making a PID

19. A person may make a PID if they have information:
- (a) that the person honestly believes, on reasonable grounds, tends to show Wrongdoing; or
 - (b) that tends to show Wrongdoing (regardless of whether the person honestly believes the information tends to show Wrongdoing)

20. The threshold for making a PID is low. The evidence does not have to be to a standard that is admissible in court. A PID does not have to identify a particular person. A PID may also be about a matter that occurred before the commencement of the PID Act, events that are or may be happening or events that will or may happen.
21. PIDs may be made in any manner: in writing, over the telephone or in person.
22. Any person may make a PID directly to:
 - (a) a PID Contact Officer;
 - (b) for Board Members: the Chief Executive;
 - (c) for Employees: their line manager, Associate Director, Director or Executive Director; or
 - (d) another Proper Authority.
23. A person may only make a PID to a journalist if they have already made substantially the same PID to a Proper Authority, which:
 - (a) decided not to investigate or deal with the PID;
 - (b) investigated the PID but did not recommend the taking of any action; or
 - (c) did not notify the person, within 6 months, whether or not the PID disclosure would be investigated or dealt with.
24. 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.
25. If possible, it is useful for the Discloser to provide the following information:
 - (a) what happened;
 - (b) when it happened;
 - (c) where it happened;
 - (d) who said what to whom;
 - (e) whether anyone saw what happened (and include contact details for any witnesses); and
 - (f) whether the complainant has reported the matter to any other agency.
26. If documents are included with a PID, it is useful for the Discloser to explain their relevance to the PID.
27. A Discloser is encouraged to provide contact details for follow up action. However, complaints may be made anonymously. A Discloser who does not wish to provide their name may provide an alias and contact point instead.

Receiving a PID

28. Where a PID is made to an Employee other than the Chief Executive or a PID Contact Officer, that person must forthwith and without commencing any inquiry into the matter, refer the PID – IN CONFIDENCE – to a PID Contact Officer.
29. 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.

Assessment of disclosure

30. The PID Contact Officer assesses the disclosure to determine if:
- (a) the Discloser is a person who may make a PID of that information;
 - (b) the disclosure concerns a matter about which a PID can be made;
 - (c) the information disclosed tends to show Wrongdoing, or the Discloser honestly believes, on reasonable grounds, that the information disclosed tends to show Wrongdoing;
 - (d) that tends to show Wrongdoing (regardless of whether the person honestly believes the information tends to show Wrongdoing);
 - (e) the disclosure has been made to a Proper Authority; and
 - (f) the disclosure has been made in accordance with this Procedure.
31. If there is any doubt as to whether a disclosure is a PID, the PID Contact Officer assumes that the disclosure is protected by the PID Act and manages the disclosure as if it is a PID.
32. 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.
33. QPAC cannot decline to receive and/or assess a disclosure as a PID.

Advice to Discloser

34. The PID Contact Officer advises the Discloser of the following in writing:
- (a) that the PID has been received by QPAC;
 - (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) the Discloser's likely involvement in the investigation process;
 - (e) the protections under the PID Act that apply to the Discloser;
 - (f) the importance of maintaining confidentiality (except when seeking support from the PID Support Officer or obtaining professional advice);
 - (g) that QPAC will keep the Discloser's information confidential, except where disclosure is permitted under the PID Act;
 - (h) how the Discloser will be advised of progress and outcomes;
 - (i) whom the Discloser may contact if they want further information or are concerned about Reprisals.
35. The PID Contact Officer does not provide this 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;

- (c) disclosure of the information would be contrary to the public interest;
- (d) 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.

Action following a PID

36. The action taken by QPAC in dealing with a PID may vary having regard to the circumstances of the PID. However, generally upon receipt of a PID QPAC takes the following actions.

No further action

37. The PID Contact Officer 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 Contact Officer 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 Contact Officer 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 that has jurisdiction to investigate the PID has notified QPAC that investigation of the PID is not warranted.

Referrals

REFERRAL TO ANOTHER QUEENSLAND GOVERNMENT AGENCY

38. The PID Contact Officer decides whether it should arrange for the PID to 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.
39. The PID Contact Officer 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.
40. Before referring a PID to another Queensland Government agency, the PID Contact Officer considers whether there is an unacceptable risk that a Reprisal would occur because of the referral. In considering whether there would be an unacceptable risk, the PID Contact Officer must, if practicable, consult with the Discloser. The PID Contact Officer does not refer a PID to another Queensland Government agency if they consider that there is an unacceptable risk.

41. The PID Contact Officer informs the Discloser of the referral of the PID to another Queensland Government agency.
42. The Subject Officer is not advised of the referral so as not to jeopardise the conduct of any investigation or risk the destruction of any evidence.

REFERRAL TO THE CCC

43. Where the PID Contact Officer reasonably suspects that a PID involves, or may involve, Corrupt Conduct, the PID Contact Officer informs the Chief Executive so that he may refer the matter to the CCC.
44. The PID Contact Officer does not take any further action until advised by the CCC.
45. The Subject Officer is not advised of the referral so as not to jeopardise the conduct of any investigation or risk the destruction of any evidence.
46. The CCC assesses the complaint and forms a preliminary view as to whether Corrupt Conduct is or may be involved.
47. 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.
48. If the CCC forms the view that Corrupt Conduct is not involved, it refers the matter back to QPAC to deal with (generally with the proviso that if the investigation subsequently reveals suspected Corrupt Conduct then the matter be referred again to the CCC).

COMPLAINTS AGAINST THE CHIEF EXECUTIVE

49. The PID Contact Officer must, before taking any further action, immediately refer any PID in relation to which the Chief Executive is a Subject Officer to the Chair.
50. The PID Contact Officer must assist the Chair, if and as required by the Chair and under the Chair's oversight.
51. If the Chair reasonably suspects that the PID involves or may involve Corrupt Conduct, the Chair must refer the complaint to the CCC.
52. The Subject Officer (Chief Executive) is not advised of the referral to the Chair or any referral to the CCC so as not to jeopardise the conduct of any investigation or risk the destruction of any evidence.

COMPLAINTS AGAINST BOARD MEMBERS

53. The PID Contact Officer must, before taking any further action, immediately refer any PID in relation to which a Board Member is a Subject Officer to the Chief Executive.
54. 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.

55. The Chief Executive, with the assistance of the PID Contact Officer if required, must assist the person to whom he has referred to the complaint under paragraph 54 to investigate the complaint, if and as required by that person.
56. 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.
57. The Subject Officer (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.
58. For the purposes of an investigation pursuant to paragraphs 49 to 55 of this Procedure only, the Chair, Deputy Chair or RMAC Chair to whom a complaint is referred has authority to:
 - (a) approach staff directly;
 - (b) engage external resources to assist in the investigation and handling of the complaint or to direct the PID Contact Officer to do so; and
 - (c) approve any related expenditure.

QUERIES REGARDING REFERRALS

59. When a PID Contact Officer or other person receiving a PID is unsure as to how a complaint should be referred or handled, that person may contact the CCC to seek advice and guidance on the matter.

Investigation by QPAC

60. If a PID is investigated by QPAC, a PID Contact Officer:
 - (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.
61. The PID Contact Officer also provides outcome advice to the CCC where required.
62. Where possible and appropriate, the investigation should include interviews with the Discloser and all other witnesses.

Action by QPAC

63. QPAC takes appropriate action in relation to the findings of the investigation, which may include:
 - (a) rectification of the 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.

Advice to Discloser

64. If no action is taken on the PID or action to deal with the PID is discontinued, the PID Contact Officer advises the Discloser in writing of the reason for not taking action or discontinuing the action.
65. If action is taken on the PID:
- (a) the PID Contact Officer arranges, by agreement with the Discloser, for regular follow up with the Discloser to advise on the progress in resolving the PID; and
 - (b) at the conclusion of the investigation of the PID, the PID Contact Officer advises the Discloser in writing of:
 - (i) the action taken;
 - (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.
66. The PID Contact Officer 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;
 - (c) disclosure of the information would be contrary to the public interest;
 - (d) 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.
67. If a PID is dealt with by the CCC or another Queensland Government agency, then the CCC or other agency responds to the Discloser.

Rights of Review

68. 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.
69. The application must be made in writing within 28 days of receiving notice of the decision.
70. There may also be external avenues of review, including:
- (a) the CCC (for Corrupt Conduct matters);
 - (b) the Queensland Ombudsman (for Maladministration matters);
 - (c) the Queensland Civil and Administrative Tribunal (QCAT).

Protection and Support for Disclosers

Risk Assessment

71. As soon as possible after receiving a PID, the PID Contact Officer refers the matter to a PID Support Officer.
72. The PID Support Officer 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);
 - (b) the potential consequences of Reprisals; and
 - (c) the Discloser's need for support.

Protection

73. The PID Support Officer puts in place any necessary protective measures that are proportionate to the risk and potential consequences of Reprisal.
74. If the risk is assessed as sufficiently high, the PID Support Officer develops a protection plan, in consultation with the Discloser and other stakeholders as appropriate.

Support

75. If it is determined that a Discloser requires support, the PID Support Officer:
 - (a) provides the necessary support; or
 - (b) arranges for an external party to provide the necessary support.
76. 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) regularly checking on the Discloser's well-being, where this is warranted;
 - (d) advising the Discloser of the availability of QPAC's Employee Assistance Program;
 - (e) where the health of the Discloser becomes a concern, liaising with QPAC's Human Resources Unit.

Legal Protections for Disclosers

77. A Discloser is not liable, civilly, criminally or under an administrative process (including disciplinary action), for making a PID. The Discloser is also protected from actions for defamation and breach of confidentiality.
78. However, a person's liability for their own conduct is not affected only because the person discloses that conduct as a PID.
79. The PID Act does not protect a person who makes a PID to someone or some entity other than to 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).
80. A Discloser who suffers detriment from a Reprisal may:

- (a) sue for damages; or
- (b) make a complaint to the Anti Discrimination Commission Queensland.

Reprisals

81. Employees must not take Reprisals.

82. 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.

Reasonable Management Action

83. 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.

Prevention of reprisals

84. The PID Contact Officer and the PID Support Officer monitor the workplace for any signs of Reprisal action.

85. In the event of a Reprisal being suspected or alleged, the PID Support Officer:

- (a) attends to the safety of the Discloser or affected third parties as a matter of priority;
- (b) reviews the risk assessment of Reprisal and any protective measures needed; and
- (c) manages any allegation of a Reprisal as a PID in its own right.

Rights of Subject Officers

86. A Subject Officer is entitled to:

- (a) the presumption of innocence;
- (b) the right to advice and support; and
- (c) natural justice, including:
 - (i) the hearing rule: the right to be provided with the particulars of the allegation/s and to respond to the allegation/s; and
 - (ii) the rule against bias: the right to be heard by an unbiased decision maker.

87. 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 free services of QPAC's Employee Assistance Program.

88. An Employee may be indemnified by the State under section 26C of the *Public Service Act 2008* for any civil liability arising from the Employee engaging in conduct in official capacity, provided they engaged in the conduct in good faith and without gross negligence.
89. In cases where an Employee has diligently and conscientiously endeavoured to carry out their duties, the State may also provide legal assistance. Such cases are determined in accordance with the *Guideline for the grant of indemnities and legal assistance to State employees*.

Confidentiality

90. An Employee 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) for a proceeding in a court or tribunal;
 - (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 Employee 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 Employee 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.
91. The Chief Executive has a duty under the *Crime and Corruption Act 2001* to refer to the CCC all complaints, information or matters which the Chief Executive reasonably suspects involve, or may involve, Corrupt Conduct.
92. In certain circumstances, natural justice may require an Employee to disclose information to a person whose rights would otherwise be detrimentally affected. The identity of the Discloser may only be disclosed if:
- (a) it is essential to do so under the principles of natural justice; and
 - (b) it is unlikely that a Reprisal will be taken against the Discloser.
93. Making a record of or disclosing Confidential Information to anyone (other than for the reasons noted above) is an offence.

False or Misleading Information

94. It is an offence for a person to intentionally give false or misleading information intending it to be treated as a PID.
95. It is an offence for a person to provide false or misleading information to the CCC.

RECORDS

96. The PID Contact Officers keep 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 Officer;
- (e) the status of the Subject Officer (e.g. staff or non-staff);
- (f) the location of the Subject Officer;
- (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 Public Interest Disclosure Standard.

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

REPORTING

98. The PID Contact Officers provides the Queensland Ombudsman with statistical information regarding PIDs as required by *Public Interest Disclosure Standard No. 1*.

ROLES AND RESPONSIBILITIES

99. The QPAC Corrupt Conduct and Public Interest Disclosure Policy sets out the following responsibilities:

Role	Responsibilities
Chief Executive	<ul style="list-style-type: none"> • Communicating that all Employees are required to conduct their duties to high professional and ethical standards and always act in the public interest • Reviewing and approving policies and procedures in regard to Corrupt Conduct matters and PIDs

Role	Responsibilities
Director – Human Resources and Safety	<ul style="list-style-type: none"> • Developing and maintaining policies, procedures and records in regard to Corrupt Conduct matters and PIDs • Developing and implementing appropriate Corrupt Conduct and PID awareness communication and training for Employees • Providing advice and information in relation to Corrupt Conduct prevention and the management of Corrupt Conduct matters and PIDs • Establishing reasonable procedures to protect Employees from Reprisals
PID Contact Officers	<ul style="list-style-type: none"> • Assessing and dealing with allegations of suspected Corrupt Conduct and PIDs within QPAC • Notifying all complaints of suspected Corrupt Conduct within QPAC to the CCC • Coordinating all high level reporting relating to Corrupt Conduct matters and PIDs
PID Support Officers	<ul style="list-style-type: none"> • Arranging and co-ordinating support for Disclosers • Monitoring and managing the risk of Reprisals
Executive Directors Directors Associate Directors	<ul style="list-style-type: none"> • Maintaining a workplace culture that values professionalism, integrity and diligence • Demonstrating positive ethical standards and values to Employees through their own conduct and communications at work • 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) • Providing appropriate support to Employees who report suspected wrongdoing • Implementing appropriate controls to prevent harm to QPAC's assets and resources • Assisting Employees to resolve ethical dilemmas, as required

Role	Responsibilities
Board members Employees	<ul style="list-style-type: none"> • Conducting their duties to a high professional and ethical standard • Seeking appropriate guidance if they have an ethical dilemma • reporting any Wrongdoing within QPAC of which they become aware – IN CONFIDENCE – to: <ul style="list-style-type: none"> ○ a PID Contact Officer; ○ for Board members: the Chief Executive; ○ for Employees: their line manager, Associate Director or Director; or ○ another Proper Authority • complying with policies and procedures in regard to Corrupt Conduct matters and PIDs • immediately referring any complaints of Corrupt Conduct or PIDs they receive – IN CONFIDENCE – to a PID Contact Officer • Cooperating fully with investigations into suspected Corrupt Conduct and PIDs • Maintaining the confidentiality of suspected Corrupt Conduct matters and PIDs • Refraining from Reprisal action (or inaction, as the case may be)

ENQUIRIES

100. If you have any enquiries regarding this Procedure, please contact a PID Contact Officer.

REVIEW

101. This Procedure must be reviewed at least every 3 years, or earlier if there are regulatory amendments.

102. The review must include an evaluation of the effectiveness of this Procedure.

PUBLICATION

103. This Procedure must be published on QPAC's public website.

DEFINITIONS

Term	Definition
Board	QPAC's Board (Queensland Performing Arts Trust comprising members appointed under section 6(1) of the QPAT Act)
Chief Executive	QPAC's Chief Executive (The director of Queensland Performing Arts Trust appointed under section 32 of the QPAT Act)
CCC	Crime and Corruption Commission
Corrupt Conduct	Conduct of a person that: <ul style="list-style-type: none"> • adversely affects, or could adversely affect, directly or indirectly, the performance of functions or exercise of powers of: <ul style="list-style-type: none"> ○ a Queensland Government agency (e.g. QPAC); or

Term	Definition
	<ul style="list-style-type: none"> ○ any person holding an office or position in a Queensland Government agency (e.g. Board member or Employee); and • results, or could result, directly or indirectly, in the performance of functions or the exercise of powers of a Queensland Government agency or a person holding an office or position in a Queensland Government agency in a way that: <ul style="list-style-type: none"> ○ is not honest or is not impartial; ○ involves a breach of the trust placed in a person holding an office or 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 office or appointment; and • is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and • would, if proved, be: <ul style="list-style-type: none"> ○ a criminal offence; or ○ a disciplinary breach providing reasonable grounds for terminating the person's services. <p>Includes (without limitation): abuse of public office; bribery, including bribery relating to an election; extortion; obtaining or offering a secret commission; fraud; stealing; forgery; perverting the course of justice; an offence relating to an electoral donation; loss of revenue of the State; sedition; homicide, serious assault or assault occasioning bodily harm or grievous bodily harm; obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person; illegal drug trafficking; illegal gambling.</p> <p><i>(Source: Crime and Corruption Act 2001)</i></p>
Confidential Information	<p>Includes information:</p> <ul style="list-style-type: none"> • about the identity, occupation, residential or work address or whereabouts of a person: <ul style="list-style-type: none"> ○ who makes a PID; or ○ against whom a PID has been made; • disclosed by a PID; • about an individual's personal affairs; and • that, if disclosed, may cause Detriment to a person. <p>Does not include:</p> <ul style="list-style-type: none"> • 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. <p><i>(Source: Public Interest Disclosure Act 2010)</i></p>
Contractor	A person working at QPAC or providing services to QPAC pursuant to a contract.
Discloser	The person who makes a PID <i>(Source: Public Interest Disclosure Standard No. 1)</i>
Employees	All QPAC employees, including permanent, temporary, casual, full time, part time, variable part time and flexible part time employees
Maladministration	Administrative action that: <ul style="list-style-type: none"> • was undertaken contrary to law;

Term	Definition
	<ul style="list-style-type: none"> • was unreasonable, unjust, oppressive, or improperly discriminatory; • 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: <ul style="list-style-type: none"> ○ for an improper purpose; ○ 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. <p>(Source: <i>Public Interest Disclosure Act 2010</i>)</p>
PID	<p>Public Interest Disclosure</p> <ul style="list-style-type: none"> • A disclosure made by any person to a Proper Authority about: <ul style="list-style-type: none"> ○ a substantial and specific danger to the health or safety of a person with a disability; ○ the commission of particular offences or contraventions which pose a substantial and specific danger to the environment; or ○ a Reprisal; or • A disclosure made by a Board member or Employee about: <ul style="list-style-type: none"> ○ the conduct of another person that could, if proved, be: <ul style="list-style-type: none"> ▪ Corrupt Conduct; or ▪ Maladministration that adversely affects a person's interests in a substantial and specific way; ○ a substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); ○ a substantial and specific danger to Public Health or Safety; or ○ a substantial and specific danger to the environment. <p>A PID includes all information and help given by the Discloser to the Proper Authority.</p> <p>(Source: <i>Public Interest Disclosure Act 2010</i>)</p> <p>For the purpose of this Procedure, any complaint of Corrupt Conduct received by QPAC will be dealt with as a PID.</p>
PID Act	<i>Public Interest Disclosure Act 2010</i>
PID Contact Officers	<p>Employees nominated as QPAC's Public Interest Disclosure Contact Officers:</p> <ul style="list-style-type: none"> • Director – Human Resources and Safety • Manager – Legal & Governance
PID Support Officers	<p>Employees nominated as QPAC's Public Interest Disclosure Support Officers:</p> <ul style="list-style-type: none"> • Human Resources Advisor • Human Resources Officer
Proper Authority	<ul style="list-style-type: none"> • A Queensland Government agency; or • A Member of Parliament <p>(Source: <i>Public Interest Disclosure Act 2010</i>)</p>
QPAC	Queensland Performing Arts Trust

Term	Definition
QPAT Act	<i>Queensland Performing Arts Trust Act 1977 (Qld)</i>
Reasonable Management Action	<p>Includes any of the following action taken by the manager in relation to an employee:</p> <ul style="list-style-type: none"> • 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 an action mentioned above; and • 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. <p><i>(Source: Public Interest Disclosure Act 2010)</i></p>
Reprisal	<p>A person takes a Reprisal if they cause, or attempt or conspire to cause, Detriment to another person because, or in the belief that:</p> <ul style="list-style-type: none"> • the other person or someone else has made, or intends to make, a PID; or • the other person or someone else is, has been, or intend to be, involved in a proceeding under the PID Act against any person. <p>An attempt to cause Detriment includes an attempt to induce a person to cause Detriment.</p> <p><i>(Source: Public Interest Disclosure Act 2010)</i></p>
RMAC	QPAC’s Risk Management and Audit Committee
Subject Officer	<p>The person who is the subject of a PID.</p> <p><i>(Source: Public Interest Disclosure Standard No. 1)</i></p>
Volunteer	A person working at or for QPAC as a volunteer, intern or on a work experience placement.
Wrongdoing	<p>Conduct or a matter which may be the subject of a PID:</p> <ul style="list-style-type: none"> • the conduct of another person that could, if proved, be: <ul style="list-style-type: none"> ○ Corrupt Conduct; or ○ Maladministration that adversely affects a person’s interests in a substantial and specific way; • a substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); • a substantial and specific danger to Public Health or Safety; • a substantial and specific danger to the environment; • a substantial and specific danger to the health or safety of a person with a disability; or • a Reprisal.

CONTACTS

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REFERENCES

<i>Crime and Corruption Act 2001</i>
<i>Public Interest Disclosure Act 2010</i>
<i>Public Interest Disclosure Standard No. 1</i>
<i>Public Service Act 2008</i>
<i>Guideline for the grant of indemnities and legal assistance to State employees (Public Service Commission)</i>
<i>QPAC Code of Conduct</i>
<i>QPAC Corrupt Conduct and Public Interest Disclosure Policy</i>

CONSULTATION WITH CCC

104. In accordance with section 48A of the *Crime and Corruption Act 2001*, the Crime and Corruption Commission was consulted regarding paragraphs 49 to 58 of this Procedure, between 30 July and 18 August 2015.

OTHER RESOURCES

<i>Making a public interest disclosure – a guide for individuals working in the public sector (2011)</i> (publication jointly prepared by the Crime and Misconduct Commission, the Queensland Ombudsman and the Public Service Commission)
<i>Managing a public interest disclosure program – a guide for public sector organisations (2011)</i> (publication jointly prepared by the Crime and Misconduct Commission, the Queensland Ombudsman and the Public Service Commission)
<i>Handling a public interest disclosure – a guide for public sector managers and supervisors (2011)</i> (publication jointly prepared by the Crime and Misconduct Commission, the Queensland Ombudsman and the Public Service Commission)
<i>Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector (October 2014)</i> (publication prepared by the Crime and Corruption Commission)

Attribution:

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