

# CORRUPT CONDUCT AND PUBLIC INTEREST DISCLOSURE POLICY

## DOCUMENT CONTROL

<b>Document Name:</b>	Corrupt Conduct and Public Interest Disclosure Policy		
<b>Version:</b>	003		
<b>Approved by:</b>	Board	<b>Date approved:</b>	21 August 2017
<b>Maintained by:</b>	Director – Human Resources and Safety	<b>Date of next review:</b>	August 2020

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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 *Public Interest Disclosure Act 2010* protects a person who makes a Public Interest Disclosure (PID), formerly known as a whistleblower.

## PURPOSE

5. This Policy seeks to:
  - (a) support high standards of professional and ethical conduct within QPAC;
  - (b) prevent incidences of Corrupt Conduct occurring within QPAC; and
  - (c) facilitates the effective notification, assessment and management of complaints of suspected Corrupt Conduct and PIDs within QPAC.

## APPLICATION

6. This Policy applies to all:
  - (a) Board members;
  - (b) Employees;
  - (c) Volunteers; and
  - (d) Contractors.

## POLICY

### Policy Statement

7. QPAC is committed to:
  - (a) implementing employee awareness initiatives and appropriate internal control systems to continue to achieve high standards of professional and ethical conduct within QPAC and to prevent and/or minimise incidents of Corrupt Conduct;
  - (b) promoting the public interest by facilitating complaints of suspected Corrupt Conduct and PIDs which relate to QPAC;
  - (c) encouraging the internal reporting of alleged wrongdoing;
  - (d) ensuring that complaints of suspected Corrupt Conduct and PIDs, including those made anonymously, are properly assessed and appropriately dealt with;
  - (e) ensuring that appropriate consideration is given to the interests of Employees who are the subject of a complaint or PID;

- (f) affording support and protection from Reprisals;
  - (g) appropriately dealing with Employees who take Reprisals.
8. Complaints of suspected Corrupt Conduct and PIDs, including complaints against Board members and the Chief Executive, are dealt with in accordance with QPAC's *Corrupt Conduct and Public Interest Disclosure Procedure*.

### Responsibilities

9. The **Chief Executive** is responsible for:
- (a) communicating that all Employees, Volunteers and Contractors are required to conduct their duties to high professional and ethical standards and always act in the public interest; and
  - (b) reviewing and approving policies and procedures in regard to Corrupt Conduct matters and PIDs.
10. The **Director – Human Resources and Safety** is responsible for:
- (a) developing and maintaining policies, procedures and records in regard to Corrupt Conduct matters and PIDs;
  - (b) developing and implementing appropriate Corrupt Conduct and PID awareness communication and training for Employees;
  - (c) providing advice and information in relation to misconduct prevention and the management of Corrupt Conduct matters and PIDs; and
  - (d) establishing reasonable procedures to protect Employees from Reprisals.
11. The **PID Contact Officers** (nominated in QPAC's *Corrupt Conduct and Public Interest Disclosure Procedure*) are responsible for:
- (a) assessing and dealing with allegations of suspected Corrupt Conduct and PIDs within QPAC;
  - (b) notifying all complaints of reasonably suspected Corrupt Conduct within QPAC to the CCC; and
  - (c) coordinating all high level reporting relating to Corrupt Conduct matters and PIDs, including reporting to the Queensland Ombudsman as required.
12. The **PID Support Officers** (nominated in the QPAC's *Corrupt Conduct and Public Interest Disclosure Procedure*) are responsible for:
- (a) arranging and co-ordinating support for Disclosers; and
  - (b) monitoring and managing the risk of Reprisals.
13. All **Executive Directors, Directors and Associate Directors** are responsible for:
- (a) maintaining a workplace culture that values professionalism, integrity and diligence;
  - (b) demonstrating positive ethical standards and values to Employees through their own conduct and communications at work;
  - (c) 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);

- (d) providing appropriate support to Employees who report suspected wrongdoing;
- (e) implementing appropriate controls to prevent harm to QPAC's assets and resources; and
- (f) assisting Employees to resolve ethical dilemmas, as required.

14. All **Board members, Employees, Volunteers and Contractors** are responsible for:

- (a) conducting their duties to a high professional and ethical standard;
- (b) seeking appropriate guidance if they have an ethical dilemma;
- (c) reporting any wrongdoing within QPAC of which they become aware – IN CONFIDENCE – to:
  - (i) a PID Contact Officer;
  - (ii) for Board members: the Chief Executive;
  - (iii) for Employees: their line manager, Associate Director, Director or Executive Director; or
  - (iv) another Proper Authority;
- (d) complying with policies and procedures in regard to Corrupt Conduct matters and PIDs;
- (e) immediately referring any complaints of Corrupt Conduct or PIDs they receive – IN CONFIDENCE – to a PID Contact Officer;
- (f) cooperating fully with investigations into suspected Corrupt Conduct and PIDs;
- (g) maintaining the confidentiality of suspected Corrupt Conduct matters and PIDs;
- (h) refraining from Reprisal action (or inaction, as the case may be).

## **ENQUIRIES**

15. If you have any enquiries regarding this Policy, please contact a PID Contact Officer.

## **REVIEW**

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

17. The review must include an evaluation of the effectiveness of this Policy.

## **PUBLICATION**

18. This Policy 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
Contractor	A person working at QPAC or providing services to QPAC pursuant to a contract.
Corrupt Conduct	<p>Conduct of a person that:</p> <ul style="list-style-type: none"> <li>• adversely affects, or could adversely affect, directly or indirectly, the performance of functions or exercise of powers of: <ul style="list-style-type: none"> <li>○ a Queensland Government agency (e.g. QPAC); or</li> <li>○ any person holding an office or position in a Queensland Government agency (e.g. Board member or Employee); and</li> </ul> </li> <li>• 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"> <li>○ is not honest or is not impartial;</li> <li>○ involves a breach of the trust placed in a person holding an office or appointment, either knowingly or recklessly; or</li> <li>○ 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</li> </ul> </li> <li>• is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and</li> <li>• would, if proved, be: <ul style="list-style-type: none"> <li>○ a criminal offence; or</li> <li>○ a disciplinary breach providing reasonable grounds for terminating the person's services.</li> </ul> </li> </ul> <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>
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
Maladministration	<p>Administrative action that:</p> <ul style="list-style-type: none"> <li>• was undertaken contrary to law;</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>• was unreasonable, unjust, oppressive, or improperly discriminatory;</li> <li>• 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</li> <li>• was taken: <ul style="list-style-type: none"> <li>○ for an improper purpose;</li> <li>○ on irrelevant grounds; or</li> <li>○ having regard to irrelevant considerations; or</li> </ul> </li> <li>• was an action for which reasons should have been given, but were not given; or</li> <li>• was based wholly or partly on a mistake of law or fact; or</li> <li>• was wrong.</li> </ul> <p>(Source: <i>Public Interest Disclosure Act 2010</i>)</p>
PID	<p>Public Interest Disclosure</p> <ul style="list-style-type: none"> <li>• A disclosure made by any person to a Proper Authority about: <ul style="list-style-type: none"> <li>○ a substantial and specific danger to the health or safety of a person with a disability;</li> <li>○ the commission of particular offences or contraventions which pose a substantial and specific danger to the environment; or</li> <li>○ a Reprisal; or</li> </ul> </li> <li>• A disclosure made by a Board member or Employee about: <ul style="list-style-type: none"> <li>○ the conduct of another person that could, if proved, be: <ul style="list-style-type: none"> <li>▪ Corrupt Conduct; or</li> <li>▪ Maladministration that adversely affects a person's interests in a substantial and specific way;</li> </ul> </li> <li>○ 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);</li> <li>○ a substantial and specific danger to Public Health or Safety; or</li> <li>○ a substantial and specific danger to the environment.</li> </ul> </li> </ul> <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>
PID Contact Officers	Employees nominated in QPAC's <i>Corrupt Conduct and Public Interest Disclosure Procedure</i> as Public Interest Disclosure Contact Officers.
PID Support Officers	Employees nominated in QPAC's <i>Corrupt Conduct and Public Interest Disclosure Procedure</i> as Public Interest Disclosure Support Officers.
Proper Authority	<ul style="list-style-type: none"> <li>• A Queensland Government agency; or</li> <li>• A Member of Parliament</li> </ul> <p>(Source: <i>Public Interest Disclosure Act 2010</i>)</p>
QPAC	Queensland Performing Arts Trust
QPAT Act	<i>Queensland Performing Arts Trust Act 1977 (Qld)</i>
Reprisal	<p>A person takes a Reprisal if they cause, or attempt or conspire to cause, detriment including (without limitation):</p> <ul style="list-style-type: none"> <li>• personal injury or prejudice to safety;</li> <li>• property damage or loss;</li> <li>• intimidation or harassment;</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>• adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business;</li> <li>• financial loss; and</li> <li>• damage to reputation, including, for example, professional or business reputation</li> </ul> <p>to another person because, or in the belief that:</p> <ul style="list-style-type: none"> <li>• the other person or someone else has made, or intends to make, a PID; or</li> <li>• the other person or someone else is, has been, or intend to be, involved in a proceeding under the PID Act against any person.</li> </ul> <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>
Volunteer	A person working at or for QPAC as a volunteer, intern or on a work experience placement.

## REFERENCES

<i>Crime and Corruption Act 2001</i>
<i>Public Interest Disclosure Act 2010</i>
<i>Public Interest Disclosure Standard No. 1</i>
<i>QPAC Code of Conduct</i>
<i>QPAC Corrupt Conduct and Public Interest Disclosure Procedure</i>

## OTHER RESOURCES

<p><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)</p>
<p><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)</p>
<p><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)</p>
<p><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)</p>

### Attribution:

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