

# Public Interest Disclosure Policy

## POLICY STATEMENT

The Queensland Competition Authority (QCA) is committed to upholding high standards of professional and ethical conduct by its employees. The QCA is also committed to maintaining integrity and promoting the public interest through recording, assessing and managing public interest disclosures in accordance with the *Public Interest Disclosure Act 2010* (Qld) (PID Act).

## 1 PRINCIPLES

The following principles apply:

- All public sector officers have an ethical responsibility to report suspected corrupt conduct; maladministration; wasting of public funds; substantial and specific danger to public health and safety, the environment or a person with disability; and reprisal action.
- The principle of natural justice (procedural fairness) applies to all investigations of matters that are the subject of public interest disclosures (PIDs). The QCA is committed to treating all PIDs appropriately and making the process fair for both the discloser and the person who is subject to the disclosure.
- The rights of any person who is subject to, or is in some way associated with, a disclosure will be safeguarded.

## 2 SCOPE/APPLICATION

This policy applies to:

- all employees of the QCA and non-employees such as contractors, consultants, volunteers and any other person or entity who provide the QCA with services on a paid or voluntary basis
- any member of the general public making a disclosure, as defined under the PID Act.

## 3 WHAT IS A PUBLIC INTEREST DISCLOSURE?

A PID is a disclosure of information about the conduct or wrongdoing of a person in the public sector.

For an allegation to be considered a PID, it must be:

- about substantial and specific wrongdoing or danger that is in the public interest
- an 'appropriate' disclosure
- made to a proper authority.

### 3.1 Substantial and specific wrongdoings or danger

Any person (including members of the public) can make a disclosure about:

- a substantial and specific danger to the health and safety of a person with disability (as defined in the *Disability Service Act 2006*)
- a substantial and specific danger to the environment, or

- a reprisal as a result of a PID.

QCA employees can also make a PID about:

- suspected official corrupt conduct (as defined in the *Crime and Corruption Act 2001*)
- maladministration that adversely affects anyone's interest in a substantial and specific way
- a substantial misuse of public resources
- a substantial and specific danger to public health or safety.

### 3.2 An appropriate disclosure

An appropriate disclosure is a disclosure that meets the subjective and objective tests set out in the PID Act. This means:

- the discloser honestly and reasonably believes the information provided tends to show the substantial and specific dangers to public or environment
- the information tends to show the conduct or danger regardless of the discloser's belief.

A disclosure amounts to a PID and is covered by the PID Act even if the:

- discloser reports the information as part of their duties—such as an auditor reporting a fraud or an occupational health and safety officer reporting a safety breach
- disclosure is made anonymously—the discloser is not required to give their name or any identifying information
- discloser has not identified the material as a PID—it is up to the QCA to assess information received and decide if it is a PID
- disclosure is unsubstantiated or unable to be validated 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.

### 3.3 Disclosure to a proper authority

'Proper authorities' are persons and organisations authorised under the PID Act to receive PIDs, for example:

- the public sector organisation that is the subject of the PID
- an agency that has authority to investigate the matter
- a Member of the Legislative Assembly (MP).

## 4 DISCLOSURES THAT ARE NOT PIDS

A person making a disclosure is not protected by the PID Act if the disclosure:

- is made to the media (except in the special circumstances outlined in the QCA PID procedure)
- is made frivolously or vexatiously
- primarily questions the relative merits of government or QCA policy.

Disclosures that are wilfully false constitute an offence under the PID Act.

A disclosure cannot be based on a mere disagreement over a legitimate policy decision about amounts, purposes or priorities of expenditure.

## 5 QCA EMPLOYEE OBLIGATIONS

All employees must report all suspected instances of corrupt conduct, maladministration or wrongdoing, whether the matter has come to their direct attention, has been reported to them by another employee or a member of the public, or has been received anonymously.

It is a criminal offence for a QCA employee to:

- intentionally give false or misleading information intending it to be acted on as a PID
- cause or take reprisal
- fail to preserve confidentiality of PID information.

Employees may be subject to disciplinary action for intentionally giving false or misleading information in a PID or during an investigation into a PID.

## 6 THE QCA'S COMMITMENT

When the QCA receives a PID, the QCA is committed to:

- responding to the disclosure thoroughly, objectively, reasonably and impartially
- protecting the integrity, wellbeing, career interest and good name of all persons involved
- protecting the person who made the disclosure from any adverse action as a result of making the disclosure
- treating any adverse action that results from a disclosure being made (despite the best actions of the QCA to prevent it from occurring) as a breach of the QCA's Code of Conduct
- keeping the discloser informed of the progress and outcome.

## 7 LEGISLATION

The following Queensland legislation applies to PIDs:

- The *Public Sector Ethics Act 1994* and *Public Interest Disclosure Act 2010* provide the ethical framework for the public sector and spell out the protection principles.
- The *Crime and Corruption Act 2001* provides an external reporting mechanism and an independent investigation and enforcement body.
- The *Disability Services Act 2006* allows disclosures to be made in relation to a person with disability.

## 8 RELATED QCA DOCUMENTS

Public Interest Disclosure Procedure

Public Interest Disclosure Management Plan

Code of Conduct for employees

Delegation Policy

Finance Manual

Purchasing Policy

<b>RELEASE NOTICE</b>			
<b>Version</b>	<b>Amendment details</b>	<b>Person</b>	<b>Date</b>
Ver 2.0	Updated to ensure alignment with current statutes and some minor amendments	Director, Corporate Services	28/06/2017
Ver 2.01	Document transferred into new QCA policy template and reconfigured to comply with template outline	Executive Assistant	28/06/2017
Ver 3.0	Updated to align with creation of the PID Procedure	Manager Human Resources	06/03/2018
Ver 4.0	Updated to align with new PID Standards issued by the Queensland Ombudsman.	Manager Human Resources	12/07/2019
Ver 5	Minor change after the Queensland Ombudsman reviewed the policy	Information Management Officer	30/06/2021

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**Approved by:** Flavio Menezes

**Title:** Chair

**Signature:**

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