

Public Interest Disclosure Policy

1. Purpose

This policy is the administrative instrument to provide guidance if an employee or member of the public wishes to make a public interest disclosure (PID) under the *Public Interest Disclosure Act 2010* (PID Act).

This policy ensures that all staff of Stadiums Queensland (SQ) are aware of and have access to the support processes available to those who wish to make or are affected by a public interest disclosure. The purpose of this policy is to provide awareness to staff of their responsibilities with regard to fair treatment of employees who make a public interest disclosure or who are called upon to make a disclosure and those who may be the subject of a disclosure, and encourage staff to be accountable for their actions.

2. Definitions

Crime and Corruption Commission (CCC) is the body which has primary responsibility for the achievement of the purpose of the *Crime and Corruption Act 2001*.

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

- (a) adversely affects, or could adversely affect, directly or indirectly, the honest and impartial performance of functions or exercise of powers of:
 - (i) a unit of SQ; or
 - (ii) any person holding an appointment at SQ; and
- (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers of (a) in a way that:
 - (i) is not honest or is not impartial; or
 - (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - (iii) 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
- (c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and
- (d) would, if proved, be:
 - (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt conduct includes, without limiting the above, all conduct listed under s15 (2) of the *Crime and Corruption Act 2001*.

Danger to the environment refers to any substantial and specific danger that is an offence, or the contravention of a condition mentioned in Schedule 2 of the PID Act.

Misuse of public resources: PIDs can also relate to a substantial misuse of public resources. A PID cannot be based on an individual disagreeing with policy that may properly be adopted about amounts, purposes or priorities of expenditure.

Natural justice (procedural fairness) is the right to be given a fair hearing, the opportunity to present one's case, the right to have a decision made by an unbiased decision maker and the right to have that decision based on objective evidence.

PID Coordinator is the Manager, Human Resources, of SQ, or the Group Executive, Finance and Corporate Services in the absence of the Manager, Human Resources.

Public health or safety means health or safety of individuals who are under 'lawful care or control' (e.g. public or private hospital patients), using community facilities or services provided by the public or private sector, or in employment workplaces.

Public Interest Disclosure (PID) is a disclosure made under the PID Act, Chapter 2, and includes all information and help given by the discloser to a proper authority for the disclosure.

Reprisal refers to a situation where a person causes, attempts or conspires to cause, detriment to another person because, or in the belief that the person or another person has made, or may make a PID.

3. Roles and Responsibilities

PID Co-ordinator is the central point for the management of PIDs. The PID Coordinator will work with supervisors, managers and senior management to ensure disclosers are supported and protected.

Officer receiving a PID: The PID Act (section 65) refers to the preservation of confidentiality of information gained in the administration of the PID Act. It is an offence for an employee who receives confidential information under the PID Act to make a record of the information or intentionally or recklessly disclose the information to someone else other than:

- (a) for the purpose of the PID Act; or
 - (b) to discharge a function under another Act (e.g. to investigate a PID); or
 - (c) for a proceeding in a court or tribunal; or
 - (d) if authorised under a regulation or another Act; or
 - (e) if the person to whom the information relates consents in writing; or
- (i) the employee cannot reasonably obtain the consent of the person to whom the confidential information relates; and
 - (ii) making the record or disclosing the information would be unlikely to harm the interests of that person and would be reasonable in the circumstances; or

- (f) If the employee reasonably believes that making the record or disclosing the information is necessary to provide for the safety or welfare of the person; or
- (g) If authorised under a regulation or another Act.

Group Executives, Venue Managers and Supervisors are to ensure employees are aware of their responsibilities regarding the making a PID and are able to advise other persons of the appropriate reporting process.

Employees should be able to identify potential situations where behaviour may be unethical or fraudulent and know how to report it. They are responsible for immediately referring PIDs to the PID Coordinator.

4. Policy

4.1 Application

Stadiums Queensland is committed to creating and sustaining a positive ethical climate with accountable behaviour, and encourages and supports the reporting of suspected wrongdoing to promote openness, accountability and good management.

Stadiums Queensland encourages disclosures by:

- Protecting the dignity, wellbeing, career interests and good name of all persons involved;
- Protecting the discloser from any adverse action taken as a result of making the disclosure;
- Treating any bullying, harassment, unfair treatment, victimisation or discrimination that results from a disclosure being made as a breach of the Code of Conduct;
- Responding to the disclosure thoroughly and impartially;
- Ensuring people involved in a disclosure are offered an appropriate level of support;
- Keeping the discloser informed of the progress and outcome.

Stadiums Queensland will ensure that all public interest disclosures received are properly assessed and dealt with, including appropriate action being taken in relation to any wrongdoing disclosed.

This policy applies to all SQ employees (permanent, temporary or casual) and persons engaged under a contract of service.

4.2 Employee Disclosures

An employee may make a PID, under the protections of the PID Act. Employees making a PID are encouraged to do so internally. Disclosures may be made to:

- (a) the PID Coordinator (Manager, Human Resources);
- (b) the Group Executive, Finance and Corporate Services;
- (c) the Chief Executive; or
- (d) the Chair of the Audit, Risk and Compliance Committee.

Disclosures can be made in any way, including:

- (a) in person;
- (b) in writing (by letter, e-mail or memo); or
- (c) by telephoning the Human Resources Unit.

All disclosures of wrong doing will be sent to the PID Coordinator for recording and to be dealt with.

4.3 Disclosures by any person

Under the PID Act any person may make a PID, if the person has information about:

- (a) a substantial and specific danger to the health and safety of a person with a disability; or
- (b) substantial and specific danger to the environment; or
- (c) the conduct of another person that would, if proved, be a reprisal.

To make a written disclosure, correspondence should be addressed to:

Private and Confidential
Stadiums Queensland
PID Coordinator (Manager, Human Resources)
PO Box 1834
Milton Qld 4064

Any PID received from the public should immediately be noted and sent to the PID Coordinator.

Stadiums Queensland's Public Interest Disclosure Procedure provides instruction on the requirements for making a public interest disclosure. The procedure also provides guidance as to the process required to deal with the complex issues associated with a public interest disclosure.

5. References

- *Crime and Corruption Act 2001*
- *Public Sector Ethics Act 1994*
- *Industrial Relations Act 1999 (Queensland)*
- *Industrial Relations Regulation 2014*
- *Public Interest Disclosure Act 2010*
- Queensland Ombudsman: Handling a public interest disclosure: A guide for public sector managers and supervisors
- Queensland Ombudsman: Making a public interest disclosure: A guide for individuals working in the public sector
- Queensland Ombudsman: Managing a public interest disclosure program - A guide for public sector organisations
- Queensland Ombudsman: Public Interest Disclosure Standards
- Stadiums Queensland Code of Conduct
- Stadiums Queensland Employee Handbook and Induction for New Staff
- Stadiums Queensland Write-off and Losses of Assets Policy
- CCC: "*Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector*"