

## 1. PURPOSE AND SCOPE

The Energy Queensland Limited (EQL) and its subsidiaries (the EQL Group) is committed to fostering an ethical, transparent culture as documented in the Public Interest Disclosure & Whistleblower Policy.

## 2. DEFINITIONS, ABBREVIATIONS AND ACRONYMS

Term	Definition
Administrative action	<p>(a) means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> <li>(i) a decision and an act; and</li> <li>(ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and</li> <li>(iii) the formulation of a proposal or intention; and</li> <li>(iv) the making of a recommendation, including a recommendation made to a Minister; and</li> <li>(v) an action taken because of a recommendation made to a Minister; and</li> </ul> <p>(b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
Associate	Has the meaning given to it by sections 10-17 of the Corporations Act. For example, a director or secretary of the EQL Group or a related company of the EQL Group.
CC Act	Means <i>Crime and Corruption Act 2001</i> (Qld) (the CC Act)
Confidential information	<p>(a) includes—</p> <ul style="list-style-type: none"> <li>(i) information about the identity, occupation, residential or work address or whereabouts of a person — <ul style="list-style-type: none"> <li>(a) who makes a public interest disclosure; or</li> <li>(b) against whom a public interest disclosure has been made; and</li> </ul> </li> <li>(ii) information disclosed by a public interest disclosure; and</li> <li>(iii) information about an individual's personal affairs; and</li> <li>(iv) information that, if disclosed, may cause detriment to a person; and</li> </ul> <p>(b) does not include information publicly disclosed in a public interest disclosure 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>
Conduct	Includes any act or omission

Term	Definition
Corporations Act	Means <i>Corporations Act 2001</i> (Cth) (the Corporations Act)
Corrupt Conduct	<p>As defined in section 15 of the CC Act.</p> <p>Means conduct of a person, regardless of whether the person holds or held an appointment, that –</p> <ul style="list-style-type: none"> <li>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of – <ul style="list-style-type: none"> <li>(i) a unit of public administration; or</li> <li>(ii) a person holding an appointment; and</li> </ul> </li> <li>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that – <ul style="list-style-type: none"> <li>(i) is not honest or is not impartial; or</li> <li>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</li> <li>(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</li> </ul> </li> <li>(c) would, if proved, be – <ul style="list-style-type: none"> <li>(i) a criminal offence; or</li> <li>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</li> </ul> </li> </ul> <p>Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that –</p> <ul style="list-style-type: none"> <li>(a) impairs, or could impair, public confidence in public administration; and</li> <li>(b) involves, or could involve, any of the following: <ul style="list-style-type: none"> <li>(i) collusive tendering;</li> <li>(ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described) – <ul style="list-style-type: none"> <li>(a) protecting health or safety of persons;</li> <li>(b) protecting the environment;</li> <li>(c) protecting or managing the use of the State's natural, cultural, mining or energy resources;</li> </ul> </li> <li>(iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</li> <li>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</li> </ul> </li> </ul>

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Term	Definition
	<p>(v) fraudulently obtaining or retaining an appointment; and</p> <p>(c) would, if proved, be –</p> <p>(i) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</p> <p>(ii) a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services if the person is or were the holder of an appointment.</p>
CCC	Means the Crime and Corruption Commission established under the CC Act and which must be informed of any allegation of corrupt conduct in relation to an Employee.
Detrimental action	<p>Includes, but is not limited to, any of the following, including threats of the following:</p> <p>(a) dismissal, or changes in work conditions or position or duties;</p> <p>(b) discrimination;</p> <p>(c) injury or harm to a person or their property;</p> <p>(d) harassment, intimidation or psychological harm; and</p> <p>(e) damage to property, reputation, business or financial position.</p> <p>Detrimental Action does not include Reasonable Management Action.</p>
Disability	<p>As defined in section 11 of the Disability Services Act for the purposes of this procedure:</p> <p>(a) A disability is a person's condition that—</p> <p>(i) is attributable to—</p> <p>(a) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</p> <p>(b) a combination of impairments mentioned in subparagraph and</p> <p>(ii) results in—</p> <p>(a) a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self care or management; and</p> <p>(b) the person needing support.</p> <p>(b) For subsection (a), the impairment may result from an acquired brain injury.</p> <p>(c) The disability must be permanent or likely to be permanent.</p> <p>The disability may be, but need not be, of a chronic episodic nature.</p>
Disability Services Act	Means <i>Disability Services Act 2006</i> (Qld) (the Disability Services Act)
Discloser	A person who makes a disclosure in accordance with, as relevant:

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Term	Definition
	<ul style="list-style-type: none"> <li>the PID Act</li> <li>the Corporations Act.</li> </ul>
Employee	Means all employees of the EQL Group, whether permanent, temporary or casual, and includes a person engaged by the EQL Group under a contract of service.
EQL's Integrity Line	<p>EQL's Integrity Line is administered by an independent external party and is private and confidential. When reporting, disclosers can choose to remain anonymous, or just anonymous to the EQL Group.</p> <p>The EQL Integrity Line is available on 1800 822 965, where disclosers can speak directly to an independent external party operator 24 hours a day, 365 days a year or via report via an online form.</p> <p>The EQL Integrity Line is used to report serious misconduct when other avenues of reporting have been exhausted.</p>
Maladministration	<p>As defined in schedule 4 of the PID Act, maladministration is administrative action that—</p> <ul style="list-style-type: none"> <li>(a) was taken contrary to law; or</li> <li>(b) was unreasonable, unjust, oppressive, or improperly discriminatory; or</li> <li>(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; or</li> <li>(d) was taken— <ul style="list-style-type: none"> <li>(i) for an improper purpose; or</li> <li>(ii) on irrelevant grounds; or</li> <li>(iii) having regard to irrelevant considerations; or</li> </ul> </li> <li>(e) was an action for which reasons should have been given, but were not given; or</li> <li>(f) was based wholly or partly on a mistake of law or fact; or</li> <li>(g) was wrong.</li> </ul>
Natural justice	<p>Refers to the concept of fairness. What Natural Justice requires will depend on the circumstances but common examples of how it can be provided include actions such as:</p> <ul style="list-style-type: none"> <li>Specifying to the relevant parties the allegations that have been made against them and providing them with any adverse material and information.</li> <li>Giving each party the opportunity to adequately state their case.</li> <li>Ensuring that decision/s are made in good faith, without bias.</li> </ul> <p>Ensuring any decision/s made is supported by the facts or evidence in the matter.</p>
Officer	Has the meaning given under section 9 of the Corporations Act.

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Term	Definition
Organisational support	<p>For the purposes of this procedure, organisational support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Providing moral and emotional support;</li> <li>• Advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure;</li> <li>• Appointing a mentor, confidante, or other support officer to assist the discloser through the process;</li> <li>• Referring the discloser to the agency's Employee Assistance Program or arranging for other professional counselling;</li> <li>• Generating support for the discloser in their work unit where appropriate;</li> <li>• Ensuring that any suspicions of victimisation or harassment are dealt with.</li> </ul>
Proper authority	A person or organisation that is authorised under the PID Act to receive disclosures.
PID Act	Means <i>Public Interest Disclosure Act 2010 (Qld)</i> (the PID Act)
PID and Whistleblower Coordinator	Means the Company Secretary. In the event that a disclosure is about the Company Secretary, the PID and Whistleblower Coordinator for that disclosure will be the Chief Executive Officer.
PR Act	Means <i>Public Records Act 2002 (Qld)</i> (the PR Act)
Reasonable belief	A view which is objectively fair or sensible.
Reasonable management action	<p>Action taken by a manager in relation to an employee, includes any of the following taken by the manager—</p> <ul style="list-style-type: none"> <li>(a) a reasonable appraisal of the employee's work performance;</li> <li>(b) a reasonable requirement that the employee undertake counselling;</li> <li>(c) a reasonable suspension of the employee from the employment workplace;</li> <li>(d) a reasonable disciplinary action;</li> <li>(e) a reasonable action to transfer or deploy the employee;</li> <li>(f) a reasonable action to end the employee's employment by way of redundancy or retrenchment;</li> <li>(g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f);</li> <li>(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.</li> </ul>
Reprisal	The term 'reprisal' is defined under the PID Act as causing, attempting to cause or conspiring to cause detriment to another person in the belief that

Term	Definition
	they or someone else: <ul style="list-style-type: none"><li>• has made, or intends to make, a public interest disclosure; or</li><li>• has been, or intends to be, involved in a proceeding under the Act against any person.</li></ul> Reprisal under the PID Act is a criminal offence and investigations may be undertaken by the Queensland Police Service.
Subject officer	An employee or officer of the EQL Group who is the subject of allegations of wrongdoing made in a disclosure.
Substantial and specific	Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.  Specific means "precise or particular". This refers to conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms.

### 3. REFERENCE DOCUMENTS

Fraud and Corruption Prevention Policy P017 - 681818

Public Interest Disclosure and Whistleblower Policy P047 - 682377

Corporations Act 2001 (Cth)

Crime and Corruption Act 2001 (Qld)

Disability Services Act 2006 (Qld)

Public Interest Disclosure Act 2010 (Qld)

Public Interest Disclosure Standards No1-3/2019

Public Records Act 2002 (Qld)

### 4. PUBLIC INTEREST DISCLOSURE GUIDELINES

The Chief Executive Officer has overall responsibility for ensuring that the EQL Group develops, implements and maintains a PID management program.

The Chief Executive Officer has designated the following roles and responsibilities for managing PIDs within EQL:

Role:	Responsibilities:	Officer:
PID Coordinator	<ul style="list-style-type: none"> <li>• principal contact for PID issues within EQL</li> <li>• document and manage implementation of PID management program</li> <li>• review and update PID procedure annually</li> <li>• maintain and update internal records of PIDs received</li> <li>• report data on PIDs to Queensland Ombudsman</li> <li>• assess PIDs received</li> <li>• provide acknowledgment of receipt of PID to discloser</li> <li>• undertake risk assessments in consultation with disclosers and other relevant officers</li> <li>• liaise with other agencies about referral of PIDs</li> <li>• allocate Investigator and Support Officer to PID matter</li> </ul>	General Manager Internal Audit & Assurance
PID Support Officer	<ul style="list-style-type: none"> <li>• provide personal support and referral to other sources of advice or support as required</li> <li>• facilitate updates on progress of investigation</li> <li>• proactively contact discloser throughout PID management process</li> </ul>	An appropriate internal Support Officer will be appointed for each PID investigated.
Investigator	<ul style="list-style-type: none"> <li>• conduct investigation of information in PID in accordance with terms of reference</li> <li>• prepare report for delegated decision-maker</li> </ul>	An appropriate investigator will be appointed for each PID investigated depending upon the type of disclosure and other relevant considerations.

## 4.2. Why make a PID?

Corruption, maladministration, and misuse of public resources contributes to increased costs of providing public services. The PID Act encourages the disclosure of information about suspected wrongdoing so that:

- organisations can better identify wrongdoing
- suspected wrongdoing can be properly evaluated and investigated
- action can be taken to fix problems
- systems that can reduce the risk of wrongdoing can be implemented.

Any person can make a public interest disclosure about:

- a substantial and specific danger to the health or safety of a person with a disability;
- substantial and specific danger to the environment; and
- reprisal because of a belief that a person has made or intends to make a disclosure.

In addition, an employee of the EQL Group can make a disclosure about:

- corrupt conduct by another person;
- the conduct of another person that could, if provided be a reprisal that relates to a previous disclosure made by the employee.

A discloser can have either a 'reasonable belief' that wrongdoing has occurred, or provide evidence which tends to show the wrongdoing has occurred.

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 EQL Group to assess information received and decide if it is a PID.
- If 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.

## **4.3 Who can a PID be disclosed to?**

A PID must be made to the 'proper authority' to receive disclosures of the type being made.

Disclosers are encouraged to make a disclosure to an appropriate officer of EQL first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.



Who to contact within the EQL Group:	Other agencies that can receive PIDs:
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> <li>the Company Secretary;</li> <li>the GM Internal Audit &amp; Assurance</li> <li>the Integrity unit;</li> <li>the People, Property &amp; Safety division;</li> <li>the Chief Executive Officer; or</li> <li>any person in a supervisory or managerial position.</li> </ul>	<ul style="list-style-type: none"> <li>Disclosures can be made to an agency that has a responsibility for investigating the information disclosed: CCC for disclosures about corrupt conduct including reprisal;</li> <li>Queensland Ombudsman for disclosures about maladministration;</li> <li>Queensland Audit Office (QAO) for disclosures about a substantial misuse of resources;</li> <li>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;</li> <li>Department of Communities, Disability Services and Seniors for disclosures about danger to the health and safety of a person with a disability;</li> <li>Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability;</li> <li>Department of Environment and Science disclosures about danger to the environment;</li> <li>A Member of the Legislative Assembly (MP) for any wrongdoing or danger;</li> <li>The Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer.</li> <li>Also, a person may make a complaint under the <i>Anti-Discrimination Act 1991</i> about a reprisal in accordance with section 44 of the PID Act. A complaint can be lodged with the Queensland Human Rights Commission.</li> </ul>

## 4.4 How to make a PID

In making a PID a discloser should provide as much information as possible, including:

- provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number);
- provide as much information as possible about the suspected wrongdoing, including:
  - who was involved;
  - what happened;
  - when it happened;
  - where it happened;
  - whether there were any witnesses, and if so, who they are;
  - any evidence that supports the PID, and where the evidence is located; and
  - any further information that could help investigate the PID.
- provide this information in writing.

## 4.5. Deciding whether a matter is a PID

If there is any doubt as to whether a matter is a PID, further information may be obtained to inform the decision. If doubt still remains, the matter will be considered and managed as a PID.

Mere disagreements over policy do not meet the threshold for a PID under the PID Act. A PID can still be made if all the information above is incomplete: e.g. the time and place of an event is known, but the name of the officer/s is not.

A person making a PID has a responsibility to:

- provide honest and accurate information; and
- provide all information currently in their possession.

Deliberately providing false or misleading information is an offence under the PID Act.

The EQL Group will not tolerate any form of reprisal including harassment or victimisation, and will act to protect employees who raise a concern in good faith and honestly believe information provided tends to show corrupt conduct.

## 4.6. Assessing a PID

The disclosure will be assessed in accordance with the PID Act, the PID Standard, EQL's Public Interest Disclosure Guidelines and any other relevant procedure(s).

Once the matter has been assessed as a PID, EQL will advise the discloser:

- that their information has been received and assessed as a PID;
- the action to be taken by EQL in relation to the disclosure, which could include referring the matter to an external agency, or investigating;
- the likely timeframe involved;
- the name and contact details of the EQL support officer they can contact for updates or advice;
- of the discloser's obligations regarding confidentiality;
- the protections the discloser has under the PID Act;
- the commitment of EQL to keep appropriate records and maintain confidentiality, except where permitted under the PID Act;
- how updates regarding intended actions and outcomes will be provided to the discloser;
- contact details for the EQL Employee Assistance Program.

If the PID has been made anonymously and the discloser has not provided any contact details, EQL will not be able to acknowledge the PID or provide any updates.

Upon receiving a PID, EQL will conduct a risk assessment to assess the likelihood of the discloser suffering reprisal action as a result of having made the disclosure. This assessment will take into account the actual and reasonably perceived risk of the discloser suffering detriment, and will include consultation with the discloser.

Consistent with the assessed level of risk, EQL will arrange any reasonably necessary support or protection for the discloser.

## 4.7. Referring a PID

If the EQL Group decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency. This may be because:

- the PID concerns wrongdoing by that agency or an employee of that agency;
- the agency has the power to investigate or remedy the matter.

In these cases, the discloser will be advised of the action taken by the EQL Group.

It may also be necessary to refer the PID to another agency because of a legislative obligation, for example, refer a matter to the CCC where there is a reasonable suspicion that the matter involves or may involve corrupt conduct (as required by section 38 of the CC Act).

The confidentiality obligations of the PID Act permit appropriate officers of the EQL Group to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contacts with any other agency.

## 4.8. Declining to take action on a PID

Under the PID Act, the EQL Group may decide not to investigate or deal with a PID in various circumstances, including:

- the information disclosed has already been investigated or dealt with by another process;
- the information disclosed should be dealt with by another process;
- the age of the information makes it impractical to investigate;
- the information disclosed is too trivial and dealing with it would substantially and unreasonably divert EQL from the performance of its functions;
- another agency with jurisdiction to investigate the information has informed EQL that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID, EQL will give the discloser written reasons for that decision.

If the discloser is dissatisfied with the decision, they can request a review by writing to the Chief Executive Officer of the EQL Group within 28 days of receiving the written reasons for a decision.

## 4.9. Investigating a PID

If a decision is made to investigate a PID, this will be done with consideration for the:

- principles of natural justice;
- obligation under the PID Act to protect confidential information;
- obligation under the PID Act to protect officers from reprisal;
- interests of subject officers.

If as a result of investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken.

Where the investigation does not substantiate wrongdoing, the EQL Group will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

## 4.10. Organisational Support for disclosers

Disclosers should not suffer any form of detriment as a result of making a PID. In the event of reprisal action being alleged or suspected, the EQL Group will:

- attend to the safety of disclosers or affected third parties as a matter of priority;
- review its risk assessment and any protective measures needed to mitigate any further risk of reprisal;
- manage any allegation of a reprisal as a PID in its own right.

Details about disclosures, investigations, and related decisions will be kept secure and accessible only to the people involved in the management of the PID. The EQL Group will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.

While the EQL Group will make every attempt to protect confidentiality, a discloser's identity may need to be disclosed to:

- provide natural justice to subject officers;
- respond to a court order, legal directive or court proceedings.

Disclosers should be aware that while EQL will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity. Information and support will be provided to the discloser until the matter is finalised.

Making a PID does not prevent reasonable management action. That means that the discloser will continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

## 4.11. Rights of subject officers

The EQL Group acknowledges that for officers who are the subject of a PID the experience may be stressful. The EQL Group will protect their rights by:

- assuring them that the PID will be dealt with impartially, fairly and reasonably in accordance with the principles of natural justice;
- confirming that the PID is an allegation only until information or evidence obtained through an investigation substantiates the allegation;
- providing them with information about their rights and the progress and outcome of any investigation;
- referring them to the Employee Assistance Program for support.

Information and support will be provided to subject officer until the matter is finalised.

## 4.12. Record-keeping

In accordance with its obligations under the PID Act and the PR Act, the EQL Group will ensure that:

- accurate data is collected about the receipt and management of PIDs;
- data is reported to the Office of the Queensland Ombudsman in their role as the oversight agency, through the PID reporting database.

Records about disclosures, investigations, and related decisions will be kept secure and accessible only to appropriately authorised people involved in the management of the PID.