

1. PURPOSE

The Energy Queensland Limited group of companies (EQL) is committed to fostering an ethical, transparent culture as documented in the Public Interest Disclosure Policy.

2. POLICY STATEMENT

2.1. Public Interest Disclosure Management Program

The Chief Executive Officer has overall responsibility for ensuring that EQL develops, implements and maintains a Public Interest Disclosure (PID) management program which encompasses:

- commitment to encouraging the internal reporting of wrongdoing;
- senior management endorsement of the value to EQL of PIDs and the proper management of PIDs;
- a communication strategy to raise awareness among employees about PIDs and EQL's PID procedure;
- EQL actively includes ethics and integrity training pursuant to its Code of Conduct, particularly during staff inductions;
- specialist training and awareness about PIDs for staff who may receive or manage PIDs, disclosers or workplace issues relating to PIDs;
- the appointment of a specialist officer/unit to be responsible for issues related to the management of PIDs;
- ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls;
- regular review of the PID Procedure and evaluation of the effectiveness of the PID management program.

2.2. What is a PID?

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;
- 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.

2.3. Who can a PID be disclosed to?

An EQL employee may make a PID to EQL (in accordance with the EQL PID Guidelines) or the Crime and Corruption Commission. A PID can be made anonymously. PID's will be assessed in accordance with the PID Guidelines. All matters will be considered on their merits based on the nature, extent and scope of conduct that has given rise to the complaint. The Group Manager Internal Control and Audit is responsible for assessing and reporting of PIDs under the PID Act to the Queensland Ombudsman on behalf of EQL.

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2.4. Assessing a PID

Under the PID Act, EQL may decide not to investigate or deal with a PID in various circumstances. If a decision is made not to investigate a PID EQL will give the discloser written reasons for that decision. The discloser may request a review by writing to the Chief Executive Officer of EQL within 28 day of receiving the written reasons for the decision.

For all investigations, EQL will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

2.5. Organisational support for disclosers

EQL 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. Deliberately providing false or misleading information is an offence under the PID Act. EQL actively includes ethics and integrity training pursuant to its Code of Conduct, particularly during staff inductions.

2.6. Record keeping

EQL has an obligation under the PID Act and the Public Records Act 2002 to keep accurate data about the receipt and management of PIDs.

3. IMPLEMENTATION

Application/Scope

This policy applies to Energy Queensland Limited, its officers and employees and any other personnel notified that this policy applies to them. This policy is intended to apply to a secondee to Energy Queensland Limited. However, if an equivalent policy of the seconded employee's employer creates an enforceable right, this policy will apply to that employee only to the extent that it can operate consistently with the equivalent policy

4. REFERENCES

4.1. Relevant Legislation

[Crime and Corruption Act 2001](#)

[Ombudsman Act 2001](#)

[Public Interest Disclosure Act 2010](#)

[Public Records Act 2002](#)

[Public Sector Ethics Act 1994](#)

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5. DEFINITIONS, ABBREVIATIONS AND ACRONYMS

- Administrative action**
- (a) means any action about a matter of administration, including, for example:
 - (i) a decision and an act; and
 - (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
 - (iii) the formulation of a proposal or intention; and
 - (iv) the making of a recommendation, including a recommendation made to a Minister; and
 - (v) an action taken because of a recommendation made to a Minister; and
 - (b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.
- Confidential information**
- (a) includes —
 - (i) information about the identity, occupation, residential or work address or whereabouts of a person —
 - (a) who makes a public interest disclosure; or
 - (b) against whom a public interest disclosure has been made; and
 - (ii) information disclosed by a public interest disclosure; and
 - (iii) information about an individual's personal affairs; and
 - (iv) information that, if disclosed, may cause detriment to a person; and
 - (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.

Corrupt conduct As defined in section 15 of the [Crime and Corruption Act 2001](#):

- (1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—
 - (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - (i) a unit of public administration; or
 - (ii) a person holding an appointment; and
 - (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—
 - (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.
- (2) Without limiting subsection (1), conduct that involves any of the following could be corrupt conduct under subsection (1)—
 - (a) abuse of public office;
 - (b) bribery, including bribery relating to an election;
 - (c) extortion;
 - (d) obtaining or offering a secret commission;
 - (e) fraud;
 - (f) stealing;
 - (g) forgery;
 - (h) perverting the course of justice;
 - (i) an offence relating to an electoral donation;
 - (j) loss of revenue of the State;
 - (k) sedition;
 - (l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm;
 - (m) obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person;
 - (n) illegal drug trafficking;
 - (o) illegal gambling.

Detriment	includes – (a) personal injury or prejudice to safety; and (b) property damage or loss; and (c) intimidation or harassment; and (d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and (e) financial loss; and (f) damage to reputation, including, for example, personal, professional or business reputation.
Disability	As defined in section 11 of the Disability Services Act 2006 , for the purposes of this procedure: (1) A disability is a person's condition that— (a) is attributable to— (i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or (ii) a combination of impairments mentioned in subparagraph and (b) results in— (i) a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self care or management; and (ii) the person needing support. (2) For subsection (1), the impairment may result from an acquired brain injury. (3) The disability must be permanent or likely to be permanent. (4) The disability may be, but need not be, of a chronic episodic nature.
Discloser	A person who makes a disclosure in accordance with the Public Interest Disclosure Act 2010 .
Employee	of an entity, includes a person engaged by the entity under a contract of service.
Journalist	a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
Maladministration	As defined in schedule 4 of the Public Interest Disclosure Act 2010 , maladministration is administrative action that— (a) was taken contrary to law; or (b) was unreasonable, unjust, oppressive, or improperly discriminatory; or (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 (d) was taken— (i) for an improper purpose; or (ii) on irrelevant grounds; or (iii) having regard to irrelevant considerations; or (e) was an action for which reasons should have been given, but were not given; or (f) was based wholly or partly on a mistake of law or fact; or (g) was wrong.

Natural justice	<p>Natural justice, also referred to as ‘procedural fairness’ applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none">• avoid bias; and• give a fair hearing. <p>act only on the basis of logically probative evidence.</p>
Organisational support	<p>For the purposes of this procedure, organisational support means actions such as, but not limited to:</p> <ol style="list-style-type: none">(a) providing moral and emotional support;(b) advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure;(c) appointing a mentor, confidante or other support officer to assist the discloser through the process;(d) referring the discloser to the agency’s Employee Assistance Program or arranging for other professional counselling;(e) generating support for the discloser in their work unit where appropriate;(f) ensuring that any suspicions of victimisation or harassment are dealt with;(g) maintaining contact with the discloser; and(h) negotiating with the discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need assistance.
Proper authority	<p>A person or organisation that is authorised under the Public Interest Disclosure Act 2010 to receive disclosures.</p>
Public officer	<p>A public officer, of a public sector entity, is an employee or officer of EQL.</p>
Reasonable belief	<p>A view which is objectively fair or sensible.</p>
Reasonable management action	<p>Action taken by a manager in relation to an employee, includes any of the following taken by the manager—</p> <ol style="list-style-type: none">(a) a reasonable appraisal of the employee’s work performance;(b) a reasonable requirement that the employee undertake counselling;(c) a reasonable suspension of the employee from the employment workplace;(d) a reasonable disciplinary action(e) a reasonable action to transfer or deploy the employee; \(f) a reasonable action to end the employee’s employment by way of redundancy or retrenchment;(g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f);(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.

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Reprisal The term 'reprisal' is defined under the [Public Interest Disclosure Act 2010](#) as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:

- has made or intends to make a disclosure; or
- has been or intends to be involved in a proceeding under the disclosure Act against any person.

Reprisal under the [Public Interest Disclosure Act 2010](#) is a criminal offence and investigations may be undertaken by the Queensland Police Service.

Subject officer An employee or officer of EQL 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.

ENFORCEMENT

If you are an Energy Queensland Limited employee, a breach of this policy should be reported to your line manager.

If you are a stakeholder of Energy Queensland Limited (including members of the public), any concerns regarding the application of the policy should be addressed to the General Manager Internal Control and Audit.

VARIATION

This policy is not intended to detract from, or add to, any rights held by a person covered by this policy under a contract of employment or enterprise agreement. Subject to any consultation obligations, Energy Queensland Limited may vary, add to, withdraw, or replace this policy, at its discretion, at any time.

CATEGORY

Governance