

March 2021

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## Purpose

The purpose of this Public Interest Disclosure Procedure (**Procedure**) is to:

- promote public interest disclosure (**PID**) of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated;
- ensure support and protection from Reprisal is afforded to CleanCo employees who make PIDs;
- ensure that practical and effective procedures are implemented which comply with the requirements of the *Public Interest Disclosure Act 2010 (PID Act)*.

CleanCo's *Public Interest Disclosure Procedure* is available for public viewing at <http://www.cleancoql.com.au> and available internally to employees on our intranet, Watts On.

The scope of this Procedure covers only Protected Disclosures that are PIDs under the PID Act. Please refer to CleanCo's Whistleblower Protection Policy for information on other Protected Disclosures.

## When does this Procedure apply?

This Procedure applies if a CleanCo employee (a **Discloser**) has information about a suspected wrongdoing regarding the following conduct:

- the conduct of another CleanCo employee, that could, if proved, be Corrupt Conduct; or
- the conduct of another person that could, if proved, be a Reprisal that relates to a previous disclosure made by the employee to CleanCo or the Crime and Corruption Commission,

and makes a PID to CleanCo or the Crime and Corruption Commission.

The Discloser has 'information' about the conduct of the person if:

- the Discloser honestly believes on reasonable grounds that the information tends to show the conduct; or
- the information tends to show the conduct, regardless of whether the employee honestly believes the information tends to show the conduct.

The Discloser may make a PID anonymously but must follow this Procedure.

The PID Act also provides for any person to make disclosures about a range of matters to a 'proper authority' (see sections 12 and 17 of the PID Act), these matters include a substantial and specific danger to the health or safety of a person with a disability, and certain contraventions and offences which are or would be a substantial and specific danger to the environment. CleanCo is not a 'proper authority' under section 5 of the PID Act, and any employee wanting to make a disclosure about a matter that is not expressly provided for in this Procedure should refer to the PID Act, and the relevant procedures of the 'proper authority' that can receive that disclosure.

## Roles and Responsibilities

- The **CEO** is accountable for implementing this Procedure to ensure that:
  - any Discloser who makes a PID is given appropriate support;
  - PIDs made to CleanCo are properly assessed and, where appropriate, properly investigated and dealt with;
  - appropriate action is taken in relation to any wrongdoing which is the subject of a PID;

- a management program for PIDs is developed and implemented, including training and company-wide communications to encourage the internal reporting of wrongdoing; and
- CleanCo employees who make PIDs are offered protection from reprisal by CleanCo or other employees of CleanCo.

The CEO designates responsibility for the implementation of this Procedure to the Company Secretary.

- The **Company Secretary** is the PID coordinator responsible for:
  - being the principal contact for PID issues within CleanCo;
  - maintaining and updating internal records of PIDs received;
  - assessing the PIDs received, including the risk of reprisal against the Discloser;
  - providing acknowledgment of receipt of PID to Discloser;
  - allocating a Support Officer and Investigator to the PID; and
  - implementing the PID
- Any member of the **Executive Leadership Team** may be a **Support Officer** responsible for:
  - providing advice and information to the Discloser on this Procedure;
  - providing personal support and referral to other sources of advice or support as required;
  - facilitating updates on the progress of the investigation; and
  - proactively contact discloser throughout the PID management process.
- The **Investigator** is an appropriate appointed internal or external investigator responsible for:
  - conducting an investigation of PID information; and
  - prepare an investigation report for delegated decision-maker.
- The **Delegated Decision-Maker** is appointed internally and responsible for:
  - reviewing the investigation report and determining whether alleged wrongdoing is substantiated.

## Why make a PID?

PIDs are an important source of information about wrongdoing in the public sector, and information derived from PIDs help to improve systems that prevent fraud and other economic loss.

Employees who speak up about public sector misconduct play a key role in identifying and addressing problems in public sector administration, and in strengthening the community's trust in public administration.

When making a PID the Discloser receives the protections provided under the PID Act, including:

- **confidentiality** – the Discloser's name and other identifying information will be protected to the extent possible;
- **protection against reprisal** – the Discloser is protected from unfair treatment by CleanCo and employees of CleanCo as a result of making the PID;
- **immunity from liability** – the Discloser cannot be prosecuted for disclosing the information (but the discloser will not be exempt from action if they have engaged in wrongdoing);
- **protection from defamation** – the Discloser has a defence against an accusation of defamation by the person that the PID is about.

## How to make a PID

A Discloser can make a PID in any way, including anonymously, and either verbally or in writing. To assist in the assessment, and any subsequent investigation of a PID, Disclosers are requested to:

- 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.

## Who can a PID be disclosed to?

In accordance with section 19(5) of the PID Act, disclosers must make a disclosure in accordance with this Procedure.

A PID can be made to the **Company Secretary** or the **Crime and Corruption Commission**. It is CleanCo's preference that PIDs be reported internally to the Company Secretary in the first instance.

### **Company Secretary**

Phone: 0439 898 729

Email: [companysecretary@cleancoqld.com.au](mailto:companysecretary@cleancoqld.com.au)

Mail: Public Interest Disclosures, Attention: Company Secretary  
PO Box 952, Brisbane QLD 4000

### **Crime and Corruption Commission**

Website: <http://www.ccc.qld.gov.au/corruption/report-corruption>

Phone: (07) 3360 6060 or 1800 061 611

Email: [complaints@ccc.qld.gov.au](mailto:complaints@ccc.qld.gov.au)

Mail: Complaints Officer - Crime and Corruption Commission  
GPO Box 3123, Brisbane Qld 4001

Anonymous reports can be made to CleanCo's secure, independent and confidential whistleblowing service provider ("Your Call Whistleblowing Solutions"). An anonymous approach can either be made online at <http://www.yourcall.com.au/report> or by calling 1300 790 228 AEST 24/7. This service allows the discloser the following options:

- to remain completely anonymous;
- to identify themselves to the independent provider; or
- to identify themselves to both the independent provider and CleanCo.

A disclosure can also be made to a journalist if a valid PID was initially made to CleanCo or the Crime and Corruption Commission, and CleanCo or the Crime and Corruption Commission (as applicable):

- decided not to investigate or deal with the disclosure, or

- investigated the disclosure but did not recommend taking any action, or
- failed to notify the discloser within six months of making the disclosure regardless of whether the disclosure was to be investigated or otherwise dealt with.

A person who makes a disclosure to a journalist in these circumstances is protected under the PID Act. However, disclosers should be aware that journalists are not bound under the confidentiality provisions of section 65 of the PID Act.

## Deciding whether a matter is a PID

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

It is an offence under the PID Act to intentionally give false or misleading information intending it be acted on as a PID. Employees may be subject to disciplinary action for intentionally giving false or misleading information in a PID, or during an investigation into a PID.

Where a Discloser states they are making a PID, but it is assessed that the matter is not a PID, CleanCo will advise the Discloser in writing:

- that their information has been received but was not assessed as a PID;
- the reasons for the decision;
- the review rights available if the Discloser is dissatisfied with the decision and how to request review;
- any action CleanCo proposes to take in relation to the matter; and
- any other options the Discloser has in relation to the matter.

## Assessing a PID

The disclosure will be assessed in accordance with the PID Act, this Procedure and any other relevant CleanCo processes.

Once the matter has been assessed as a PID, CleanCo may provide an update (in writing) to the Discloser. This may include:

- that their information has been received and assessed as a PID;
- the action to be taken by CleanCo in relation to the disclosure;
- the likely timeframe involved;
- the name and contact details of a CleanCo 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 CleanCo 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; and
- contact details for the CleanCo Employee Assistance Program.

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

## Risk assessment and protection from Reprisal

Disclosers should not suffer any form of Detriment as a result of making a PID. Upon receiving a PID, CleanCo will conduct a risk assessment to assess the likelihood of the Discloser (or witnesses or affected third parties) 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 (or witnesses or affected third parties) suffering Detriment and may include consultation with the Discloser.

A risk assessment will be undertaken if the Discloser is anonymous based on information available in the PID. The risk assessment will also consider the risk to persons who may be suspected of making the PID.

If the risk assessment identifies a risk of Reprisal, CleanCo will develop a risk management plan and arrange any reasonably necessary support or protection for the Discloser (or witnesses or affected third parties).

CleanCo will, as required, reassess the risk of Reprisal while the PID is being managed and review the risk management plan if required.

In the event of Reprisal action being alleged or suspected, CleanCo will:

- attend to the safety of the Discloser (or witnesses or affected third parties) as a matter of priority;
- review its risk assessment, risk management plan 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.

## Declining to act on a PID

Under the PID Act, CleanCo 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 CleanCo from the performance of its functions; or
- another agency with jurisdiction to investigate the information has informed CleanCo that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID, CleanCo 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 CEO of CleanCo within 28 days of receiving the written reasons for decision.

## Communication with Disclosers

CleanCo will acknowledge receipt of the PID in writing as soon as practicable. The Discloser may be provided with information about the PID, including:

- the action that will be taken in response to the PID;
- the protections under the PID Act;
- confidentiality obligations of the Discloser and CleanCo; and
- support arrangements.

If CleanCo determines it appropriate to do so, CleanCo may maintain contact with the Discloser and provide regular updates during the management of the PID. After finalising action in response to the PID, CleanCo may (if it determines it appropriate to do so) advise the Discloser in writing of the action taken and the results of the action.

## Confidentiality

While CleanCo will make every attempt to protect confidentiality, a Discloser's identity may need to be disclosed to:

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

CleanCo will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the Discloser wherever possible.

Disclosers should be aware that while CleanCo will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

## Support for Disclosers

CleanCo recognises that providing appropriate support to a Discloser is an important feature of effective PID management.

An assessment will be undertaken to identify the support needs of the Discloser. Where appropriate, a Support Officer will be assigned to the Discloser. The Support Officer will assist the Discloser to access information about PIDs, protections available under the PID Act and the PID management process. The PID Support Officer will proactively contact the Discloser to offer support. Information and support will be provided to the Discloser until the matter is finalised.

Making a PID does not prevent Reasonable Management Action being taken in relation to the Discloser. 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.

## 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; and
- interests of Support 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, and where it is considered desirable to do so, CleanCo will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

## Rights of Subject Officers

CleanCo acknowledges that for officers who are the subject of a PID the experience may be stressful. CleanCo 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; and
- referring them to the Employee Assistance Program for support.

Information and support will be provided to a Subject Officer until the matter is finalised.

## Record-keeping

In accordance with its obligations under the PID Act and the *Public Records Act 2002* (Qld), CleanCo will ensure that accurate data is collected about the receipt and management of PIDs.

If a Standard is applicable to CleanCo pursuant to sections 33 and 60(7) of the PID Act, CleanCo will comply with such Standards, including any requirement to report data to the Office of the Queensland Ombudsman in its role as the oversight agency.

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.

## General

This Procedure sets out how CleanCo will manage a PID. This Procedure is not a term of any contract, including any contract of employment and does not impose any contractual duties, implied or otherwise, on CleanCo. All employees, directors, contractors, suppliers, partners and consultants of CleanCo will be made specifically aware of whistleblower protection laws including Public Interest Disclosures, in addition to attending appropriate and relevant training. This Procedure may be varied by CleanCo from time to time and will be reviewed annually.

## References

This Procedure should be read together with the:

- Compliance Policy
- Code of Conduct
- Anti-bribery and Corruption Policy
- Fraud and Corruption Prevention Policy
- Whistleblower Protection Policy
- Enterprise Risk Management Policy.

The following legislation applies to this Procedure:

- *Crime and Corruption Act 2001* (Qld)
- *Public Interest Disclosure Act 2010* (Qld)
- *Public Records Act 2002* (Qld)
- Public Interest Disclosure Standard No. 1, No. 2 and No. 3, to the extent applicable.

## Definitions

The following definitions apply to this Procedure:

Administrative Action	<p>As defined in the Public Interest Disclosure Act, Administrative Action any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> <li>▪ a decision and an act;</li> <li>▪ a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision;</li> <li>▪ the formulation of a proposal or intention;</li> <li>▪ the making of a recommendation, including a recommendation made to a Minister; and</li> <li>▪ an action taken because of a recommendation made to a Minister, but does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</li> </ul>
Confidential Information	<p>As defined in the Public Interest Disclosure Act, Confidential Information includes:</p> <ul style="list-style-type: none"> <li>▪ information about the identity, occupation, residential or work address or whereabouts of a person: <ul style="list-style-type: none"> <li>○ who makes a PID; or</li> <li>○ against whom a PID has been made;</li> </ul> </li> <li>▪ information disclosed by a PID;</li> <li>▪ information about an individual’s personal affairs; and</li> <li>▪ information that, if disclosed, may cause detriment to a person, but does not include information publicly disclosed in a PID made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.</li> </ul>
Corrupt Conduct	<p>As defined in the <i>Crime and Corruption Act 2001</i> (Qld). Under the Crime and Corruption Act, there are two different types of corrupt conduct.</p> <p><b>“Type A”</b> corrupt conduct involves conduct that affects, or could affect, a public official so that the performance of their functions or the exercise of their powers:</p> <ul style="list-style-type: none"> <li>▪ is not honest or impartial; or</li> <li>▪ knowingly or recklessly breaches public trust; or</li> <li>▪ involves the misuse of agency-related information or material.</li> </ul> <p>Common examples of Type A corrupt conduct include fraud and theft, extortion, unauthorised release of information, obtaining or offering a secret commission and nepotism.</p> <p><b>“Type B”</b> corrupt conduct involves specific types of conduct that impair, or could impair, public confidence in public administration. This may include:</p> <ul style="list-style-type: none"> <li>▪ collusive tendering; or</li> <li>▪ fraud relating to an application for a licence, permit or other authority relating to public health or safety; the environment; or the State’s natural, cultural, mining or energy resources; or</li> <li>▪ dishonestly obtaining public funds or State assets; or</li> <li>▪ evading a State tax, levy or duty or fraudulently causing a loss of State revenue; or</li> <li>▪ fraudulently obtaining or retaining an appointment.</li> </ul> <p>Both Type A and Type B corrupt conduct must be either a criminal offence or serious enough to warrant dismissal.</p>

Detriment	<p>As defined in the Public Interest Disclosure Act, Detriment includes:</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> <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, personal, professional or business reputation.</li> </ul>
Discloser	A person who makes a Disclosure in accordance with the Public Interest Disclosure Act.
Protected Disclosure	<p>is a disclosure of Reportable Conduct which falls within the statutory definition of:</p> <ul style="list-style-type: none"> <li>• An eligible disclosure under the Corporations Act (Part 9.4AAA – Protections for Whistleblowers) or Tax Administration Act (Corporations Act Disclosures); or</li> <li>• A public interest disclosure under the PID Act.</li> </ul>
Reasonable Management Action	<p>As defined in the PID Act, Reasonable Management 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 reasonable appraisal of the employee’s work performance;</li> <li>▪ a reasonable requirement that the employee undertake counselling;</li> <li>▪ a reasonable suspension of the employee from the employment workplace;</li> <li>▪ a reasonable disciplinary action;</li> <li>▪ a reasonable action to transfer or deploy the employee;</li> <li>▪ a reasonable action to end the employee’s employment by way of redundancy or retrenchment;</li> <li>▪ a reasonable action in relation to an action mentioned in the above items; and</li> <li>▪ 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>
Reportable Conduct	<p>This refers to any conduct which:</p> <ul style="list-style-type: none"> <li>▪ Is or could be dishonest, fraudulent, corrupt or unethical;</li> <li>▪ Is or could be an illegal or criminal act (including but not limited to theft, drug use or sale, violence or threatened violence and criminal damage to property);</li> <li>▪ Is a repeated breach of CleanCo Policy or administrative processes;</li> <li>▪ Is or could be a breach of commonwealth or state legislation or local authority by-laws;</li> <li>▪ Comprises an unsafe work practice(s) involving substantial risk to the health and safety to CleanCo employees and suppliers, or to the public;</li> <li>▪ Causes or may cause financial or non-financial loss or damage to CleanCo or is otherwise detrimental to CleanCo’s interests;</li> <li>▪ Is or could be a Reprisal that relates to a previous disclosure of Reportable Conduct; or</li> <li>▪ Is any deliberate concealment of any of the above.</li> </ul>
Reprisal	<p>This term is defined in the Public Interest Disclosure Act as causing, attempting to cause or conspiring to cause Detriment to another person in the belief that they or someone else:</p> <ul style="list-style-type: none"> <li>▪ has made or intends to make a disclosure; or</li> <li>▪ has been or intends to be involved in a proceeding under the disclosure Act against any person.</li> </ul> <p>Reprisal under the Public Interest Disclosure Act is a criminal offence and investigations may be undertaken by the Queensland Police Service.</p>
Subject Officer	An officer who is the subject of allegations of wrongdoing made in a disclosure

## Document governance

<b>Title:</b>	Public Interest Disclosure Procedure
<b>Approved by:</b>	CEO
<b>Periodicity of review:</b>	Annual
<b>Approved:</b>	March 2021