



Economic Development Queensland

Creating and investing in sustainable places for Queensland to prosper

Minister for Economic Development Queensland (MEDQ) and the EDQ Employing Office

Public Interest Disclosure Policy

July 2024



**Queensland
Government**

1. Policy

The Minister for Economic Development Queensland (MEDQ) and the EDQ Employing Office are committed to fostering an ethical and transparent culture. In pursuit of this, MEDQ and the EDQ Employing Office value the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated in accordance with the *Public Interest Disclosure Act 2010* (PID Act).

2. Rationale

By complying with the PID Act, MEDQ and the EDQ Employing Office will:

- promote the public interest by facilitating public interest disclosures (PIDs) of wrongdoing.
- ensure that PIDs are properly assessed and, where appropriate properly investigated and dealt with
- ensure suitable consideration is given to the interests of persons who are the subject of a PID and ensure protection from reprisal is afforded to persons making PIDs

As required under the PID Act, the Chief Executive Officer (CEO) and the Executive Officer of the EDQ Employing Office (EO) will implement procedures to ensure that:

- any public officer who makes a PID is given appropriate support
- PIDs made to MEDQ and/or EDQ Employing Office 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 made to MEDQ and/or EDQ Employing Office, consistent with the standards issued by the Queensland Ombudsman, is developed and implemented
- public officers who make PIDs are offered protection from reprisal by MEDQ and/or EDQ Employing Office or other public officers of MEDQ and/or EDQ Employing Office.

3. Applicability

This policy applies:

- to all persons who hold an appointment in, or are officers of, MEDQ or the EDQ Employing Office.

3.1 PID Management Program

The CEO and EO have overall responsibility for ensuring that MEDQ and the EDQ Employing Office develop, implement and maintain a PID management program. The MEDQ and EDQ Employing Office PID management program encompasses:

- commitment to encouraging the internal reporting of wrongdoing
- senior management endorsement of the value to MEDQ and EDQ Employing Office of PIDs, training and awareness and the proper management of PIDs
- ensuring effective and communicated systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business



processes and internal controls

- a training and awareness strategy to give officers access to training about how to make a PID, information on the support available to a discloser, and advice on how PIDs will be managed
- the appointment of a unit to be responsible for issues related to the management of PIDs
- regular review of the PID Procedure and evaluation of the effectiveness of the PID management program

3.2 What is a PID

Under the PID Act, any person can make a disclosure about a:

- substantial and specific danger to the health or safety of a person with a disability
- the commission of an offence, or contravention of a condition imposed under a provision of legislation mentioned in Schedule 2 of the PID Act if the offence or contravention would be a 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, public sector officers can make a disclosure about the following public interest matters:
 - corrupt conduct
 - maladministration that adversely affects a person's interests in a substantial and specific way
 - a substantial misuse of public resources
 - a substantial and specific danger to public health or safety
 - substantial and specific danger to the environment

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

If a disclosure is made anonymously – the person is not required to give their name or any identifying information.

3.3 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 MEDQ and/or EDQ Employing Office first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency. Listed below are the MEDQ (which include EDQ Employing Office officers) officers and other agencies that PIDs can be disclosed to.

MEDQ Officers	Other Agencies
Chief Executive Officer	Crime and Corruption Commission
Chief Financial Officer	Queensland Ombudsman
Executive Directors	Queensland Audit Office



Director, Governance	Department of Children and Youth Justice and Multicultural Affairs Department of the Public Guardian Department of Environment and Science Member of Legislative Assembly (MP) Chief Judicial Officer of a court or tribunal
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A disclosure can also be made to a journalist if the following conditions have been met:

- a valid PID was initially made to a proper authority, and
- the proper authority:
 - 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 whether or not 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.

3.4 How to Make a PID

A discloser can make a PID in any way, including anonymously, 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 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, any further information that could help investigate the PID.
- provide this information in writing.

3.5 Deciding if 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.

It is an offence under the PID Act to intentionally give false or misleading information intending it be acted on as a PID. Officers 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, MEDQ and/or EDQ Employing Office will advise the discloser:

- 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 MEDQ and/or EDQ Employing Office proposes to take in relation to the matter; and



- any other options the discloser has in relation to the matter.

3.6 Assessing a PID

Once the matter has been assessed as a PID, MEDQ and/or EDQ Employing Office will advise the person making the disclosure:

- that their information has been received and assessed as a PID;
- the action to be taken by MEDQ and/or EDQ Employing Office 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 MEDQ support officer to contact for updates or advice of the discloser's obligations regarding confidentiality;
- the protections the discloser has under the PID Act;
- the commitment of MEDQ and EDQ Employing Office 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 MEDQ's Employee Assistance Program.

If the PID has been made anonymously and the person has not provided any contact details, MEDQ and/or EDQ Employing Office will not be able to acknowledge the PID or provide any updates.

3.7 Referring a PID

If either MEDQ and/or EDQ Employing Office decide 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 officer of that agency; or
- the agency has the power to investigate or remedy the matter.

The discloser will be advised of the action taken by MEDQ and/or EDQ Employing Office.

3.8 Risk Assessment and Protection from Reprisal

A person making a disclosure should not suffer any form of detriment as a result of making a PID. Upon receiving a PID, MEDQ and/or EDQ Employing Office 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 will include consultation with the discloser.

If the discloser is anonymous, a risk assessment will be undertaken on the basis of information available in the PID. The risk assessment will also take into account the risk to persons who may be suspected of making the PID.

Consistent with the assessed level of risk, MEDQ and/or EDQ Employing Office will develop and implement a risk management plan and arrange any reasonably necessary support or protection for the discloser. The risk management plan will be reviewed while the PID is being managed.



3.9 Declining to Take Action on a PID

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

If a decision is made not to investigate or deal with a PID, MEDQ and/or EDQ Employing Office 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 MEDQ or the EO of the EDQ Employing Office within 28 days of receiving the written reasons for decision.

3.10 Communication with Disclosers

Under the PID Act, MEDQ and/or EDQ Employing Office must give reasonable information to a discloser.

MEDQ and/or EDQ Employing Office will acknowledge receipt of the PID in writing as soon as practicable. The discloser will be provided with information that meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman, including:

- the action that will be taken in response to the PID;
- the protections under the PID Act;
- confidentiality obligations of the discloser and MEDQ and/or EDQ Employing Office; and
- support arrangements.

MEDQ and/or EDQ Employing Office will maintain contact with the discloser and provide regular updates during the management of the PID. In accordance with the PID Act, after finalising action in response to the PID, MEDQ and/or EDQ Employing Office will advise the discloser in writing of the action taken and the results of the action.

3.11 Confidentiality

MEDQ and/or EDQ Employing Office will make every attempt to protect confidentiality, however a discloser's identity may need to be disclosed to:

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

MEDQ and/or EDQ Employing Office will ensure that all communications with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.



3.12 Support for Disclosers

MEDQ and EDQ Employing Office recognise that providing appropriate support to a discloser is an important feature of effective PID management. A PID officer will assist the discloser to access information about PIDs, protections available under the PID Act and the PID management process. A PID officer will proactively contact the discloser to offer support.

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

3.13 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 subject officers.

Appropriate action will be taken if the wrongdoing is substantiated after being investigated. Where the investigation does not substantiate wrongdoing, MEDQ and/or EDQ Employing Office will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

3.14 Rights of Subject Officers

MEDQ and EDQ Employing Office acknowledge that for officers who are the subject of a PID the experience may be stressful. MEDQ and EDQ Employing Office 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 MEDQ's Employee Assistance Program for support.

4. Definitions

The key terms referred to are as follows:

Term	Definition
Board	The Economic Development Board as defined in the <i>Economic Development Act 2012</i> (Schedule 1 - Dictionary).
CEO	The Chief Executive Officer (CEO) as defined in the <i>Economic Development Act 2012</i> (Section 32Q (1)).
Corrupt conduct	As defined under Section 15 of the <i>Crime and Corruption Act 2001</i> .



Crime and Corruption Commission (CCC)	The Commission continued in existence under the <i>Crime and Corruption Act 2001</i> .
Discloser	A person who makes a disclosure in accordance with the <i>Public Interest Disclosure Act 2010</i> .
EDQ Employing Office	The Economic Development Queensland employing office is a statutory body as defined in the <i>Economic Development Act 2012</i> (Part 9, Division 1).
Executive Officer	The Executive Officer (EO) as defined in the <i>Economic Development Act 2021</i> (Section 32 ZK)
MEDQ	A corporation sole constituted by the Minister established under the name Minister for Economic Development Queensland as defined in the <i>Economic Development Act 2012</i> (Section 8 (1)).
Officer	Includes the CEO (Section 32Q (1)), EO (Section 32ZK), EDQ employees (Schedule 1 - Dictionary) as defined in the <i>Economic Development Act 2012</i> and contractors.
Subject Officer	An officer who is the subject of allegations of wrongdoing made in a Disclosure.

5. References

5.1 Legislation / Subordinate Legislation

- Crime and Corruption Act 2001
- Information Privacy Act 2009
- Public Interest Disclosure Act 2010
- Local Government Act 2009
- Ombudsman Act 2001
- Public Records Act 2002
- Public Sector Ethics Act 1994
- Economic Development Act 2012

5.2 Other Documents or Processes

- Complaints management policy
- Customer complaints management procedure
- Complaints about the Chief Executive Officer
- Managing employee complaints policy
- Managing corrupt conduct policy
- Privacy complaints policy



Document Control

Version	Issue Date	Reason	Author	Approver	Approval Date
1.0	July 2024	New policy	Chief Executive Officer	Board	29 July 2024

