

QUEENSLAND THEATRE

PUBLIC INTEREST DISCLOSURE POLICY

1. CONTEXT

- This policy has been prepared to comply with section 28 of the *Public Interest Disclosure Act 2010* (the PID Act) and the relevant PID Standards (PID Standard NO. 1/2019 which came into effect on 1 March 2019) issued by the Queensland Ombudsman, under section 60 of the PID Act.
- The *Public Interest Disclosure Act 2010* protects a person who makes a Public Interest Disclosure (PID).

2. PURPOSE

This policy demonstrates Queensland Theatre's commitment to receiving, assessing and responding to any Public Interest Disclosures (PIDs) under the *Public Interest Disclosure Act 2010 (PID Act)*. The policy aims to:

- (i) promote the public interest by facilitating public interest disclosures (PIDs) of wrongdoing in Queensland Theatre (QT)
- (ii) support high standards of professional and ethical conduct within QT; and
- (iii) facilitate the effective notification, assessment and management of PIDs.

3. SCOPE

This policy applies to Board members, employees, contractors, volunteers regardless of their employment status, and to other persons who wish to make a PID relating to Queensland Theatre.

4. POLICY STATEMENT

Queensland Theatre (QT) is committed to fostering an ethical, transparent culture, promoting the public interest. In pursuit of this, QT values transparency and accountability and supports the disclosure of information about suspected wrongdoing such as unethical, illegal, corrupt or other inappropriate conduct so that it can be properly assessed and if necessary, appropriately investigated.

Disclosures in the public interest received by QT will be assessed in accordance with the PID Act, the PID Standard and this policy. To facilitate appropriate management of PIDs, QT will establish systems and procedures to ensure:

- any public officer who makes a PID is offered support and protection from reprisal
- appropriate consideration is given to the interests of persons who are subject of a PID
- PIDs received are properly assessed and, where appropriate, properly investigated
- appropriate action is taken in relation to any wrongdoing established as a result of a PID
- a PID management program is developed and implemented.

5. KEY PRINCIPLES

1. QT employees have an ethical responsibility to report suspected corrupt conduct, maladministration, wasting of public funds, substantial and specific danger to public health and safety, the environment or a person with a disability, and reprisal action.
2. QT is committed to ensuring appropriate action is taken in relation to any wrongdoing.

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3. QT is committed to treating a PID appropriately and the principle of natural justice (procedural fairness) will apply to all investigations of matters the subject of a PID to ensure that the process is fair for both the discloser and the person who is the subject of a disclosure.
4. The rights of any person who is subject to or is in some way associated with a disclosure will be safeguarded.

6. WHAT IS A PUBLIC INTEREST DISCLOSURE?

A PID is a disclosure in the public interest, of information about suspected wrongdoing or danger in the public sector. For an allegation to be considered a PID, it must meet three criteria:

1. Public interest information about substantial and specific wrongdoing or danger
2. A PID must be an appropriate disclosure
3. A PID must be made to a proper authority

1. Public interest information about substantial and specific wrongdoing or danger

A PID may be made by any person who has a reasonable belief, or provides evidence which tends to show, that wrongdoing has occurred about any of the following matters:-

- substantial and specific danger to the health or safety of a person with a disability;
- substantial and specific danger to the environment, or
- the conduct of another person that could, if proved, be reprisal action following a PID or because a person intends to make a disclosure.

In addition, a person may make a PID about any of the following public interest matters:

- corrupt conduct by another person
- 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.

2. PID must be an appropriate disclosure

An appropriate disclosure meets the subjective and objective tests set out in the PID Act. This means:

- the discloser honestly and reasonably believes the information provided, or has evidence which, tends to show the conduct or danger
- the information tends to show the conduct or danger regardless of the discloser's belief.

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 agency to assess information received and decide if it is a PID

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- 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.

3. PID must be made to a proper authority

A PID must be made to the ‘proper authority’. Proper authorities are persons and organisations authorised under the PID Act to receive public interest disclosures. Examples of proper authorities are:

- the public sector organisation that is the subject of the PID
- another appropriate agency that has responsibility for investigating the information disclosed, for example:
 - Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal
 - Queensland Ombudsman for disclosures about maladministration
 - Queensland Audit Office for disclosures about a substantial misuse of resources
 - 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
 - Department of Communities, Disability Services and Seniors for disclosures about danger to the health and safety of a person with a disability
 - Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability
 - Department of Environment and Science disclosures about danger to the environment
 - A Member of the Legislative Assembly (MP) for any wrongdoing or danger
 - The Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer.

The following types of disclosure are not considered a PID, and are not protected under the PID Act:

- frivolous or vexatious matters
- except as permitted in section 8 of the PID Procedures, a disclosure made to a journalist
- a disclosure which primarily questions the relative merits of government or agency policy
- a disclosure made substantially to avoid disciplinary action.

7. PID MANAGEMENT PROGRAM

As required under the PID Act, QT will develop and implement a PID management program which encompasses:

- a commitment to encouraging the internal reporting of wrongdoing
- appointment of a PID Coordinator
- development of a communication strategy to raise awareness among employees about PIDs
- delivery of appropriate training for managers with responsibilities for receiving and/or managing PIDs
- access for employees to training and information about how to make a PID, the support available to a discloser, and how PIDs will be managed by QT
- the outcomes from PIDs inform improvements to QT’s service delivery, business processes and internal controls
- regular review of the PID policy and the effectiveness of the PID management program.

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8. REVIEW

This Policy must be reviewed at least every 3 years, or earlier if there are regulatory amendments. The review must include an evaluation of the effectiveness of this Policy.

9. PUBLICATION

This policy is published on QT's public website.

10. REFERENCES

Crime and Corruption Act 2001

Public Interest Disclosure Act 2010

Public Interest Disclosure Standard No. 1

QT Code of Conduct

11. DEFINITIONS

Term	Definition
Board	Queensland Theatre's Board (Queensland Theatre Company comprising members appointed under section 6(1) of the <i>Queensland Theatre Company Act 1970</i>)
Executive Director	Queensland Theatre's Executive Director (The director of Queensland Theatre Company appointed under section 31 of the <i>Queensland Theatre Company Act</i>)
CCC	Crime and Corruption Commission
Contractor	A person working at Queensland Theatre or providing services to Queensland Theatre pursuant to a contract
Corrupt conduct	Conduct of a person that— (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— (i) a Queensland Government agency (eg Queensland Theatre); or (ii) a person holding an appointment in a Queensland Government agency (eg Board member or employee); 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; (c) is engaged in for the purpose of providing a benefit to the person or another person or causing detriment to another person; (d) impairs, or could impair, public confidence in public administration; and (e) involves, or could involve, any of the following— (i) collusive tendering; (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)— (A) protecting health or safety of persons; (B) protecting the environment; (C) protecting or managing the use of the State's natural, cultural, mining or energy resources; (iv) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;

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Term	Definition
	<p>(v) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p> <p>(vi) fraudulently obtaining or retaining an appointment; and</p> <p>(f) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p> <p><i>(Source: Crime and Corruption Act 2001)</i></p>
Discloser	A person who makes a disclosure in accordance with the <i>Public Interest Disclosure Act 2010</i> .
Employee	All Queensland Theatre employees including permanent, fixed term, casual, and temporary,
Investigation	For the purposes of this procedure, investigation includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.
Maladministration	<p>Administrative action that—</p> <ul style="list-style-type: none"> • was taken contrary to law; or • was unreasonable, unjust, oppressive, or improperly discriminatory; or • 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 • was taken— <ul style="list-style-type: none"> ○ for an improper purpose; or ○ on irrelevant grounds; or ○ having regard to irrelevant considerations; or • was an action for which reasons should have been given, but • were not given; or • was based wholly or partly on a mistake of law or fact; or • was wrong. <p><i>(Source: Public Interest Disclosure Act 2010)</i></p>
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. • act only on the basis of logically probative evidence.
PID Contact Officer	An employee nominated in Queensland Theatre's <i>Public Interest Disclosure Procedure</i> as Public Interest Disclosure Contact Officers.
PID Support Officers	An employee nominated in Queensland Theatre's <i>Public Interest Disclosure Procedure</i> as Public Interest Disclosure Support Officers.
Proper authority	<p>A person or organisation that is authorised under the <i>Public Interest Disclosure Act 2010</i> to receive disclosures, for example:</p> <ul style="list-style-type: none"> • A Queensland Government agency; or • A Member of Parliament
Public officer	A public officer, of a public sector entity, is an employee, member or officer of the entity.
Queensland Theatre	Queensland Theatre Company
QT	Queensland Theatre
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> <p>(a) a reasonable appraisal of the employee's work performance;</p> <p>(b) a reasonable requirement that the employee undertake counselling;</p> <p>(c) a reasonable suspension of the employee from the employment workplace;</p> <p>(d) a reasonable disciplinary action;</p> <p>(e) a reasonable action to transfer or deploy the employee;</p> <p>(f) a reasonable action to end the employee's employment by way of redundancy or retrenchment;</p> <p>(g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f);</p>

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	(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.
Reprisal	<p>A person takes a reprisal if they cause, or attempt or conspire to cause, detriment to another person because, or in the belief that:</p> <ul style="list-style-type: none"> • the other person or someone else has made, or intends to make, a PID; or • the other person or someone else is, has been, or intend to be, involved in a proceeding under the PID Act against any person. <p>Detriment includes (without limitation):</p> <ul style="list-style-type: none"> • personal injury or prejudice to safety; • property damage or loss; • intimidation or harassment; • adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; • financial loss; and • damage to reputation, including, for example, professional or business reputation <p>An attempt to cause detriment includes an attempt to induce a person to cause detriment.</p> <p>Reprisal under the Public Interest Disclosure Act 2010 is a criminal offence and investigations may be undertaken by the Queensland Police Service.</p> <p><i>(Source: Public Interest Disclosure Act 2010)</i></p>
Subject officer	A person about whom a PID is made.
Substantial and specific	<p>Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.</p> <p>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.</p>

DOCUMENT CONTROL

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PUBLIC INTEREST DISCLOSURE PROCEDURES

1. INTRODUCTION

Queensland Theatre (QT) is committed to fostering an ethical, transparent culture, promoting the public interest. In pursuit of this, QT values transparency and accountability and supports the disclosure of information about suspected wrongdoing such as unethical, illegal, corrupt or other inappropriate conduct so that it can be properly assessed and if necessary, appropriately investigated.

These procedures have been prepared to comply with section 28 of the *Public Interest Disclosure Act 2010* (the PID Act) and the relevant PID Standards (PID Standard NO. 1/2019 which came into effect on 1 March 2019) issued by the Queensland Ombudsman, under section 60 of the PID Act.

Public Interest Disclosure Standard No. 1 requires the agency to develop and implement reasonable procedures for dealing with PIDs, and sets out the minimum requirements for those procedures to ensure that:

- any public officer who makes a PID is given appropriate support;
- PIDs made to QT 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; made to QT;
- a management program for PIDs made to QT is developed and implemented; and
- public officers who make PIDs are offered protection from reprisal by the agency or other public officers of the agency; and
- the procedures are published on QT's public website.

The *Public Interest Disclosure Act 2010* protects a person who makes a Public Interest Disclosure (PID), formerly known as a whistleblower.

2. PURPOSE

These procedures set out how PIDs are to be assessed and managed by QT.

3. SCOPE

These procedures apply to QT Board members, employees, contractors, volunteers regardless of their employment status, and to other persons who wish to make a PID relating to Queensland Theatre.

For the purpose of this procedure, any complaint of corrupt conduct received by QT will be dealt with as a PID. However, a person who is not a Board member or employee who complains of corrupt conduct should note that they are not entitled to the protections afforded to disclosers under the PID Act.

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4. WHAT IS A PUBLIC INTEREST DISCLOSURE?

A PID is a disclosure in the public interest, of information about suspected wrongdoing or danger.

A PID may be made by any person who has a reasonable belief, or provides evidence which tends to show, that wrongdoing has occurred about any of the following matters:-

- substantial and specific danger to the health or safety of a person with a disability;
- substantial and specific danger to the environment, or
- the conduct of another person that could, if proved, be reprisal action following a PID or because a person intends to make a disclosure.

Additionally, public officers may make a PID about any of 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.

The following types of disclosure are not considered a PID, and are not protected under the PID Act:

- frivolous or vexatious matters
- except as permitted in section 8 of these Procedures, a disclosure made to a journalist
- a disclosure which primarily questions the relative merits of government or agency policy
- a disclosure made substantially to avoid disciplinary action.

For an allegation to be considered a PID, it must meet three criteria:

1. Public interest information about substantial and specific wrongdoing or danger
2. PID must be an appropriate disclosure
3. PID must be made to a proper authority

5. PROCEDURE

Obligation to report

1. It is QT policy that QT Board members, employees, volunteers and contractors must report any wrongdoing within QT of which they become aware.
2. The *Crime and Corruption Act 2001* requires the Chief Executive to refer to the CCC, all complaints, information or matters which he suspects involve, or may involve, corrupt conduct.

Authority

1. Within QT, only the Executive Director has authority to deal with corrupt conduct matters under the *Crime and Corruption Conduct Act 2001*. However, the Executive Director may expressly authorise another employee to investigate an allegation of corrupt conduct.

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2. Within QT, the Executive Director as PID Coordinator has authority to deal with PIDs under the *Public Interest Disclosure Act 2010*.

PID Contact Officer

The Executive Director is the principal contact (ie PID Coordinator) for PID issues within QT and will maintain PID records, and assess PIDs received and any appropriate action required;

6. ROLES AND RESPONSIBILITIES

Executive Director responsibilities :

1. The Executive Director:

- has overall responsibility for ensuring that:-
 - all QT personnel are aware of the requirement to conduct their duties to in a professional and ethical manner and always act in the public interest and in accordance with QT's Code of Conduct;
 - reasonable PID policy and procedures in place;
- is the principal contact (ie PID Contact Officer) for PID issues within QT and will receive and assess PIDs, assess risks, maintain PID records, and determine appropriate action required.

Directors' responsibilities :

2. All Directors (which includes Executive Director, Artistic Director and team Directors) are responsible for:
 - (a) maintaining a workplace culture that values professionalism, integrity and diligence;
 - (b) demonstrating positive ethical standards and values to employees through their own conduct and communication at work;
 - (c) ensuring that QT personnel are aware of their obligations in relation to the requirements of the Public Interest Disclosure Policy and Procedures;
 - (d) creating a supportive reporting environment (i.e. a workplace culture where employees feel comfortable reporting suspected wrongdoing, have confidence that their concerns will be appropriately dealt with and do not fear or concern adverse treatment arising from their reporting of suspected wrongdoing);
 - (e) assisting employees to resolve ethical dilemmas, as required.

Employee responsibilities :

3. Employees are responsible for:
 - (a) conducting their duties to a high professional and ethical standard;
 - (b) complying with PID policies and procedures;
 - (c) seeking appropriate guidance if they have an ethical dilemma;
 - (d) reporting any wrongdoing within QT of which they become aware – IN CONFIDENCE – to:
 - (i) the PID Contact Officer / Executive Director; or
 - (ii) another proper authority;
 - (e) cooperating fully with investigations into suspected corrupt conduct and PIDs;
 - (f) maintaining the confidentiality of suspected corrupt conduct matters and PIDs;
 - (g) refraining from reprisal action (or inaction, as the case may be).

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7. MAKING A PID

1. A person may make a PID if they have information:
 - (a) that the person honestly believes, on reasonable grounds, tends to show wrongdoing; or
 - (b) that tends to show wrongdoing (regardless of whether the person honestly believes the information tends to show wrongdoing)
2. A PID does not have to identify a particular person. A PID may also be about a matter that occurred before the commencement of the PID Act, events that are or may be happening or events that will or may happen.
3. A person who wishes to make a PID must make a PID to a proper authority (see section 8).
4. A discloser may choose to make a disclosure in any form including:-
 - verbally (in person or via telephone);
 - in writing (for example, letter or email)
 - anonymously; or
 - through an authorised external agency (see section 13)
5. Where an oral PID is received, the Discloser should be requested to put the details in writing and encouraged to provide contact details for follow-up action. If they are unable or unwilling to do so, the employee receiving the PID should document it and ask the Discloser to confirm the contents. If circumstances prevent this occurring (for example, a telephone caller who remains anonymous), the employee receiving the PID should record the date, time and circumstances of the PID. It should then be forwarded to the Executive Director.
6. A Discloser who wishes to remain anonymous and does not wish to provide their name may provide an alias as a contact point instead which will assist in dealing with the PID. If it is decided to disclose anonymously, the Discloser will need to provide sufficient information for the matter to be investigated, as it will not be possible for QT to return to the discloser for clarification or more information.
7. In making a PID, the discloser should provide as much information as possible about the suspected wrongdoing. To assist in the assessment, and any subsequent investigation of a PID, it is useful for the discloser to provide the following information:
 - (a) what happened
 - (b) when it happened
 - (c) where it happened
 - (d) who was involved
 - (e) whether there were any witnesses and the identity of any witnesses
 - (f) any evidence that supports the PID, and where the evidence is located.
8. It is an offence under the PID Act to intentionally give false or misleading information intending it to be acted on as a PID. Employees who intentionally give false or misleading information in a PID, or during an investigation into a PID, may be subject to disciplinary action.

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8. WHO CAN A PID BE DISCLOSED TO?

1. A PID must be made to a 'proper authority'. Disclosers are encouraged to make a disclosure to QT initially. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to an external agency who may receive PIDs.

PROPER AUTHORITIES FOR RECEIVING A PID	
QT positions for receiving PIDs	External agencies that receive PIDs
<ul style="list-style-type: none">• PID Coordinator• Executive Director• Artistic Director• Any team Director	<ul style="list-style-type: none">• Crime and Corruption Commission (CCC) for corrupt conduct including matters relating to reprisal• Queensland Ombudsman for maladministration• Queensland Audit Office for substantial misuse of resources• Department of Child Safety, Youth and Women for danger to the health and safety of a child or young person with a disability• Office of the Public Guardian for danger to the health and safety of a person with a disability• Department of Environment and Science for danger to the environment• a Member of the Legislative Assembly for any wrongdoing or danger• Chief Judicial Officer of a court or tribunal about wrongdoing by a judicial officer.

2. A person may only make a PID to a journalist if they have already made substantially the same PID to a proper authority, which:
 - (a) decided not to investigate or deal with the PID;
 - (b) investigated the PID but did not recommend the taking of any action; or
 - (c) did not notify the person, within 6 months, whether or not the PID disclosure would be investigated or dealt with.

9. DECIDING WHETHER A MATTER IS A PID

1. Any person who receives a PID, or a matter they think may be a PID, should immediately refer it to QT's PID Coordinator to determine if the matter is a PID. For an allegation to be considered a PID and attract the protections under the PID Act, it must be all of the following:
 - public interest information about substantial and specific wrongdoing or danger;
 - an appropriate disclosure
 - made to a proper authority.

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2. A disclosure may still be a PID, even if any of the following apply:
 - 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
 - the disclosure is made anonymously – the discloser is not required to give their name or any identifying information
 - the discloser has not identified the material as a PID – it is up to QAGOMA to assess information received and decide if it is a PID
 - 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.
3. If there is any doubt as to whether a matter is a PID, the PID Coordinator may obtain further information to inform the decision. If doubt still remains, the matter will be considered and managed as a PID.
4. Mere disagreements over policy do not meet the threshold for a PID under the PID Act.
5. Where a discloser states they are making a PID, but it is assessed that the matter is not a PID, QT 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 QT proposes to take in relation to the matter
 - any other options the discloser has in relation to the matter.

10. RECEIVING A PID

1. Where a PID is made to an employee other than the PID Coordinator, that person must forthwith and without commencing any inquiry into the matter, refer the PID – IN CONFIDENCE – to the PID Coordinator.
2. If a PID discloses a risk to the health or safety of any person, the person in receipt of the complaint must also immediately take all necessary and appropriate steps to protect the health and safety of the person at risk while preserving the confidentiality of the PID to the maximum extent possible in the circumstances.

11. ASSESSING A PID

1. The PID Coordinator will undertake assessment of PIDs, except where the matter is referred to an external agency for assessment (see section 13).
2. The PID Coordinator assesses the disclosure to determine if:
 - (a) the disclosure concerns a matter about which a PID can be made;
 - (b) the information disclosed tends to show wrongdoing, or the discloser honestly believes, on reasonable grounds, that the information disclosed tends to show wrongdoing; and
 - (c) the disclosure has been made to a proper authority.
3. If there is any doubt as to whether a disclosure is a PID, the PID Coordinator shall assume that the disclosure is protected by the PID Act and manage the disclosure as if it is a PID.
4. If there are multiple allegations, each allegation will be dealt with as a separate PID, unless the matters are clearly linked and it would be reasonable to view them as a single disclosure.
5. QT cannot decline to receive and/or assess a disclosure as a PID.

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Advice to Discloser

1. Once the matter has been assessed as a PID, QT will advise the discloser in writing about the following:
 - acknowledgement of receipt of the PID
 - the proposed action to be taken in relation to the disclosure, which could include investigation by either QT or an independent investigator (see section 14) or referring the matter to an external agency (see section 13) or declining to take action (see section 13);
 - the likely timeframe for dealing with the PID;
 - the discloser's obligations regarding confidentiality
 - the protections that apply to the discloser under the PID Act
 - the commitment of QT 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;
 - whom the discloser may contact for updates or advice;
 - available support such as the QT Employee Assistance Program.
2. The PID Coordinator does not provide this information to the discloser if:
 - (a) the discloser has not given their name and address;
 - (b) the discloser has indicated that they do not wish to be kept informed;
 - (c) disclosure of the information would be contrary to the public interest;
 - (d) disclosure of the information would be likely to adversely affect:
 - (i) someone's safety;
 - (ii) the investigation of an offence or possible offence; or
 - (iii) necessary confidentiality about an informant's existence or identity

12. DECLINING TO TAKE ACTION ON A PID

The action taken by QT in dealing with a PID may vary having regard to the circumstances of the PID. However, QT may decide not to investigate or deal with a PID if:

- (a) the PID does not raise a reasonable suspicion of wrongdoing;
- (b) the information disclosed was investigated or dealt with by another process;
- (c) the information disclosed should be dealt with by another process;
- (d) the age of the information disclosed makes it impracticable to investigate;
- (e) the PID Coordinator reasonably considers that the PID is too trivial and that dealing with the PID would substantially and unreasonably divert QT's resources from the performance of its functions; or
- (f) another agency that has jurisdiction to investigate the PID informs QT that investigation of the PID is not warranted.

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If a decision is made not to investigate or deal with a PID, QT will provide written reasons for that decision to the discloser. If the discloser is dissatisfied with the decision they may request a review by writing to the Executive Director, within 28 days of receiving the written reasons for decision.

13. REFERRING A PID

1. A PID may be referred to another agency for assessment if QT decides there is another proper authority/external agency that is better able to deal with the PID. Reasons for referring a PID may include:
 - (a) the PID primarily concerns wrongdoing by an employee of the other agency
 - (b) the other agency is a proper authority with the power to investigate or remedy the matter
 - (c) QT has a legislative obligation to refer the matter (for example where there is a reasonable suspicion that the matter involves or may involve corrupt conduct (as required by section 38 of the *Crime and Corruption Act 2001*).
2. The confidentiality obligations of the PID Act permit appropriate officers of QT to communicate with another agency about the referral of a PID. QT will exercise discretion in their contacts with any other agency.
3. Before referring a PID to another agency, the PID Coordinator considers whether there is an unacceptable risk that a reprisal would occur because of the referral. In considering whether there would be an unacceptable risk, the PID Coordinator must, if practicable, consult with the discloser. The PID Coordinator shall not refer a PID to another agency if they consider that there is an unacceptable risk.
4. The discloser will be advised of any referral action taken.
5. The Subject Officer is not advised of the referral so as not to jeopardise the conduct of any investigation or risk the destruction of any evidence.
6. Where there is reasonable suspicion that a PID involves, or may involve, corrupt conduct, and the matter is referred to the CCC, the PID Coordinator shall not take any further action until advised by the CCC.
7. The Subject Officer is not advised of the referral so as not to jeopardise the conduct of any investigation or risk the destruction of any evidence.
8. Before taking any further action, any PID in relation to which the Executive Director or Artistic Director is a Subject Officer, must be immediately referred to the QT Board Chair. If the Chair reasonably suspects that the PID involves or may involve corrupt conduct, the Chair must refer the complaint to the CCC.

14. INVESTIGATING A PID

1. If QT decides to investigate a PID, an internal or external investigator will be appointed by the PID Coordinator. The investigation will be followed with consideration of all of the following:-
 - (1) principles of natural justice
 - (2) Obligation under the PID Act to protect confidential information
 - (3) Obligation under the PID act to protect officers from reprisal
 - (4) The interests of subject officers

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2. If as a result of investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken by QT.
3. If an investigation is conducted by QT, the PID Coordinator shall prepare a report of the investigation and its outcomes;
4. If an investigation is conducted by an external investigator, the PID Coordinator shall assist the external investigator as required.

Action by QT

1. If, as a result of investigation, the information about wrongdoing in the PID is substantiated, QT shall take appropriate action. Even if the investigation does not substantiate wrongdoing, QT will consider whether improvements to QT's service delivery, business processes and internal controls are required.
2. If action is taken on the PID:
 - (a) the PID Coordinator arranges, by agreement with the discloser, for regular follow up with the discloser to advise on the progress in resolving the PID; and
 - (b) at the conclusion of the investigation of the PID, the PID Coordinator advises the discloser in writing of:
 - (i) the action taken;
 - (ii) the reason the action is considered to be appropriate in the circumstances; and
 - (iii) any results of the action that are known at the time of the response.
3. The PID Coordinator does not provide information to the discloser if:
 - (a) the discloser has not given their name and address;
 - (b) the discloser has indicated that they do not wish to be kept informed;
 - (c) disclosure of the information would be contrary to the public interest;
 - (d) disclosure of the information would be likely to adversely affect:
 - (i) anybody's safety;
 - (ii) the investigation of an offence or possible offence; or
 - (iii) necessary confidentiality about an informant's existence or identity.
4. If a PID is dealt with by the CCC or another external agency, then the CCC or other agency responds to the discloser.

15. CONFIDENTIALITY

Details about disclosures, investigations, and related decisions will be kept securely and be accessible only to the people directly involved in the management of the PID. While every attempt will be made to protect confidentiality, QT cannot guarantee that others will not try to deduce a discloser's identity.

1. QT will communicate with all parties involved discretely to avoid identifying the discloser wherever possible. This includes communication with an external agency to facilitate the referral of a PID. In some circumstances, QT may be required to share information, or a discloser's identity, to provide natural justice to subject officers, or to respond to a court order, legal directive or court proceedings. .

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2. In certain circumstances, natural justice may require an employee to disclose information to a person whose rights would otherwise be detrimentally affected. The identity of the discloser may only be disclosed if:
 - (a) it is essential to do so under the principles of natural justice; and
 - (b) it is unlikely that a reprisal will be taken against the discloser.
3. Section 65 of the PID Act makes it an offence for a person to make a record of, or intentionally or recklessly disclose confidential information received in the administration of the PID Act to anyone, except where authorised to do so by the PID Act.

False or Misleading Information

1. It is an offence for a person to intentionally give false or misleading information intending it to be treated as a PID.
2. It is an offence for a person to provide false or misleading information to the CCC.

16. RIGHTS OF REVIEW

1. A discloser who is dissatisfied with the outcome of a PID:
 - (a) that has been dealt with by QT; or
 - (b) in relation to which QT has decided to take no further actionmay apply to the PID Coordinator for a review of the decision.
2. The application must be made in writing within 28 days of receiving notice of the decision.
3. There may also be external avenues of review, including:
 - (a) the CCC (for corrupt conduct matters);
 - (b) the Queensland Ombudsman (for maladministration matters);
 - (c) the Queensland Civil and Administrative Tribunal (QCAT).

17. SUPPORT AND PROTECTION FOR DISCLOSERS

Disclosers should not suffer any form of detriment as a result of making a PID. QT will treat all PIDs appropriately.

Risk assessment

1. As soon as possible after receiving a PID, the PID Coordinator shall determine the level of protection and support appropriate for the discloser by conducting an assessment of:
 - (a) the risk of a reprisal to the discloser and others associated with the discloser (including those who may wrongly be suspected of being the discloser);
 - (b) the potential consequences of reprisals; and
 - (c) the discloser's need for support.

If the risk is assessed as sufficiently high, the PID Coordinator shall develop a protection plan, in consultation with the discloser and other stakeholders as appropriate.

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Protection

1. Section 40 of the PID Act makes it an offence for an employee to take a reprisal because of a belief that another person has made or intends to make a PID. If a person making a PID has concerns about reprisal being taken against them because of the disclosure, under the PID Act, the person can be given special protection to prevent this occurring.
2. An assessment of the likelihood of the discloser (or witnesses or affected third parties) suffering reprisal action as a result of having made a disclosure or intending to make a disclosure will take into account the account the risk of suffering detriment and will include consultation with the discloser. If necessary, reasonable support or protection for the discloser (witnesses or affected third parties) can be arranged based on the assessment of risk.
3. The PID Coordinator shall monitor the workplace for any signs of reprisal action. In addition, the PID Coordinator must be advised of any allegations or suspicion of reprisal action. In the event of reprisal action being alleged or suspected, QT will:
 - a. attend to the safety of disclosers or affected third parties as a matter of priority
 - b. put in place any necessary protective measures that are proportionate to the risk and potential consequences of reprisal; and
 - c. manage any allegation of a reprisal as a PID in its own right.
4. It is an offence for someone to:
 - take reprisal action against a discloser
 - mistakenly take reprisal action against an employee in the belief that they are a discloser, or
 - take reprisal action against potential witnesses in a PID matter.
5. For those making a PID, Section 36 of the PID Act states that a person is not liable civilly, criminally or under an administrative process for making a PID.
6. However, a person's liability for their own conduct is not affected only because the person discloses that conduct as a PID.
7. The PID Act does not protect a person who makes a PID to someone or some entity other than to a proper authority (for example, disclosure to a journalist prior to making a PID to a proper authority would mean that the person would not receive the protections).
8. If making a disclosure, the matters surrounding the investigation will be confidential and employees are requested to maintain the integrity of the process by not discussing it with work colleagues or others unconnected with the matter. All statements and correspondence in regard to the matter should be regarded as strictly confidential. The confidentiality provision will not preclude an employee from sharing this information with their support person.
9. Any employee found to have engaged in reprisals may be the subject of disciplinary action. There is no time limit on the protection against reprisal under the PID Act.

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Reasonable management action

1. Making a PID does not protect employees from reasonable management, disciplinary or criminal action if the employee has been involved in improper conduct, or their performance is unsatisfactory. Reasons for taking reasonable management action must not include the fact that the employee has made the PID. QT will continue to manage a disclosure in accordance with normal, fair and reasonable management practices, during, and after, the handling of the PID.

18. SUPPORT AND PROTECTION FOR SUBJECT OFFICERS

1. QT acknowledges that for officers who are the subject of a PID the experience may be stressful. The rights of any person who is the subject of, or is in some way associated with a disclosure are important, will be protected by:
 - (a) the presumption of innocence;
 - (b) providing assurance that the PID will be dealt with impartially, fairly and reasonably in accordance with the principles of natural justice, including
 - (i) the hearing rule: the right to be provided with the particulars of the allegation/s and to respond to the allegation/s; and
 - (ii) the rule against bias: the right to be heard by an unbiased decision maker.
 - (c) confirming that the PID is an allegation only until information or evidence obtained through an investigation substantiates the allegation
 - (d) providing them with information about their rights and the progress and outcome of any investigation
 - (e) referring them to the Employee Assistance Program for support.
2. Protection exists for those against whom an intentionally false PID is made. It is an offence under Section 66 of the PID Act, to intentionally make a false or misleading statement intending it to be acted upon as a PID.
3. Employees who are the subject of a disclosure should not be treated adversely because of their involvement in this process. Any substantiated allegations of adverse treatment on these grounds may result in disciplinary action being taken against the person taking the adverse treatment.

19. RECORDKEEPING

1. In accordance with its obligations under the PID Act and the *Public Records Act 2002*, QT will maintain a proper and secure record about PIDs received by QT and ensure that:
 - accurate data is collected about the receipt and management of PIDs
 - anonymised data is reported to the Office of the Queensland Ombudsman in their role as the oversight agency, through the PID reporting database.
2. The PID Coordinator shall keep records of all PIDs made to QT, including:
 - (a) the date the PID was made;
 - (b) the name of the discloser, if known;

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- (c) the status of the discloser (e.g. employee, public, anonymous);
- (d) the gender of the Subject Officer;
- (e) the status of the Subject Officer (e.g. staff or non-staff);
- (f) the location of the Subject Officer;
- (g) a summary of the allegation / information disclosed;
- (h) the involvement of an external agency / party;
- (i) the action taken to minimise any risk of reprisal;
- (j) the date the inquiry / investigation commenced;
- (k) the date the inquiry / investigation was completed;
- (l) the outcome of the inquiry / investigation;
- (m) the date the PID was resolved / closed;
- (n) the date the outcome was advised to the discloser;
- (o) any action taken on the PID; and
- (p) if no action was taken, the reason for the decision;
- (q) any legal processes associated with the PID; and
- (r) any other information required under a Public Interest Disclosure Standard.

1. REPORTING

The PID Coordinator provides the Queensland Ombudsman with statistical information regarding PIDs as required by Public Interest Disclosure Standard No. 1.

2. ROLES AND RESPONSIBILITIES

Role	Position	Responsibility
PID Coordinator	Executive Director	<ul style="list-style-type: none"> • Ensuring effective policies procedures, systems and compliance with the PID Act • Principal contact for PID issues • Assessing and dealing with allegations of suspected corrupt conduct and PIDs • Manage implementation of PID management program • Maintaining records of PDIs received • Facilitating updates on the progress of any investigation • Providing outcome advice for PIDs
People managers	Executive Director/Artistic Director/Directors	<ul style="list-style-type: none"> • Maintaining a workplace culture that values professionalism, integrity and diligence • Demonstrating positive ethical standards and values to employees through their own conduct and communications at work • Creating a supportive reporting environment (i.e. a workplace culture where employees feel comfortable reporting suspected wrongdoing, have confidence that their concerns will be appropriately dealt with and do not fear or concern adverse treatment arising from their reporting of suspected wrongdoing) • Assisting employees to resolve ethical dilemmas, as required

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Role	Position	Responsibility
Employees	•	<ul style="list-style-type: none"> • Conducting their duties in a professional and ethical manner • Seeking appropriate guidance if they have an ethical dilemma • Reporting any wrongdoing within QT of which they become aware – IN CONFIDENCE – to: o a PID Contact Officer or o another Proper Authority • Complying with policies and procedures in regard to corrupt conduct matters and PIDs • Cooperating fully with investigations into suspected corrupt conduct and PIDs • Maintaining the confidentiality of suspected corrupt conduct matters and PIDs • Refraining from reprisal action (or inaction, as the case may be)

20. REVIEW

This Procedure must be reviewed at least every 3 years, or earlier if there are regulatory amendments. The review must include an evaluation of the effectiveness of this Policy.

21. PUBLICATION

These procedures are published on QT's website.

22. REFERENCES

Crime and Corruption Act 2001

Public Interest Disclosure Act 2010

Public Interest Disclosure Standard No. 1

QT Code of Conduct

23. DEFINITIONS

Term	Definition
Board	Queensland Theatre's Board (Queensland Theatre Company comprising members appointed under section 6(1) of the <i>Queensland Theatre Company Act 1970</i>)
Executive Director	Queensland Theatre's Executive Director (The director of Queensland Theatre Company appointed under section 31 of the <i>Queensland Theatre Company Act</i>)
Contractor	A person working at Queensland Theatre or providing services to Queensland Theatre pursuant to a contract
Corrupt conduct	Conduct of a person that— (g) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— (iii) a Queensland Government agency (eg Queensland Theatre); or (iv) a person holding an appointment in a Queensland Government agency (eg Board member or employee); and (h) 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— (vii) is not honest or is not impartial; or (viii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (ix) 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; (i) is engaged in for the purpose of providing a benefit to the person or another person or causing detriment to another person; (j) impairs, or could impair, public confidence in public administration; and

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Term	Definition
	<p>(k) involves, or could involve, any of the following—</p> <ul style="list-style-type: none"> (iii) collusive tendering; (iv) 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"> (A) protecting health or safety of persons; (B) protecting the environment; (C) protecting or managing the use of the State’s natural, cultural, mining or energy resources; (x) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets; (xi) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; (xii) fraudulently obtaining or retaining an appointment; and <p>(l) would, if proved, be—</p> <ul style="list-style-type: none"> (iii) a criminal offence; or (iv) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment. <p><i>(Source: Crime and Corruption Act 2001)</i></p>
Discloser	A person who makes a disclosure in accordance with the <i>Public Interest Disclosure Act 2010</i> .
Employee	All Queensland Theatre employees including Board members, permanent, fixed term, casual, and temporary.
Investigation	For the purposes of this procedure, investigation includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.
Maladministration	<p>Administrative action that—</p> <ul style="list-style-type: none"> • was taken contrary to law; or • was unreasonable, unjust, oppressive, or improperly discriminatory; or • 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 • was taken— <ul style="list-style-type: none"> ○ for an improper purpose; or ○ on irrelevant grounds; or ○ having regard to irrelevant considerations; or • was an action for which reasons should have been given, but • were not given; or • was based wholly or partly on a mistake of law or fact; or • was wrong. <p><i>(Source: Public Interest Disclosure Act 2010)</i></p>
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. • act only on the basis of logically probative evidence.
PID Coordinator	An employee nominated in Queensland Theatre’s <i>Public Interest Disclosure Procedure</i> as Public Interest Disclosure Contact Officers.
Proper authority	<p>A person or organisation that is authorised under the <i>Public Interest Disclosure Act 2010</i> to receive disclosures, for example:</p> <ul style="list-style-type: none"> • A Queensland Government agency; or • A Member of Parliament
Public officer	A public officer, of a public sector entity, is an employee, member or officer of the entity.
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"> (a) a reasonable appraisal of the employee’s work performance; (b) a reasonable requirement that the employee undertake counselling;

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Term	Definition
	<p>(c) a reasonable suspension of the employee from the employment workplace;</p> <p>(d) a reasonable disciplinary action;</p> <p>(e) a reasonable action to transfer or deploy the employee;</p> <p>(f) a reasonable action to end the employee's employment by way of redundancy or retrenchment;</p> <p>(g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f);</p> <p>(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.</p>
Reprisal	<p>A person takes a reprisal if they cause, or attempt or conspire to cause, detriment to another person because, or in the belief that:</p> <ul style="list-style-type: none"> the other person or someone else has made, or intends to make, a PID; or the other person or someone else is, has been, or intend to be, involved in a proceeding under the PID Act against any person. <p>Detriment includes (without limitation):</p> <ul style="list-style-type: none"> personal injury or prejudice to safety; property damage or loss; intimidation or harassment; adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; financial loss; and damage to reputation, including, for example, professional or business reputation <p>An attempt to cause detriment includes an attempt to induce a person to cause detriment.</p> <p>Reprisal under the <i>Public Interest Disclosure Act 2010</i> is a criminal offence and investigations may be undertaken by the Queensland Police Service.</p> <p>(Source: <i>Public Interest Disclosure Act 2010</i>)</p>
Subject officer	A person about whom a PID is made.
Substantial and specific	<p>Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.</p> <p>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.</p>

24. CONTACT

Queensland Theatre

Address: 78 Montague Road, South Brisbane Qld 4101
 Postal address: PO Box 3310, South Brisbane Qld 4101
 Website: www.queenslandtheatre.com.au
 Email: pid@queenslandtheatre.com.au
 Telephone: (07) 3010 7600

Queensland Ombudsman Advisory Service:

The Queensland Ombudsman has been allocated responsibility for providing advice and guidance to public sector entities and officials to meet their responsibilities created from the Public Sector Ethics Act 1994 and the Public Interest Disclosure Act 2010.

Phone: 1800 068 908

Email: pidadmin@ombudsman.qld.gov.au

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DOCUMENT CONTROL

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Version	1		
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