

# Pr9671 - Public Interest Disclosure Procedure

Document Owner	General Counsel Company Secretary
Document Author	Senior Lawyer Governance and Compliance
References to internal or external documents this procedure relies upon or satisfies	<a href="#">Public Interest Disclosure Act 2010 (Qld)</a> <a href="#">Crime and Corruption Act 2001 (Qld)</a> <a href="#">Ombudsman Act 2001 (Qld)</a> <a href="#">Public Records Act 2002 (Qld)</a> <a href="#">Public Sector Ethics Act 1994 (Qld)</a> <a href="#">Public Interest Disclosure Standard 1/2019</a> <a href="#">Public Interest Disclosure Standard 2/2019</a> <a href="#">Public Interest Disclosure Standard 3/2019</a>
References to other documents or resources that gives effect or is associated with this procedure	<a href="#">BP8043</a> - Public Interest Disclosure Policy <a href="#">BP8036</a> - Code of Conduct - Team Members <a href="#">BP11023</a> - Code of Conduct - Suppliers and Contractors <a href="#">Annexure A</a> - Public Interest Disclosure Management Program <a href="#">Related training:</a> <ul style="list-style-type: none"> <li>• 1EPIDAST - Public Interest Disclosure - All team members module (UW)</li> <li>• 1EPIDLST - Public Interest Disclosure - Leaders module (UW)</li> </ul>

## 1. Purpose

Unitywater is committed to fostering an ethical, transparent culture. In pursuit of this, Unitywater values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated.

Unitywater will provide support to an employee or others who make disclosures about matters in the public interest. This procedure demonstrates this commitment, and ensures that practical and effective procedures are implemented which comply with the requirements of the [Public Interest Disclosure Act 2010 \(Qld\)](#) (PID Act).

## 2. Scope

By complying with the PID Act, Unitywater 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 appropriate 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.

## Pr9671 - Public Interest Disclosure Procedure

As required under the PID Act, the Chief Executive Officer will implement procedures to ensure that:

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

Unitywater's Public Interest Disclosure Procedure is available for public viewing at <https://www.unitywater.com>. The Public Interest Disclosure Procedure will be reviewed and updated as required to ensure it meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman.

This procedure forms part of the learning content in uLearn modules:

- 1EPIDAST - Public Interest Disclosure - All team members module (UW); and
- 1EPIDLST - Public Interest Disclosure - Leaders module (UW)

### 3. Responsibilities and Authorities

The Chief Executive Officer has overall responsibility for ensuring that Unitywater develops, implements and maintains a PID management program (refer [Annexure A](#)). The Unitywater PID management program encompasses:

- commitment to encouraging the internal reporting of wrongdoing;
- senior management endorsement of the value to Unitywater of PIDs and the proper management of PIDs;
- a communication strategy to raise awareness among employees about PIDs and Unitywater's PID procedure;
- a training strategy to give employees 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;
- specialist training and awareness about PIDs for senior management and other team members who may receive or manage PIDs, disclosers or workplace issues relating to PIDs;
- the appointment of a specialist officer to be responsible for issues related to the management of PIDs;
- ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls;
- regular review of the Public Interest Disclosure Procedure and evaluation of the effectiveness of the PID management program.

## Pr9671 - Public Interest Disclosure Procedure

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

Role:	Responsibilities:	Officer:
PID Coordinators	<ul style="list-style-type: none"> <li>▪ principal contact for PID issues within Unitywater</li> <li>▪ document and manage implementation of PID management program</li> <li>▪ review and update PID procedure</li> <li>▪ maintain and update internal records of PIDs received</li> <li>▪ report data on PIDs to Queensland Ombudsman</li> <li>▪ draft assessments of PIDs received</li> <li>▪ provide acknowledgment of receipt of PID to discloser</li> <li>▪ undertake risk assessments in consultation with disclosers and other relevant officers</li> <li>▪ liaise with other agencies about referral of PIDs</li> <li>▪ allocate Investigator to PID matter</li> <li>▪ If the PID Assessment decision-maker assesses a matter as a PID, reporting the PID to the Queensland Ombudsman through the RaPID system within the time required under legislation, and to the Crime and Corruption Commission if required under legislation.</li> </ul>	<p>General Counsel Company Secretary</p> <p>Contact: <a href="mailto:Jayne.Steele@unitywater.com">Jayne.Steele@unitywater.com</a>.</p> <p>and</p> <p>Senior Lawyer, Governance and Compliance (joint appointment)</p> <p>Contact: <a href="mailto:integrity@unitywater.com">integrity@unitywater.com</a> or the Unitywater Customer Contact Centre and request the call be transferred.</p> <p>The PID coordinators are to discuss PID matters with each other.</p>
PID Support Officer	<ul style="list-style-type: none"> <li>▪ provide advice and information to discloser on Unitywater PID procedure</li> <li>▪ provide personal support and referral to other sources of advice or support as required</li> <li>▪ facilitate updates on progress of investigation</li> <li>▪ proactively contact discloser throughout PID management process</li> </ul>	<p>Head of People Capability and Shared Services</p>
Investigator	<ul style="list-style-type: none"> <li>▪ conduct investigation of information in PID in accordance with terms of reference</li> <li>▪ prepare report for delegated decision-maker</li> </ul>	<p>Senior Lawyer, Governance and Compliance to manage and coordinate the investigation.</p> <p>An appropriate internal or external investigator will be appointed for each PID investigated depending upon the type of disclosure and other relevant considerations.</p>



## Pr9671 - Public Interest Disclosure Procedure

Role:	Responsibilities:	Officer:
Advisor	<ul style="list-style-type: none"> <li>review investigation report and provide recommendations on whether alleged wrongdoing is substantiated</li> </ul>	General Counsel Company Secretary and Senior Lawyer, Governance and Compliance.
Delegated decision-maker	<ul style="list-style-type: none"> <li>review investigation report and determine whether alleged wrongdoing is substantiated</li> </ul>	The Chief Executive Officer is to be kept informed of the PID process and is the joint decision-maker for investigated PIDs, together with the Executive Manager People, Culture and Safety.
Document Management	<p>As Document Owner responsible for:</p> <ul style="list-style-type: none"> <li>Conducting and/or delegating regular reviews to ensure this procedure and related resources (e.g. forms, website content) remain fit for purpose, consistent and current.</li> <li>Approving this procedure for publication.</li> <li>Ensuring all relevant stakeholders and team members have been consulted and feedback is captured and actioned (where applicable).</li> <li>Ensuring appropriate communication and/or training is provided to relevant team members when implementing a new, amended or obsolete document (where applicable).</li> <li>Monitoring compliance with internal/external requirements (e.g. monitor legislation changes and assess/update this procedure when required).</li> </ul>	General Counsel Company Secretary

# Pr9671 - Public Interest Disclosure Procedure

## 4. Definitions

Term	Definition
Administrative action	<p>(a) means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> <li>(i) a decision and an act {of a public matter}; and</li> <li>(ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and</li> <li>(iii) the formulation of a proposal or intention; and</li> <li>(iv) the making of a recommendation, including a recommendation made to a Minister; and</li> <li>(v) an action taken because of a recommendation made to a Minister; and</li> </ul> <p>(b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
Confidential information	<p>(a) includes:</p> <ul style="list-style-type: none"> <li>(i) information about the identity, occupation, residential or work address or whereabouts of a person: <ul style="list-style-type: none"> <li>(A) who makes a public interest disclosure; or</li> <li>(B) against whom a public interest disclosure has been made; and</li> </ul> </li> <li>(ii) information disclosed by a public interest disclosure; and</li> <li>(iii) information about an individual's personal affairs; and</li> <li>(iv) information that, if disclosed, may cause detriment to a person; and</li> </ul> <p>(b) does not include information publicly disclosed in a public interest disclosure made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.</p>
Corrupt conduct	<p>As defined in section 15 of the <a href="#">Crime and Corruption Act 2001</a></p> <p>(1) <i>Corrupt conduct</i> means conduct of a person, regardless of whether the person holds or held an appointment, that:</p> <ul style="list-style-type: none"> <li>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of: <ul style="list-style-type: none"> <li>(i) a unit of public administration; or</li> <li>(ii) a person holding an appointment; and</li> </ul> </li> <li>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that <ul style="list-style-type: none"> <li>(i) is not honest or is not impartial; or</li> <li>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</li> <li>(iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and</li> </ul> </li> <li>(c) would, if proved, be <ul style="list-style-type: none"> <li>(i) a criminal offence; or</li> <li>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</li> </ul> </li> </ul> <p>(2) <i>Corrupt conduct</i> also means conduct of a person, regardless of whether the person holds or held an appointment, that</p> <ul style="list-style-type: none"> <li>(a) impairs, or could impair, public confidence in public administration; and</li> <li>(b) involves, or could involve, any of the following <ul style="list-style-type: none"> <li>(i) collusive tendering;</li> </ul> </li> </ul>





## Pr9671 - Public Interest Disclosure Procedure

Term	Definition
	<ul style="list-style-type: none"> <li>(ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)               <ul style="list-style-type: none"> <li>(A) protecting health or safety of persons;</li> <li>(B) protecting the environment;</li> <li>(C) protecting or managing the use of the State's natural, cultural, mining or energy resources;</li> </ul> </li> <li>(iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</li> <li>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</li> <li>(v) fraudulently obtaining or retaining an appointment; and</li> <li>(c) would, if proved, be               <ul style="list-style-type: none"> <li>(i) a criminal offence; or</li> <li>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</li> </ul> </li> </ul>
Detriment	Includes: <ul style="list-style-type: none"> <li>(a) personal injury or prejudice to safety; and</li> <li>(b) property damage or loss; and</li> <li>(c) intimidation or harassment; and</li> <li>(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and</li> <li>(e) financial loss; and</li> <li>(f) damage to reputation, including, for example, personal, professional or business reputation.</li> </ul>
Disability	As defined in section 11 of the <a href="#">Disability Services Act 2006</a> , for the purposes of this procedure <ul style="list-style-type: none"> <li>(1) A disability is a person's condition that               <ul style="list-style-type: none"> <li>(a) is attributable to                   <ul style="list-style-type: none"> <li>(i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</li> <li>(ii) a combination of impairments mentioned in subparagraph (i); and</li> </ul> </li> <li>(b) results in                   <ul style="list-style-type: none"> <li>(i) a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self care or management; and</li> <li>(ii) the person needing support.</li> </ul> </li> </ul> </li> <li>(2) For subsection (1), the impairment may result from an acquired brain injury.</li> <li>(3) The disability must be permanent or likely to be permanent.</li> <li>(4) The disability may be, but need not be, of a chronic episodic nature.</li> </ul>
Discloser	A person who makes a disclosure in accordance with the <a href="#">Public Interest Disclosure Act 2010</a> .
Employee	of an entity, includes a person engaged by the entity under a contract of service.
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.
Journalist	a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.



# Pr9671 - Public Interest Disclosure Procedure

Term	Definition
Maladministration	<p>As defined in schedule 4 of the <a href="#">Public Interest Disclosure Act 2010</a>, maladministration is administrative action that:</p> <ul style="list-style-type: none"> <li>(a) was taken contrary to law; or</li> <li>(b) was unreasonable, unjust, oppressive, or improperly discriminatory; or</li> <li>(c) was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or</li> <li>(d) was taken <ul style="list-style-type: none"> <li>(i) for an improper purpose; or</li> <li>(ii) on irrelevant grounds; or</li> <li>(iii) having regard to irrelevant considerations; or</li> </ul> </li> <li>(e) was an action for which reasons should have been given, but were not given; or</li> <li>(f) was based wholly or partly on a mistake of law or fact; or</li> <li>(g) was wrong.</li> </ul>
Natural justice	<p>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"> <li>• avoid bias; and</li> <li>• give a fair hearing.</li> <li>• act only on the basis of logically probative evidence.</li> </ul>
Organisational support	<p>For the purposes of this procedure, organisational support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• providing moral and emotional support</li> <li>• advising disclosers about Unitywater resources available to handle any concerns they have as a result of making their disclosure</li> <li>• appointing a mentor, confidante or other support officer to assist the discloser through the process</li> <li>• referring the discloser to Unitywater's Employee Assistance Program or arranging for other professional counselling</li> <li>• generating support for the discloser in their work unit where appropriate</li> <li>• ensuring that any suspicions of victimisation or harassment are dealt with</li> <li>• maintaining contact with the discloser</li> <li>• negotiating with the discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need assistance.</li> </ul>
Proper authority	<p>A person or organisation that is authorised under the <a href="#">Public Interest Disclosure Act 2010</a> to receive disclosures.</p>
Public officer	<p>A public officer, of a public sector entity (including Unitywater), is an employee, member or officer of the entity.</p>
Reasonable belief	<p>A view which is objectively fair or sensible.</p>

# Pr9671 - Public Interest Disclosure Procedure

Term	Definition
Reasonable management action	Action taken by a manager in relation to an employee, includes any of the following taken by the manager: (a) a reasonable appraisal of the employee's work performance; (b) a reasonable requirement that the employee undertake counselling; (c) a reasonable suspension of the employee from the employment workplace; (d) a reasonable disciplinary action; (e) a reasonable action to transfer or deploy the employee; (f) a reasonable action to end the employee's employment by way of redundancy or retrenchment; (g) a reasonable action in relation to an action mentioned in paragraphs (a) to(f); (h) a reasonable action in relation to the employee's failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee's employment.
Reprisal	The term 'reprisal' is defined under the <a href="#">Public Interest Disclosure Act 2010</a> ('Act') as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else: (a) has made or intends to make a disclosure; or (b) has been or intends to be involved in a proceeding under the Act against any person.  Reprisal under the <a href="#">Public Interest Disclosure Act 2010</a> is a criminal offence and investigations may be undertaken by the Queensland Police Service.
Subject officer	An officer who is the subject of allegations of wrongdoing made in a disclosure.
Substantial and specific	Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.  Specific means "precise or particular". This refers to conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms.

## 5. Procedure

### 5.1. Why make a PID?

Employees who are prepared to speak up about public sector misconduct, wastage of public funds, suspected unlawful activity or danger to health, safety or the environment can be the most important sources of information to identify and address problems in public sector administration. Unitywater supports the disclosure of information about wrongdoing because:

- implementing systems for reporting and dealing with wrongdoing contributes to the integrity of Unitywater;
- the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to Unitywater;
- the community's trust in public administration is strengthened by having strong processes in place for reporting wrongdoing.



## Pr9671 - Public Interest Disclosure Procedure

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 Unitywater and employees of Unitywater as a result of making the PID;
- immunity from liability – the discloser cannot be prosecuted for disclosing the information but is not exempt from action if they have engaged in wrongdoing;
- protection from defamation – the discloser has a defence against an accusation of defamation by any subject officer.

### 5.2. What is a public interest disclosure?

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;
- a reprisal because of a belief that a person has made, or intends to make a disclosure.

In addition, public 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 discloser can have either a ‘reasonable belief’ that wrongdoing has occurred, or provide evidence which tends to show the wrongdoing has occurred.

A disclosure amounts to a PID and is covered by the PID Act even if the:

- discloser reports the information as part of their duties – such as an auditor reporting a fraud or an occupational health and safety officer reporting a safety breach;
- disclosure is made anonymously – the discloser is not required to give their name or any identifying information;
- discloser has not identified the material as a PID – it is up to Unitywater to assess information received and decide if it is a PID;
- 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.



## Pr9671 - Public Interest Disclosure Procedure

### 5.3. 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 Unitywater first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

Who to contact within Unitywater:	Other agencies that can receive PIDs:
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> <li>• Unitywater's Senior Lawyer, Governance and Compliance</li> <li>• Any person who directly or indirectly manages or supervises the discloser</li> <li>• The CEO or a Member of the Board</li> </ul>	<p>Disclosures can also be made to an agency that has a responsibility for investigating the information disclosed:</p> <ul style="list-style-type: none"> <li>• Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal</li> <li>• Queensland Ombudsman for disclosures about maladministration</li> <li>• Queensland Audit Office for disclosures about a substantial misuse of resources</li> <li>• Department of Child Safety, Seniors and Disability Services for disclosures about danger to the health and safety of a child or young person with a disability</li> <li>• Department of Child Safety, Seniors and Disability Services for disclosures about danger to the health and safety of a person with a disability</li> <li>• Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability</li> <li>• Department of Environment, Science and Innovation disclosures about danger to the environment</li> <li>• A Member of the Legislative Assembly (MP) for any wrongdoing or danger</li> <li>• The Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer.</li> </ul>

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.

## Pr9671 - Public Interest Disclosure Procedure

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.

### 5.4. 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 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;
  - any further information that could help investigate the PID;
- provide this information in writing.

Disclosures about wrongdoing can be made to:

Person	Method to contact
Unitywater's Senior Lawyer, Governance and Compliance	<ul style="list-style-type: none"> <li>• In writing to <a href="mailto:integrity@unitywater.com">integrity@unitywater.com</a></li> </ul> <p>A discloser can create an email address for the purpose of the disclosure if they wish to remain anonymous and can receive updates and support to that account. <i>(This may be the discloser's preferred method of disclosure.)</i></p> <ul style="list-style-type: none"> <li>• Over the phone by contacting the Unitywater Customer Contact Centre on 1300 086 489 during business hours and requesting the call be transferred to the Senior Lawyer, Governance &amp; Compliance*</li> <li>• By post to: Senior Lawyer, Governance and Compliance, Unitywater, PO Box 953, Caboolture, QLD 4510.</li> <li>• By using a web form (as available) on the intranet*</li> <li>• In person or over the phone*</li> </ul>



## Pr9671 - Public Interest Disclosure Procedure

Person	Method to contact
Any person who directly or indirectly manages or supervises the discloser	<ul style="list-style-type: none"> <li>In writing by email (note it may be more difficult to remain anonymous when disclosing to the discloser's manager or supervisor depending on the size of the team)</li> <li>By post to Unitywater, PO Box 953, Caboolture, QLD 4510, attention to the discloser's manager or supervisor</li> <li>In person or over the phone*</li> </ul>
The CEO or the Board	<ul style="list-style-type: none"> <li>In writing to Unitywater, PO Box 953, Caboolture, QLD 4510, attention to the CEO or the preferred Member of the Board.</li> </ul>

\* Note the discloser cannot retain anonymity if the discloser use this method of disclosure. However, the discloser's identity will be treated as confidential information.

### 5.5. Deciding whether a matter is a PID

If there is any doubt as to whether a matter is a PID, further information may be obtained to inform the decision. If doubt still remains over certain matters, such as whether the discloser is a Public Officer, the matter will be considered and managed as a PID.

Mere disagreements over policy do not meet the threshold for a PID under the PID Act.

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 does not meet the criteria for a PID Unitywater 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 Unitywater proposes to take in relation to the matter;
- any other options the discloser has in relation to the matter.

## Pr9671 - Public Interest Disclosure Procedure

### 5.6. Assessing a PID

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

While the Senior Lawyer, Governance and Compliance and the General Counsel Company Secretary jointly draft the assessment, the Chief Executive Officer makes the decision as to whether a disclosure is a PID.

Once the matter has been assessed as a PID, Unitywater's PID Coordinators will advise the discloser:

- that their information has been received and assessed as a PID;
- the action to be taken by Unitywater 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 Unitywater 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 Unitywater to keep appropriate records and maintain confidentiality, except where permitted under the PID Act;
- how updates regarding intended actions and outcomes will be provided to the discloser;
- contact details for the Unitywater Employee Assistance Program.

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

### 5.7. Referring a PID

Under the Act, because Unitywater has a compliant procedure for PIDs, Unitywater is the Public Authority to consider the matter at first instance. If after assessment, Unitywater decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency (e.g. Queensland Rail, Department of Education).

This may be because:

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

Before referring the PID to another agency, Unitywater's PID Coordinators will conduct a risk assessment, and will not proceed with the referral if there is an unacceptable risk of reprisal.

It may also be necessary to refer the PID to another agency because of a legislative obligation, for example, refer a matter to the Crime and Corruption Commission 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](#)).

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

The discloser will be advised of the action taken by Unitywater.



## Pr9671 - Public Interest Disclosure Procedure

### 5.8. 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, Unitywater's PID Coordinators will jointly 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.

A risk assessment will be undertaken if the discloser is anonymous 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, Unitywater will develop and implement a risk management plan and arrange any reasonably necessary support or protection for the discloser (or witnesses or affected third parties).

Unitywater will regularly reassess the risk of reprisal while the PID is being managed, in consultation with the discloser, and review the risk management plan if required.

In the event of reprisal action being alleged or suspected, Unitywater 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.

### 5.9. Declining to take action on a PID

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

The Chief Executive Officer is responsible for making this decision.

If a decision is made not to investigate or deal with a PID, Unitywater's PID Support Officer will give the discloser written reasons for that decision.

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

## Pr9671 - Public Interest Disclosure Procedure

### 5.10. Communication with disclosers

Under the PID Act, the Unitywater must give reasonable information to a discloser.

Unitywater 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 the Unitywater;
- support arrangements.

Unitywater's Support Officer 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, Unitywater will advise the discloser in writing of the action taken and the results of the action.

### 5.11. Confidentiality

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

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

Unitywater 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 Unitywater will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

### 5.12. Support for disclosers

Unitywater 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 PID Support Officer will be assigned to the discloser. The PID 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. 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.

## Pr9671 - Public Interest Disclosure Procedure

### 5.13. 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;
- interests of subject officers.

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

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

If, after investigation, the decision-maker considers there may be a crime involved, the matter may be referred to the Director of Public Prosecutions.

### 5.14. Rights of subject officers

Unitywater acknowledges that for officers who are the subject of a PID the experience may be stressful. Unitywater's Support Officer will protect their rights by:

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

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

### 5.15. Record-keeping

In accordance with its obligations under the PID Act and the [Public Records Act 2002](#), Unitywater will 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.

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.

### 5.16. Supporting information

- Public Interest Disclosure Standard No. 1/2019
- Public Interest Disclosure Standard No. 2/2019
- Public Interest Disclosure Standard No. 3/2019

*This procedure is substantially based on the model public interest disclosure procedure developed by the Office of the Queensland Ombudsman in March 2019.*

# Pr9671 - Public Interest Disclosure Procedure

## Annexure A - Public Interest Disclosure Management Program

**Public Interest Disclosure Management Program:** *Management program for Public Interest Disclosures made under the [Public Interest Disclosure Act 2010 \(Qld\)](#).*

### 1. Introduction

This Public Interest Disclosure Management Program has been developed by the Northern SEQ Distributor-Retailer Authority (Unitywater) in accordance with s.28 of the *Public Interest Disclosure Act 2010* (the PID Act) and Public Interest Disclosure Standard 1/2019 – Public Interest Disclosure Management Program.

The Chief Executive Officer has overall responsibility for ensuring that Unitywater develops, implements and maintains a Public Interest Disclosure (PID) Management Program. Unitywater's PID Management Program encompasses:

- commitment to encouraging the internal reporting of wrongdoing;
- senior management endorsement of the value to Unitywater of PIDs and the proper management of PIDs;
- a communication strategy to raise awareness among employees about PIDs and Unitywater's PID procedure;
- a training strategy to give employees 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;
- specialist training and awareness about PIDs for senior management and other team members who may receive or manage PIDs, disclosers or workplace issues relating to PIDs;
- the appointment of an officer to be responsible for issues related to the management of PIDs;
- ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls; and
- regular review of the Public Interest Disclosure Procedure ([Pr9671](#)) and evaluation of the effectiveness of the PID Management Program.

This PID Management Program should be read in conjunction with Unitywater's Public Interest Disclosure Procedure ([Pr9671](#)).

### 2. Purpose

Standard 1.3: Management program for PIDs, in Public Interest Disclosure Standard 1/2019 - Public Interest Disclosure Management Program, states that the management program must meet the following minimum requirements:

- 1.3.1 Demonstrate organisational commitment
- 1.3.2 Appoint a PID Coordinator
- 1.3.3 Delegate PID responsibilities
- 1.3.4 Implement a communication strategy
- 1.3.5 Implement a training strategy
- 1.3.6 Analyse PIDs to inform improvements

## Pr9671 - Public Interest Disclosure Procedure

This PID Management Program has been developed to comply with Standard 1.3: Management program for PIDs.

### 3. Demonstrate organisational commitment

The Chief Executive Officer (CEO) and the Board:

- recognise the important role disclosers play in identifying wrongdoing, thereby improving the integrity and performance of Unitywater and deterring wrongdoing;
- are committed to ensuring that PIDs are properly assessed, investigated and dealt with;
- recognise the value and importance of providing protection to employees who report wrongdoing using appropriate internal or external channels;
- are committed to ensuring that appropriate consideration is given to the interests of persons who are the subject of a PID; and
- commit to ensuring that sufficient resources are allocated to managing Unitywater's PID Management Program.

Unitywater's organisational commitment to ethical practices is explicitly stated in Unitywater's Code of Conducts. Disclosing wrongdoing is in accordance with Unitywater's ethical culture, in particular, acting with integrity.

Unitywater encourages any employee who considers that they have observed or identified wrongdoing to make a disclosure.

Unitywater will take all reasonable steps to protect an employee from any detrimental action or reprisal taken because they have made a PID. When employees come forward with information about wrongdoing, managers commit to:

- protecting the dignity, wellbeing, career interests and good name of all persons involved;
- protecting the discloser from any adverse action taken as a result of making the disclosure;
- dealing with any bullying, harassment, unfair treatment, victimisation or discrimination that results from a disclosure as a breach of Unitywater's disciplinary procedures;
- responding to the disclosure thoroughly and impartially;
- taking appropriate action to deal with wrongdoing; and
- keeping the discloser informed of progress and the outcome.

Unitywater also recognises that members of the public may have information about the operations of Unitywater that meets the criteria for a PID. Members of the public are encouraged to report this information to the PID Coordinators. A PID made by a member of the public will be managed in accordance with Unitywater's Public Interest Disclosure Procedure ([Pr9671](#)).

### 4. Appoint a PID Coordinator

The CEO has appointed both the General Counsel Company Secretary and the Senior Lawyer, Governance and Compliance as Unitywater's joint PID Coordinators, with responsibility for the PID Management Program.

The role of the PID Coordinators and other PID officers are set out in Unitywater's Public Interest Disclosure Procedure ([Pr9671](#)) and this PID Management Program.





## Pr9671 - Public Interest Disclosure Procedure

The PID Coordinators have direct access to the CEO in relation to PID matters, appropriate delegated authority and access to the necessary resources to ensure that Unitywater complies with its statutory obligations under the PID Act.

The PID Coordinators will provide reports on the implementation and oversight of the PID Management Program to the CEO.

### 5. Delegate PID responsibilities

The PID Coordinators are responsible for ensuring that:

- all officers who directly or indirectly supervise or manage other officers are informed that they are a person who may receive a PID in accordance with section 17(3)(d) of the PID Act;
- all officers who have the function of receiving or taking action on the type of information that may be disclosed in a PID are informed that they are a person who may receive a PID in accordance with section 17(3)(e) of the PID Act;
- all officers with designated responsibility for receiving, assessing, investigating and/or decision-making in relation to PIDs are provided with written guidance on the performance of these tasks and appropriate delegated authority; and
- all officers nominated to undertake the role of a PID Support Officer are provided with written guidance on the performance of this role, including information about support services available to assist disclosers within the entity and externally.

### 6. Implement a communication strategy

Unitywater recognises that critical to the success of its PID Management Program is employee awareness of this program and Unitywater's Public Interest Disclosure Procedure ([Pr9671](#)).

Unitywater's communication strategy involves the following:

- all new employees are advised of Unitywater's Public Interest Disclosure Procedure ([Pr9671](#)) and PID Management Program at induction;
- information about PIDs is included on Unitywater's intranet, including contact details for the PID Coordinators. Links are provided to the Public Interest Disclosure Procedure and this PID Management Program, as well as to PID information on Unitywater's public website. The information is regularly reviewed and updated to ensure it is complete and up-to-date;
- messages from the CEO that reconfirm Unitywater's commitment to the PID Act, as well as other information and reminders about Unitywater's PID reporting system are included periodically on Unitywater's intranet ("Watercooler"); and
- information about making a PID, as well as the Public Interest Disclosure Procedure ([Pr9671](#)) and this PID Management Program are provided on Unitywater's public website.



## Pr9671 - Public Interest Disclosure Procedure

### 7. Implement a training strategy

Unitywater recognises the importance of providing training to employees on PID issues and ensuring that ongoing training is provided.

Unitywater's training strategy involves the following:

- All new employees are scheduled to view Unitywater's PID Awareness Training course for employees in uLearn as soon as practicable after commencement. A record of their attendance will be maintained by the Learning and Development Team.
- New employees who are managers are also scheduled to view Unitywater's PID Awareness Training course for managers in uLearn as soon as practicable after commencement. A record of their attendance will be maintained by the Learning and Development Team.
- Officers who may be called upon to act as the PID Coordinator or the PID Support Officer are provided the opportunity to attend comprehensive PID training presented by the Queensland Ombudsman's Office periodically.

### 8. Analyse PIDs to inform improvements

Unitywater acknowledges the value of information obtained from PIDs in identifying systemic issues and trends and informing administrative improvements.

Following the finalisation of a PID made about Unitywater or an officer of Unitywater, the PID Coordinators will assess whether any change is needed to Unitywater's service delivery, personnel management, business processes or internal controls. The PID Coordinators will report to the CEO quarterly regarding any recommendation for changes as a result of that assessment.

The PID Coordinators will conduct a review of the effectiveness of Unitywater's PID Management Program and provide a report to the CEO according to the revision dates outlined in this document.