

TIQ Public Interest Disclosure (PID) policy

1. Policy Statement

Trade and Investment Queensland (TIQ) believe that Public Interest Disclosures (PIDs) and the ability to make such disclosures without retaliation or reprisal is critically important, not only to uphold our legislative obligations but also to maintain transparency and the public's trust in TIQ.

The purpose of this policy is to provide any Discloser with protections and support, however any person that is found to have deliberately made false or misleading allegations, or allegations not in accordance with the *Public Interest Disclosure Act 2010* (PID Act), will not be protected under this Policy.

2. Authority

This policy derives its authority from:

- *Public Interest Disclosure Act 2010*
- *Crime and Corruption Act 2001*
- *Anti-Discrimination Act 1991* (Qld)
- *Australian Human Rights Commission Act 1986* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Human Rights Act 2019* (Qld)
- *Industrial Relations Act 2016* (Qld)
- *Work Health and Safety Act 2011* (Qld)
- *Managing Psychological safety – Code of Practice 2022*
- Other applicable laws that regulate our various locations outside of Australia.

3. Purpose

This Policy only applies to PIDs that are made in relation to TIQ. PIDs that are regarding other government agencies are to be made in accordance with the relevant agencies' policy and/or procedure.

If a complaint is made that does not qualify as a PID, the complainant will be advised that they will not be protected under this Policy and the Public Interest Disclosure Procedure and may elect to withdraw the complaint or proceed through the appropriate channel. If a complaint is made that does qualify as a PID but subsequent investigation determines that there is no substance to the allegation, the Discloser will still be protected under this Policy as if the investigation did substantiate the allegation.

4. Scope

This policy applies to all permanent and non-permanent TIQ employees and non-employees including:

- TIQ Board and Committee members
- TIQ CEO, SES and SO equivalent employees employed via common law contracts
- contractors, subcontractors, and labour hire contractors
- work experience and industry placements
- trainees and apprentices
- volunteers referenced as 'workers' under the *Work Health and Safety Act 2011* (the Act).

This policy applies to all sites owned, operated, or maintained by TIQ.

Any situation where TIQ's workforce is required to work including attending sites relevant to an employee's job (factories, construction sites, events, inspection of properties owned by TIQ), remote working and vehicles used for the purpose of work are also covered by this policy.

5. Principles

What is a Public Interest Disclosure (PID)?

A PID is a disclosure in the public interest, of information about wrongdoing in the public sector. For an allegation to be considered a PID and attract the protections under the PID Act it must meet the following three elements:

1	Informed	Public interest information (as outlined in section 5.1 below).
2	Alignment	An appropriate disclosure: The person disclosing the information must have an honest belief, on reasonable grounds, that there is wrongdoing or danger (subjective test), or the information must tend to indicate the wrongdoing (objective test).
3	Consistency	Made to a proper authority: Public sector entity (e.g. TIQ); Crime and Corruption Commission (for corrupt conduct), Queensland Ombudsman, a Member of the Legislative Assembly, or a Chief Judicial Officer.

5.1 What can a PID be about?

Any person can make a PID about:

- a substantial and specific danger to the health or safety of a person with a disability.
- a substantial and specific danger to the environment (as set out in Schedule 2 of the Act).
- the conduct of another person that could, if proven, be a reprisal.

A TIQ employee can make a disclosure about:

- Corrupt conduct as defined in the *Crime and Corruption Act 2001*.
- 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, or the environment.

5.2 How can a PID be made?

Any member of the public or employee of TIQ can make a PID in relation to TIQ verbally or in writing by contacting the TIQ Chief Executive Officer, Chief Operating Officer or Director of Human Resources:

Trade and Investment Queensland
PO Box 12400
Brisbane Qld 4003 Australia
Telephone: +61 7 3514 3116
Email: tiq.info@tiq.qld.gov.au

Please provide as much information as possible relating to the disclosure, including the following information:

- The name and position title of the Subject Officer
- The allegations against the Subject Officer; information about relevant events, dates and places
- The names of people who may be able to provide additional information
- Contact details (to provide support and feedback).

Anonymous disclosures will be accepted and TIQ is committed to assessing, and where appropriate, investigating anonymous PIDs where sufficient information has been provided. Anonymous disclosers, if reply contact details are provided, are advised that declining to provide name and contact information means it may

not be possible to keep the discloser informed of progress in handling the disclosure or offer the PID Act protections.

6. External report options

A discloser may choose to make a disclosure to an external proper authority as outlined in section 5. This can be done as a first step, or if not satisfied with TIQ's response.

If a disclosure is made to a person or an entity other than a proper authority, the person making the disclosure will not receive the protections of the PID Act.

7. Disclosure to a journalist

A discloser may be protected if they chose to make a disclosure to a journalist. Protections apply if a person has made a disclosure of substantially the same information and TIQ:

- decided not to investigate or deal with the matter, or
- investigated the disclosure but decided not to recommend the taking of any action in relation to the matter, or
- did not notify the discloser within six months after the date of the disclosure was made, whether the matter would be investigated or not.

8. False or misleading information

It is an offence under the PID Act to intentionally make a false or misleading statement intending it be acted upon as a PID. It is an indictable offence, which carries a maximum penalty of two years imprisonment or substantial fine. Any employee who deliberately makes a false or misleading statement will be subject to disciplinary action.

9. How will a Public Interest Disclosure (PID) be dealt with?

TIQ will take all reasonable steps to preserve confidentiality. In doing so, TIQ will:

- take reasonable action to protect any person who makes a PID from retribution or negative action as a result of making the disclosure
- investigate the matter that has been disclosed, exercising due process and natural justice
- preserve confidentiality where practicable and maintain all necessary records securely
- report on the matter (e.g. the Queensland Ombudsman) in a manner that is appropriate in the circumstances.

10. Protection of disclosers

Disclosers should not suffer any form of detrimental action as a result of making a disclosure, including:

- Unfair treatment
- Harassment
- Intimidation
- Victimisation
- Unlawful discrimination.

TIQ is committed to ensuring that no disciplinary or adverse action, including workplace reprisals by managers, occurs as a result of a disclosure being made.

If any of the above does occur, a discloser has the right to request that TIQ take positive action to protect them. Disclosers should also advise the person handling their disclosure immediately.

11. Support and feedback to disclosers

TIQ will initiate and coordinate action to support disclosers particularly for staff suffering detriment as a result. Actions may include:

- Providing moral and emotional support.
- Appointing a mentor, confidante or other support officer to assist the discloser throughout the process.
- Referring the discloser to TIQ's Employee Assistance Program or arranging for other professional counselling.
- Ensuring that any suspicions of reprisal, victimisation or harassment are dealt with.
- Maintaining contact with the discloser.

12. Confidentiality

Maintaining confidentiality is very important in the handling of a disclosure. Confidentiality not only protects the discloser against reprisals, but any other people affected by a disclosure. Confidential information includes:

- The fact a disclosure has been made.
- Any information that may identify the disclosure or any person who may be the subject of a disclosure.
- The actual information that has been disclosed.
- Information relating to the disclosure that, if known, may cause detriment.

In protecting the confidentiality of the discloser TIQ will ensure that the details of a disclosure, the investigation and related decisions will be kept secure.

While every attempt to protect confidentiality will be made, there will be occasions when disclosure of a discloser's identity may be necessary. These include:

- Providing natural justice to the subject officer.
- Responding to a court order or legal directive (e.g. subpoena, notice to produce, direction by a parliamentary committee).
- In court proceedings.

TIQ will advise a discloser if their identity needs to be revealed for any reason listed above and seek their consent, if possible. While TIQ are prepared to take all steps necessary to protect the confidentiality of the information that a discloser has provided, the discloser also has some obligations. The fewer people who know about the disclosure – both before and after it is made – the more likely it is that TIQ will be able to keep the discloser's identity confidential and protect them from any detrimental action in reprisal. TIQ encourages disclosers to not talk about their disclosure to work colleagues or any other unauthorised person.

TIQ will ensure that all record keeping and reporting will be done in accordance with legislative and administrative requirements of the PID Act.

13. Reprisal

In the event that a Discloser has experienced reprisal after making a PID, TIQ will first take steps to mitigate the effects of the reprisal. Once measures have been taken to support the Discloser, the allegation of reprisal will be investigated.

14. Protection of subject officers

TIQ is committed to treating disclosures fairly. The rights of any person who is the subject of, or is associated with a disclosure, are important. Employee/s who are the subject of a disclosure are entitled to confidentiality and the presumption of innocence.

Employees who are the subject of a PID may seek assistance from their legal representative or union and may also wish to contact the TIQ's Employee Assistance Program for advice and support.

15. Roles and responsibilities

Role	Responsibilities
All persons	» Comply with TIQ's values and ethical framework, set out in TIQ's Code of Conduct, including ensuring their conduct reflects their commitment to maintaining a discrimination and harassment free, inclusive workplace, and a healthy workplace culture. » Report incidents of inappropriate workplace behaviour observed and/or experienced as soon as possible after the incidents' occurrences, to their managers and/or Human Resources.
Executives and the senior management team	» Model appropriate behaviour. » Promote this policy. » Treat all complaints received about alleged breaches of this policy and/or inappropriate workplace conduct seriously, and attend to them promptly and in a fair manner. » Protect the rights of Disclosers and support them continuing to work in the workplace that is free from reprisal, report reprisal where it is suspected or has occurred, and ensure employees are aware of their obligations in relation to this policy. » Monitor and work environment. » Consult with Human Resources on complex or serious matters.
Human Resources	» Provide specialised advice and support to employees and managers regarding the PID process and reporting mechanisms. » Provide comprehensive reports and communications to responsible persons in relation to PID disclosures. » Coordinate and where required facilitate education in relation to this policy.

16. Delegations

Actions taken under the TIQ Public Interest Disclosure (PID) Policy are to be exercised in accordance with TIQ's Delegations. Delegation Schedules are reviewed on a regular basis to ensure they remain current and relevant to TIQ's operational needs.

It is recommended that delegate authority levels are confirmed prior to exercising any powers in relation to this policy and supporting procedures.

17. Registration and public reporting

Not applicable.

18. Human rights compatibility

TIQ is committed to respecting, protecting, and promoting human rights.

Under the *Human Rights Act 2019 (HR Act)*, Government entities and public sector employees make decisions and act in a way that is compatible with human rights when delivering public services and when interacting with the community. When deciding about legislation compliance, decision-makers must comply with this obligation.

19. Related documents

- TIQ Code of Conduct
- TIQ Managing Employee Complaints Policy
- TIQ Health Safety and Wellbeing Policy

20. Further information

For further information or clarification, please contact:

- Human Resources at Human.Resources@tiq.qld.gov.au

21. Storage of Information

All information should be managed in accordance with the Queensland Government Information Management Framework, which includes the *Public Records Act 2002*, Information Standard 31: Retention and disposal of public records (IS31) and Information Standard 40: Recordkeeping (IS40). In addition, personal information should be managed in accordance with the *Information Privacy Act 2009*.

22. Document control

Document owner		Director, Human Resources		
Contact details		Human.Resources@tiq.qld.gov.au		
Next review		June 2027		
Supersedes		All previous policies		
Version	Issue Date	Reason	Author	Approver
1.0	21/01/16	New Document	Head of People and Culture	
2.0	18/06/25	Updated document	Director HR	TIQ Board

Appendix 1: Definitions

The key terms referred to in this policy are as follows:

Term	Definition
Delegate	» The person authorised to perform a specific task or function on behalf of TIQ. Delegations and authorisations are recorded in TIQ's delegation schedules.
Reprisal	» A person must not cause or attempt to cause detriment to another person because (or in the belief) that person has made or intends to make a PID and includes physical and psychological injury, property damage/loss, intimidation, harassment, threats, discrimination or disadvantage.
Corrupt Conduct	» Corrupt Conduct is defined formally in the <i>Crime and Corruption Act 2001</i> but can be summarised as being any conduct relating to the performance of an officer's duties that is dishonest, lacks impartiality, involves a breach of trust or a misuse of officially obtained information. To be corrupt conduct, the conduct must, if proven, be a criminal offence and/or be serious enough for which dismissal is considered to be one of the disciplinary options available. Trying to influence a public official to act improperly is also classed as corrupt conduct
Discloser	» The person or persons making the PID
Responsible Officer	» The TIQ employee responsible for working on behalf of the Chief Executive Officer, Chief Operating Officer or Director Human Resources to manage the PID.
Subject Officer	» The person or persons about whom the PID is made