



Public Interest Disclosure Policy and Procedure

ETHICS STANDARDS AND COMPLAINTS BRANCH

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QUEENSLAND BUILDING AND
CONSTRUCTION COMMISSION

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PUBLIC INTEREST DISCLOSURE POLICY AND PROCEDURE

POLICY

1. Audience

This Policy and procedure (policy) applies to:

- the Commissioner/Chief Executive Officer and employees of the Queensland Building and Construction Employing Office who undertake work for the Queensland Building and Construction Commission (QBCC)
- individuals who are engaged as contractors, consultants or service providers to provide services to QBCC
- members of the Queensland Building and Construction Board.

2. Purpose and scope

This policy demonstrates the QBCC's commitment to fostering an ethical, transparent culture; and sets out practical and effective procedures to ensure compliance with the requirements of the [Public Interest Disclosure Act 2010](#) (PID Act).

3. Authority

This policy addresses relevant provisions of:

- the PID Act
- the *Public Sector Ethics Act 1994*
- the *Public Sector Act 2022* (PS Act).

This policy is compatible with the human rights protected by the *Human Rights Act 2019* (Qld) and any limitation on a QBCC officer's human rights is reasonable and justifiable because of the broader public interest in ensuring that conflicts of interest are appropriately managed by public sector officers.

4. Policy statement and principles

4.1 Policy statement

In accordance with its commitment to fostering an ethical, transparent culture, the QBCC values the disclosure of information about suspected wrongdoing in the public sector and will support officers or others who make protected disclosures about matters in the public interest.

By complying with the PID Act, the QBCC:

- promotes the public interest by facilitating PIDs of wrongdoing
- ensures that PIDs are properly assessed and, where appropriate, properly investigated and dealt with
- ensures appropriate consideration is given to the interests of persons who are the subject of a PID

- ensures protection from reprisal is afforded to persons making PIDs.

As required under the PID Act, through this Policy and Procedure, the Commissioner has implemented procedures to ensure that:

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

This policy will be reviewed annually and updated as required to ensure it meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman.

4.2 Principles

This policy supports the Code of Conduct for the Queensland Public Service (**Code**), addressing the ethics principles of integrity and impartiality; commitment to the system of government; and accountability and transparency.

This policy also aligns with the QBCC's vision, to build trust and confidence in all we do; and objective, to deliver regulatory and insurance services that are timely, accurate, fair and transparent; and to put our people first, and support and value them.

5. Breaches and penalties

Breaches of this Policy are treated seriously by the QBCC and, where proven, may lead to disciplinary action including reprimand, demotion, termination of employment or engagement or post-employment disciplinary declarations, or potential criminal proceedings. I.

In particular, section 67 of the PID Act specifies that a contravention of :

- [section 41](#) (*Offence of taking reprisal*)
 - [section 65](#) (*Preservation of confidentiality*)
 - [section 66](#) (*False or misleading information*),
- of the PID Act constitutes misconduct under the PS Act.

Breaches of these sections of the PID Act are also offences.

PROCEDURE

6. Procedure

6.1 PID Management Program

The Commissioner has overall responsibility for ensuring that the QBCC develops, implements and maintains a PID management program. The QBCC's PID management program encompasses:

- a commitment to encouraging the internal reporting of wrongdoing
- senior management endorsement of the value to the QBCC of PIDs and the proper management of PIDs
- appointment of a PID Coordinator, with responsibility for this PID management program
- ensuring the PID Coordinator has direct access to the Commissioner in relation to PID matters, and appropriate delegated authority
- a communication strategy to raise awareness among employees about PIDs and the QBCC's PID procedure
- informing:
 - all officers who directly or indirectly supervise or manage other officers 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 acting on the type of information that may be disclosed in a PID that they are a person who may receive a PID in accordance with section 17(3)(e) of the PID Act.
- written guidance to:
 - all officers designated responsibility for receiving, assessing, investigating and/or decision-making in relation to PIDs on the performance of these tasks and appropriate delegated authority.
 - all officers nominated to undertake the role of a PID Support Officer with written guidance on the performance of this role, including information about support services available to assist disclosers within the entity and externally.
- a communication strategy which incorporates:
 - providing all new officers with information about PIDs at induction, including a clear explanation of how to make a PID
 - publishing information about the QBCC's PID management program on its internal website (intranet) that is readily accessible to all officers and providing a link on the internal website to this policy on the QBCC's public website
 - communicating regularly with all officers to raise their awareness about PIDs, the QBCC's PID management program and the QBCC's PID procedures, including communications that target the specific information needs of QBCC officers of who directly or indirectly supervise or manage other officers
- a training strategy which incorporates:
 - access by all officers to regular training about the identification of wrongdoing, how to make a PID, the protection and support afforded to disclosers and how the entity deals with PIDs.
 - regular training to all officers of the entity who directly or indirectly supervise or manage other officers about the QBCC's obligations under the PID Act, the entity's PID procedures, protection of confidentiality and prevention of reprisal.
 - comprehensive training to the PID Coordinator and all officers with designated responsibility for receiving, assessing, investigating and/or decision-making in relation to PIDs about the QBCC's obligations under the PID Act, the entity's PID procedures, protection of confidentiality, risk assessment and prevention of reprisal, and the specialised knowledge and skills required to perform the tasks assigned (for example, investigation skills training, decision-making training).
 - regular training to officers nominated to undertake the role of a PID Support Officer about the QBCC's obligations under the PID Act, the QBCC's PID procedures, protection of confidentiality, prevention of reprisal, and the skills required to provide effective support.
- the appointment of a specialist unit to be responsible for issues related to the management of PIDs
- implementing:
 - procedures to regularly analyse PIDs and identify systemic issues and trends
 - systems to enable learning from PID analyses to 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.

The Commissioner has designated the following roles and responsibilities for managing PIDs within the QBCC:

ROLE	RESPONSIBILITIES	OFFICER
PID Coordinator	<ul style="list-style-type: none"> ▪ principal contact for PID issues within the QBCC ▪ in accordance with PID Standard 1.3, has direct access to the Commissioner in relation to PID matters, and appropriate delegated authority ▪ document and manage implementation of PID management program ▪ review and update PID procedure annually ▪ maintain and update internal records of PIDs received ▪ report data on PIDs to Queensland Ombudsman ▪ assess PIDs received ▪ provide acknowledgment of receipt of PID to discloser ▪ undertake risk assessments in consultation with disclosers and other relevant officers ▪ liaise with other agencies about referral of PIDs ▪ allocate investigator, support officers and decision-maker to PID matter. 	Manager, Ethics, Standards and Complaints Integrity@qbcc.qld.gov.au
PID Support Officer	<ul style="list-style-type: none"> ▪ provide advice and information to discloser on the QBCC's PID procedure ▪ provide personal support and referral to other sources of advice or support as required ▪ facilitate updates on progress of investigation ▪ proactively contact discloser throughout PID management process 	As allocated by the PID Coordinator for a particular PID.
Investigator	<ul style="list-style-type: none"> ▪ conduct investigation of information in PID in accordance with terms of reference ▪ prepare report for delegated decision-maker 	As allocated by the PID Coordinator.
Delegated decision-maker	<ul style="list-style-type: none"> ▪ review investigation report and determine whether alleged wrongdoing is substantiated 	As nominated by the PID Coordinator and approved by Executive Director, Governance, Risk, Ethics and Assurance.

6.2 Why make a PID?

Employees who are prepared to speak up about public sector misconduct, substantial 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. The QBCC supports the disclosure of information about wrongdoing because:

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

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 adverse treatment by the QBCC and employees of the QBCC because they made 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 themselves)
- protection from defamation – the discloser has a defence against an accusation of defamation by any **subject officer**.

6.3 What is a Public Interest Disclosure?

Under the PID Act, any person (including former QBCC employees or Board members) 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 certain legislation (set out in Schedule 2 of the PID Act), if the offence or contravention would be a substantial and specific danger to the environment
- **reprisal** because of a belief that a person has made or intends to make a disclosure.

In addition, public sector officers (including current QBCC employees and Board members) 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 must have either a reasonable and honest 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 serious 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 QBCC 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.

6.4 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 the QBCC first. This is because it is very likely that the external authority will discuss the disclosure with the QBCC in any event. If the matter is not resolved after a disclosure to the QBCC, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency. However, disclosers will be respected and supported should they disclose to an external authority and the QBCC will make every effort to assist and cooperate with any external authority to work towards a satisfactory outcome.

WHO TO CONTACT WITHIN THE QBCC	OTHER AGENCIES THAT CAN RECEIVE PIDS
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> • any person in a supervisory or management position in relation to the person making the disclosure • any officer in the Ethics Standards and Complaints Branch (integrity@qbcc.qld.gov.au) • the Commissioner • any QBC Board member. <p>If a disclosure includes allegations against the Commissioner, disclosers should make the disclosure to the Chair of the QBC Board.</p>	<p>Disclosures can be made to an agency that has a responsibility for investigating the information disclosed:</p> <ul style="list-style-type: none"> • 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 Children, Youth Justice and Multicultural Affairs for disclosures about danger to the health and safety of a child or young person with a disability • Department of Seniors, Disability Services, and Aboriginal and Torres Strait Islander Partnerships 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.

A disclosure can also be made to a **journalist** in limited circumstances, but only if the following conditions have been met:

- a valid PID was initially made to a proper authority, and

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

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

If a disclosure is made to a person or an organisation who is not a proper authority, the discloser will not receive the protections provided under the PID Act.

6.5 How to make a PID

A discloser can make a PID in a number of ways, including anonymously. PIDs can be made via the QBCC's online tool iDeclare, via email to integrity@qbcc.qld.gov.au, in writing to Manager Ethics Standards and Complaints, QBCC, GPO Box 5099, Brisbane 4001 or verbally.

While there is no particular information that the discloser needs to provide, the content provided should be clear and factual and avoid speculation.

Disclosures must be made honestly and on objectively reasonable grounds. This means a discloser must have a genuine belief in its truth and/or, if available, provide evidence which tends to show the wrongdoing has occurred. However, a discloser is not required (and is discouraged) from undertaking their own investigation into the matter before making the disclosure.

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.

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.

6.6 Assessing a PID

When a disclosure is received, the QBCC will assess it as soon as practical and in accordance with the PID Act, the PID Standards and this Policy.

The PID Coordinator will consider if any immediate action needs to be taken to halt the conduct or remedy the loss or danger to which the disclosure relates, noting that if the matter must be referred to an external agency, the PID Coordinator will liaise with that agency

before taking any steps to ensure that the QBCC does not prejudice any possible criminal or regulator investigation.

The PID Coordinator will then advise the discloser of:

- their information having been received and assessed as a PID
- the action to be taken by the QBCC in relation to the disclosure, which could include referring the matter to an external agency, or investigating the matter
- the likely timeframe involved
- the name and contact details of the QBCC support officer the discloser can contact for updates or advice
- the discloser's obligations regarding confidentiality
- the protections the discloser has under the PID Act
- the commitment of the QBCC to keep appropriate records and maintain confidentiality, except where permitted under the PID Act
- the means by which updates regarding intended actions and outcomes will be provided to the discloser
- contact details for the QBCC's Employee Assistance Program.

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

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

Where a discloser states they are making a PID, but it is assessed that the matter is not a PID the QBCC will consider the information in accordance with relevant QBCC policies, which may include the Managing Employee Complaints Policy.

The PID Coordinator will then 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 the QBCC proposes to take in relation to the matter (for example, managing it as a complaint under the Managing Employee Complaints Policy)
- any other options the discloser has in relation to the matter.

If the discloser is dissatisfied with a determination that the disclosure is not a PID, they can request a review by writing to the Commissioner within 28 days of receiving the written reasons for decision. If the discloser is dissatisfied with the Commissioner's decision, they can complain to the Queensland Ombudsman.

6.8 Referring a PID

If the QBCC decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency. This may be because:

- the PID concerns wrongdoing by that other 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, the QBCC 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 the QBCC to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contacts with any other agency and the discloser will be advised of the action taken by the QBCC.

6.9 Risk assessment and protection from reprisal

Parties involved in a PID should not suffer any form of detriment as a result of their involvement in the PID.

Upon receiving a PID, the PID Coordinator will conduct a risk assessment to assess the likelihood of the discloser (or witnesses or affected third parties) suffering reprisal action as a result of having made the disclosure. This assessment will take into account the actual and reasonably perceived risk of the discloser (or witnesses or affected third parties) suffering detriment and will include consultation with the discloser where possible.

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, the QBCC 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).

The QBCC 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, the QBCC 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.

6.10 Declining to take action on a PID

Under the PID Act, the QBCC 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 QBCC holds other information which clearly shows that the disclosed wrongdoing cannot be substantiated
- 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 the QBCC from the performance of its functions
- another agency with jurisdiction to investigate the information has informed the QBCC that an investigation is not warranted.

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

6.11 Communication with disclosers

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

The PID Support Officer will maintain contact with the discloser and provide regular updates during the management of the PID.

As required by the PID Act, after finalising action in response to the PID, the Delegate will advise the discloser in writing of the action taken and the results of the action.

6.12 Conflicts of interest associated with PIDs

Where real, potential or perceived conflicts of interest preclude the allocation of QBCC officers to investigatory, support or decision-making roles, the PID Coordinator, following consultation with the Executive Director, Governance, Risk, Ethics and Assurance, has the discretion to seek external advice and/or appoint external parties to those roles to ensure transparency, natural justice and appropriateness of advice provided to all involved parties.

In the event of disagreement between the PID Coordinator and Executive Director, Governance, Risk, Ethics and Assurance about the appropriateness of seeking external advice or appointing external parties, the matter will be referred to the Chief Integrity and Risk Officer for determination.

Where the PID Coordinator is or becomes involved in a real, potential or perceived conflict of interest relating to the PID, a management plan will be developed in accordance with the QBCC's Conflict of Interest Policy and Procedure.

The management plan must be progressed to the Executive Director, Governance, Risk Ethics and Assurance for approval and determination of whether an alternative PID Coordinator should be appointed; and their determination progressed to the Chief Integrity and Risk Officer for endorsement before the alternative Coordinator is appointed.

6.13 Confidentiality

Details about disclosures, investigations, and related decisions will be kept secure and accessible only to the people involved in the management of the PID or as required by law.

While all reasonable steps will be taken by the QBCC to protect the confidentiality of the information provided, the discloser also has obligations to preserve confidentiality and not to discuss the disclosure with work colleagues or other unauthorised persons.

Maintaining confidentiality protects the discloser against reprisals or victimisation and also protects other people affected by the disclosure. In protecting confidentiality, the QBCC will ensure that the details of the disclosure, any investigation and related decisions will be kept secure and restricted to a 'need-to-know' basis.

While the QBCC 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

- as otherwise required by law.

The QBCC 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 the QBCC will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity. In practice, it is important to recognise that a discloser's identity may still be determined if the discloser has previously mentioned to other people that they are considering making a disclosure, the discloser is one of a very small number of people with access to the information or the disclosure relates to information that a discloser has previously been told privately and in confidence.

6.14 Support for disclosers

The QBCC recognises the importance of providing appropriate support to a discloser as a crucial part of PID management.

An assessment will be undertaken to identify the support needs of the discloser. Where appropriate, the PID Coordinator will allocate a PID Support Officer for 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.

Organisational support to a discloser may include, but is not restricted to:

- clearly communicating that the discloser has done the right thing by coming forward, and QBCC's commitment to properly deal with the disclosure
- properly managing the discloser's expectations around confidentiality, timeframes and outcomes
- ensuring that the discloser is aware of the identity and role of their PID Support Officer, and has direct contact details for them
- ensuring that the PID Support Officer proactively contacts the discloser on a regular basis
- ensuring, where necessary, that the discloser's line manager is aware that:
 - a disclosure has been made
 - they are required to support the discloser and proactively manage the risk of reprisal
- providing appropriate referrals to external support mechanisms, including unions, professional associations and the EAP
- obtaining the discloser's consent for QBCC to directly arrange support for them from external agencies.
- negotiating a formal end to the discloser's support program when it is agreed that they no longer need assistance.

The QBCC will brief the PID Support Officer on their role, which may include:

- providing a sounding board and positive reinforcement
- attending meetings and interviews with the discloser
- acting as a liaison point with management and investigators
- referring the discloser to external support mechanisms.
- Providing information and support 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.

6.15 Investigating a PID

Where QBCC decides to take action on the PID, this will normally require referral of the PID for investigation.

However, in some circumstances, alternative strategies for taking action on the PID may be implemented, for example:

- conducting an internal systems or forensic audit
- reviewing relevant policies and procedures
- instituting an appropriate risk management strategy to address future risks highlighted by the disclosure.

These alternative strategies may be preferable where, for example:

- the subject officer/s are no longer employed by QBCC
- the disclosure stems from systems failures rather than individual misconduct.

Where an alternative strategy is adopted, QBCC will make proper records of this and the reasons for it.

If a decision is made to investigate a PID, QBCC will:

- appoint an internal or external investigator for an investigation of a PID, who has appropriate knowledge of the PID Act, the protections provided under the PID Act and this Policy
- incorporate within the terms of reference for investigation a provision that the investigation be conducted in accordance with the PID Act, including:
 - taking reasonable steps to protect the discloser and others from reprisal
 - complying with the confidentiality obligations set out in section 65 of the PID Act
 - noting the standards issued by the oversight agency under section 60 of the PID Act
- a provision that the investigator must continually monitor the matter for information indicating a potential breach of legislation that must or may be referred to another entity with jurisdiction to deal with the matter.

Investigations will be undertaken in accordance with the:

- investigation process set out in the QBCC's policy
- 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, wrongdoing reported in the disclosure is substantiated, appropriate action will be taken.

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

The QBCC will also determine whether it would be beneficial to facilitate a discussion with the discloser and/or the relevant work unit.

6.16 Rights of subject officers

The QBCC acknowledges that officers who are the subject of a PID (subject officers) may find the PID process stressful. The QBCC will protect subject officers' rights by:

- ensuring they are aware that the PID will be dealt with impartially, fairly and reasonably in accordance with the principles of natural justice
- confirming that the PID remains an allegation only until it is substantiated by information or evidence obtained through an investigation
- providing them with information about their rights and the progress and outcome of any investigation
- referring them to the Employee Assistance Program for support.

Where appropriate the PID Coordinator will allocate a PID support officer for the subject officer.

6.17 Record-keeping

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

7. Legislation and policy

Any references in this policy legislation, directives, policies or guidelines include a reference to that legislation or policy as amended or replaced from time to time.

[Crime and Corruption Act 2001](#)

[Public Interest Disclosure Act 2010](#)

[Public Records Act 2002](#)

[Public Sector Ethics Act 1994](#)

[Queensland Building and Construction Act 1991](#)

Codes, Directives and Policy Instruments:

[Public Interest Disclosure Standard No. 1/2019 - Public Interest Disclosure Management Program](#)

[Public Interest Disclosure Standard No. 2/2019 - Assessing, Investigating and Dealing with Public Interest Disclosures](#)

[Public Interest Disclosure Standard No. 3/2019 - Public Interest Disclosure Data Recording and Reporting](#)

[Queensland Ombudsman Disclosure Fact sheet 1: What is a disclosure](#)

[Queensland Ombudsman Disclosure Fact sheet 2: Checklist for making a disclosure](#)

[Queensland Ombudsman Disclosure Fact sheet 3: Discloser information and support](#)

[Code of Conduct for the Queensland Public Sector](#)

8. Definitions

<i>Term</i>	<i>Definition</i>
Board member	A member of the QCB Board appointed in accordance with s12 of the QBCC Act.
Commissioner/Chief Executive Officer	The person appointed as Commissioner, Queensland Building and Construction Commission under s20D of the QBCC Act and as the Executive Officer, Queensland Building Commission Employing Office under s29D of the QBCC Act.
Confidential information	In relation to a PID, confidential information which is protected under the PID Act includes – <ul style="list-style-type: none"> • information about the identity, occupation, residential or work address or whereabouts of a person – <ul style="list-style-type: none"> ○ who makes a public interest disclosure; or ○ against whom a public interest disclosure has been made; and • information disclosed by a public interest disclosure; and • information about an individual's personal affairs; and • information that, if disclosed, may cause detriment to a person; but • 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.
Corrupt conduct	As defined in section 15 of the Crime and Corruption Act 2001 <p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <ul style="list-style-type: none"> (i) a unit of public administration; or (ii) a person holding an appointment; and <p>(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—</p> <ul style="list-style-type: none"> (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; and <p>(c) would, if proved, be—</p> <ul style="list-style-type: none"> (i) a criminal offence; or (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>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) impairs, or could impair, public confidence in public administration; and</p> <p>(b) involves, or could involve, any of the following—</p> <ul style="list-style-type: none"> (i) collusive tendering;

<i>Term</i>	<i>Definition</i>
	<p>(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)—</p> <p>(A) protecting health or safety of persons;</p> <p>(B) protecting the environment;</p> <p>(C) protecting or managing the use of the State's natural, cultural, mining or energy resources;</p> <p>(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;</p> <p>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p> <p>(v) fraudulently obtaining or retaining an appointment; and</p> <p>(c) 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>
Detriment	<p>as defined in the PID Act, and includes –</p> <p>(a) personal injury or prejudice to safety; and</p> <p>(b) property damage or loss; and</p> <p>(c) intimidation or harassment; and</p> <p>(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and</p> <p>(e) financial loss; and</p> <p>(f) damage to reputation, including, for example, personal, professional or business reputation.</p>
Discloser	A person who makes a disclosure in accordance with the PID Act
Employee	Employees of the Queensland Building Commission Employing Office who undertake work for the QBCC.
Maladministration	<p>As defined the PID Act, maladministration is administrative action that—</p> <ul style="list-style-type: none"> • was taken contrary to law; • was unreasonable, unjust, oppressive, or improperly discriminatory; • 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; • was taken— <ul style="list-style-type: none"> • for an improper purpose; • on irrelevant grounds; or • having regard to irrelevant considerations; • was an action for which reasons should have been given, but were not given; • was based wholly or partly on a mistake of law or fact; or • was wrong.
Natural justice, , procedural fairness	<p>A principle which requires a decision maker to::</p> <ul style="list-style-type: none"> • be unbiased • give all parties to a matter a fair hearing • ensure all parties to a matter are informed and allowed to comment on any matter that adversely affects them

<i>Term</i>	<i>Definition</i>
Proper authority	A person or organisation that is authorised under the PID Act to receive disclosures.
Public officer/officer	A public officer, or for the purposes of this policy, an 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, taking into account the available information.
Reasonable management action	Action taken by a manager in relation to an employee, which could include (but is not limited to): <ul style="list-style-type: none"> • a reasonable appraisal of the employee's work performance; • a reasonable requirement that the employee commence a performance management or disciplinary process; • suspension of the employee in accordance with the PS Act; • a reasonable disciplinary action; • a reasonable action to transfer or deploy the employee; • a reasonable action to end the employee's employment by way of redundancy or retrenchment; • a reasonable action in relation to an action mentioned above • 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	As defined under the PID Act, a 'reprisal' is causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else: <ul style="list-style-type: none"> • has made or intends to make a disclosure; or • has been or intends to be involved in a proceeding under the disclosure Act against any person.
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.

9. Contact

[Manager, Ethics Standards and Complaints branch](#)

10. Superseded versions

VERSION	DATE	CHANGES
1.0	June 2017	Created
2.0	July 2017	Reviewed by FARC and Board
3.0	January 2018	Reviewed

VERSION	DATE	CHANGES
4.0	May 2019	Reviewed
5.0	August 2019	Reviewed
5.1	February 2020	Updated minor details
6.0	June 2024	Major review following Governance Review recommendations, including feedback from Office of the Queensland Ombudsman

11. Version control

Approving Authority	Commissioner
Date	27 June 2024
Version	V6.0
Review Date	June 2026
Related Documents - forms and procedures	PID Management Plan Conflict of Interest Policy and Procedure