



1. Title: Public Interest Disclosure Policy

2. Purpose:

To provide clear directions for the reporting and management of Public Interest Disclosures (PIDs) to strengthen the integrity and accountability of Community Enterprise Queensland (CEQ) and to maintain public confidence with their operations.

3. Scope: This policy applies to all Board of Management Members, team members, suppliers, contractors, volunteers and customers of CEQ.

4. Background:

The purpose of the Public Interest Disclosure Act 2013 (the PID Act) is to prevent, expose and combat wrongdoing and corruption in Queensland's public sector. It encourages whistleblowers to make confidential disclosures of wrongdoing by offering them legal protections and obliging public sector agencies to act on receipt of a public interest disclosure. The PID Act also supports Australia's commitment to its international obligation in accordance with the United Nations Convention Against Corruption, the Organisation for Economic Co-operation and Development (OECD) and other G20 protocols.

The PID Act aims to ensure that the Government is open and accountable by providing protection for those who speak out about wrongdoing or, in other words, make a PID. Making a PID is in accordance with the Queensland public sector's ethical culture; specifically, acting with integrity.

Team members of Government public sector entities (such as CEQ) are considered public officers under the PID Act. As public officers, a disclosure can be made about the following types of public interest information:

- Official misconduct;
- Maladministration;
- A substantial misuse of public resources;
- A substantial and specific danger to public health or safety to the environment;
- A substantial and specific danger to the health or safety of a person with a disability; or
- Reprisal action.

PIDs are an important tool for identifying wrongdoing. They provide the opportunity for the wrongdoing to be stopped, further wrongdoing prevented and persons responsible to be held accountable.

So you think you may have seen something within CEQ that shouldn't be happening?

Not sure what to do about it?

STOP AND ASK YOURSELF

Depending on the type of wrongdoing or danger that you are concerned about, there are different people you can, and should, talk to.

What kind of information do you have?

IS IT ABOUT BULLYING OR HARASSMENT?

Consult CEQ's Whistleblower Policy, Bullying Policy, Anti-Discrimination Policy and/or Sexual Harassment Policy and talk to your Manager or the People Workplace Culture department. If the matter is serious enough, it may be a public interest disclosure.

Keep reading.

IS IT A WORKPLACE COMPLAINT OR ABOUT WORKPLACE CONFLICT?

Consult CEQ's Whistleblower Policy and Investigation Policy & Procedure and talk to your Manager or People Workplace Culture department.

IS IT A WORKPLACE HEALTH AND SAFETY (WH&S) ISSUE?

Consult CEQ's WH&S policy and talk to your Manager or WH&S officer.

IS IT ABOUT OFFICIAL MISCONDUCT OR A REPRISAL?

Consult CEQ's Whistleblower Policy. It may also be a public interest disclosure.

Keep reading.

IS IT ABOUT MALADMINISTRATION OR A MISUSE OF PUBLIC RESOURCES?

Consult CEQ's Whistleblower Policy. It may also be a public interest disclosure.

Keep reading.

IS IT ABOUT DANGER TO PUBLIC HEALTH OR SAFETY, THE HEALTH OR SAFETY OF A PERSON WITH A DISABILITY OR THE ENVIRONMENT?

Consult CEQ's Whistleblower Policy. It may also be a public interest disclosure.

Keep reading.

IS IT A COMBINATION OF THE ABOVE?

You may have concerns about bullying or workplace conflict as well as information that may be a public interest disclosure. Consult CEQ's Whistleblower Policy.

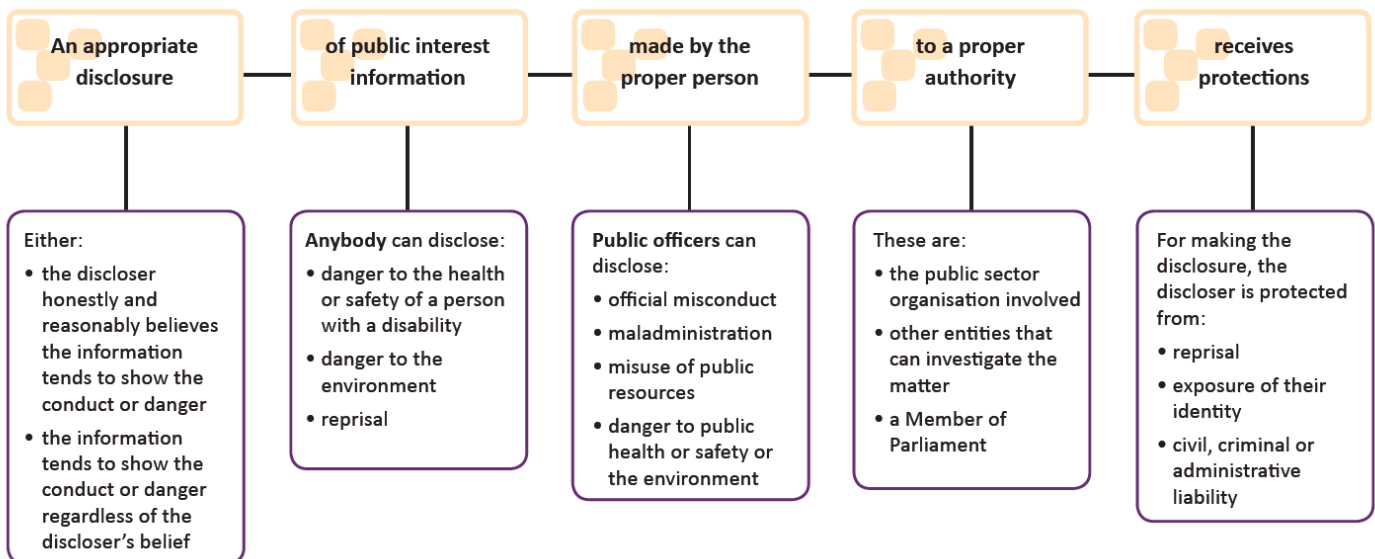
Keep reading.

NOT SURE?

Seek advice from your Manager, the People Workplace Culture department or one of the organisations listed within this Policy.

5. **What is a Public Interest Disclosure:**

For a report to be considered as a PID, and attract the protections under the PID Act, it must be an appropriate disclosure, about public interest information made to a proper authority.



A PID generally cannot be made to anyone other than a proper authority. If a disclosure is made to another person, it will not attract the protections under the PID Act.

PIDs must be made by an individual, not by an organisation or company.

Public interest information is separated into two categories: information from a public officer (CEQ team member); and information from any person (e.g. a member of the public).

For a public officer, public interest information means information about:

- The conduct of another person that could be official misconduct (e.g. a criminal offence, dishonesty or lack of impartiality, breach of the trust placed in a person by virtue of their position, misuse of officially obtained information, stealing at work or accepting money or other benefit);
- The conduct of another person that could be maladministration that adversely affects someone's interests in a substantial and specific way;
- A substantial misuse of public resources;
- A substantial and specific danger to public health or safety; and/or
- A substantial and specific danger to the environment.

For any person, public interest information means information about:

- A substantial and specific danger to the health and safety of a person with a disability;
- Specific offences that are or could be a substantial and specific danger to the environment (Schedule 2 of the Act provides a list of offences, including Unlawful Harm to Aboriginal Cultural Heritage, offences under the Environmental Protection Act 1994)
- Conduct amounting to reprisal (e.g. threatening or harassing a discloser or those close to them, discriminating against a discloser in subsequent job applications).

6. **How to make a PID**

A discloser can make a PID in any way, including anonymously, verbally or in writing.

No offence is committed, nor any duty breached by disclosing confidential information as part of making a PID. If a team member discloses confidential information through a PID they are protected from liability that may otherwise apply to the disclosure of such information.

Evidence does not need to be provided when a PID is made. There is a requirement, however, that there is more than just a suspicion that a wrongdoing has occurred or will occur.

It is an offence for a person to knowingly provide false and misleading information, with the intention that it be treated as a public interest disclosure. Such behaviour can result in a significant fine or up to two years imprisonment.

Anonymous PIDs are often more difficult to investigate and CEQ encourages disclosers to identify themselves if possible. If you do identify yourself to the person who receives your PID, CEQ is required to make every effort to keep your identity confidential as set out in section 8 below.

There is no limit on time on making a PID.

Wherever possible, a PID relating to CEQ should first be made internally, so that CEQ has a chance to investigate the matter.

Within CEQ

A PID involving CEQ team members can be made to:

- A person's Supervisor or Manager;
- The People and Workplace Culture Manager;
- CEQ's Whistleblower Investigation Officer;
- The entity's Chief Executive Officer (CEO);
- A member of the CEQ Board; or
- The Minister responsible for CEQ.

Refer to ***CEQ's Whistleblower Policy (attached)*** for reporting and procedural guidelines within CEQ.

Outside CEQ

You can make your PID to any public sector entity that you believe has the power to investigate and deal with the matter. You may want to raise the matter outside your organisation because:

- your previous disclosures have been ignored.
- you are concerned about confidentiality.
- urgent action is needed to stop serious wrongdoing.

Be aware that when you report to another entity, it is very likely that they will discuss your information with your organisation. Entities are not allowed to refer a PID without first considering if there is a risk of reprisal against the discloser. However, you should still specify any concerns you have for your safety or career if the information is referred back to your organisation for investigation.

When the disclosure relates to:	The appropriate entity is:
Official misconduct	→ Public organisation concerned → Crime and Misconduct Commission (CMC)
Maladministration	→ Public organisation concerned → Queensland Ombudsman
Misuse of public resources	→ Public organisation concerned → Queensland Audit Office
Danger to public health or safety	→ Public organisation concerned → Health Quality and Complaints Commission
Danger to public health and safety of a person with a disability	→ Public organisation concerned → Disability and Community Care Services → Adult Guardian
Danger to environment	→ Public organisation concerned → Department of Environment and Resource Management
Reprisal	→ Public organisation concerned → CMC (if related to official misconduct)

Reporting to a journalist

As a public sector employee you have a duty to maintain appropriate confidentiality in respect of official information. The PID Act includes a provision to permit disclosures to be made to a journalist, but only as a last resort. You can make a PID to a journalist only if you first made the PID to your organisation and it has:

- decided not to investigate or deal with the PID;
- investigated the PID but did not recommend taking any action; and/or
- not notified you within six months of you making the PID whether or not the disclosure was to be investigated or dealt with.

Remember that organisations may refer a PID to another agency that has the power to investigate and deal with the matter. If the PID is referred to another agency, the responsibility to investigate and deal with the PID rests with the agency to which the PID was referred.

Before you make a PID to a journalist you should be certain that the actions of the organisation dealing with the PID meet the above criteria. If you have not received any written advice about the status of the PID, you can do this by contacting the person who has been dealing with the PID or the organisation's specialist area to seek further advice.

You should also consider seeking legal advice about whether you would be protected making a PID to a journalist in the circumstances. If you make a PID to a journalist in compliance with these requirements, you will receive the protections of the PID Act. However, you should note that the journalist is under no requirement to keep the information given to them as a PID confidential. Consider carefully whether you would be able to accept your identity becoming public knowledge.

7. What information should be provided:

There is no particular information that you need to provide. In many cases, you will simply be having a conversation with your supervisor.

However, depending on your circumstances, you may wish to provide:

- your name and contact details (desirable);
- the nature of the wrongdoing;
- who you think did the wrongdoing (if possible);
- when and where the wrongdoing occurred;
- events surrounding the issue;
- if you did anything in response to the wrongdoing;
- others who know about the wrongdoing and have allowed it to continue or who witnessed the wrongdoing and may be able to verify the allegations or events;
- correspondence or other supporting documents;
- a diary of events and conversations, or file notes;
- if you believe your information is a PID under the PID Act;
- if you are concerned about possible reprisal as a result of making your PID.

Be clear and factual. Avoid speculation, emotive language or embellishment as they divert attention from the real issues.

8. CEQ Procedure for Managing a PID:

CEQ will examine the information and decide whether it falls under the PID Act.

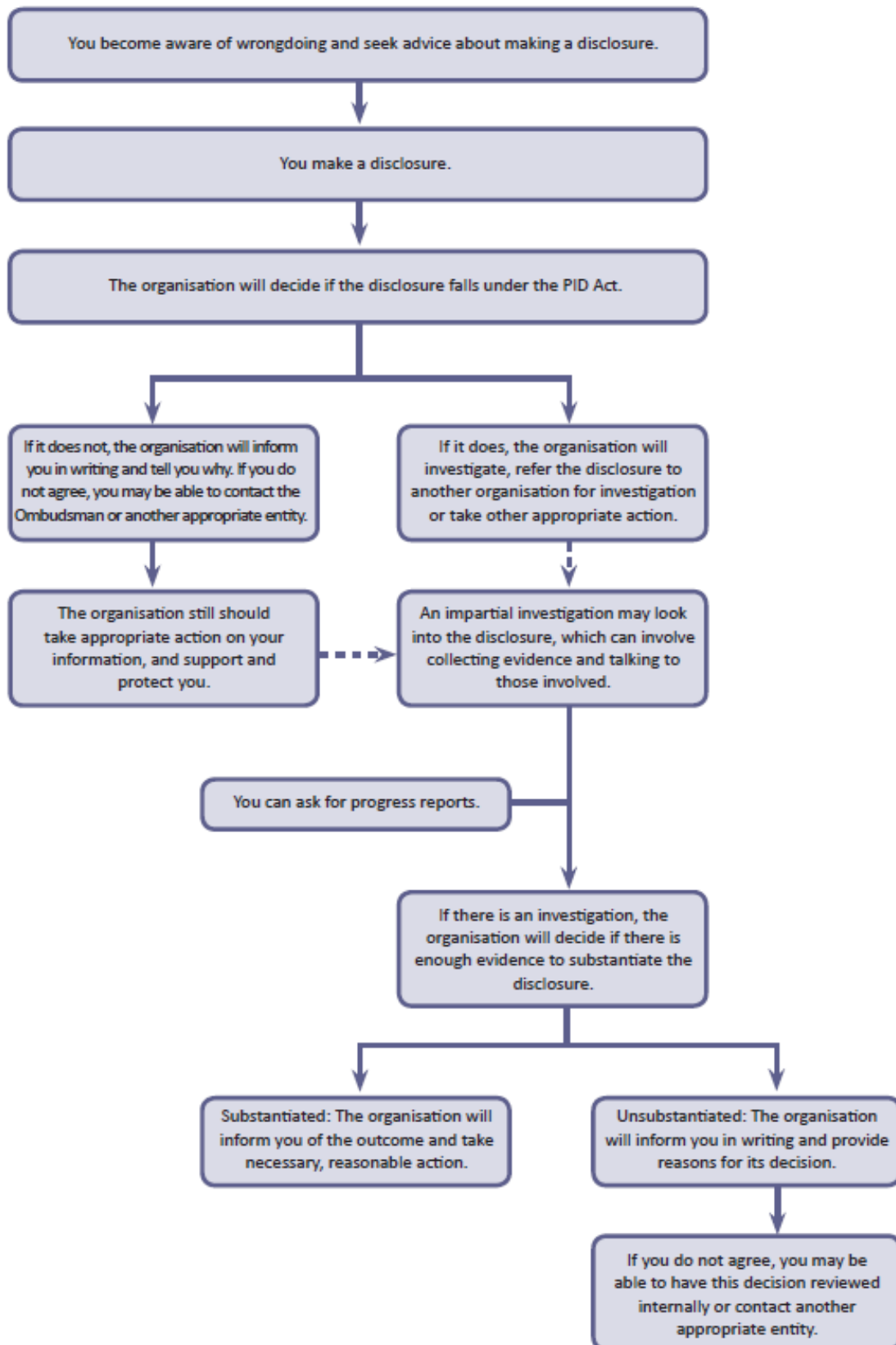
If CEQ decides another authority is better able to deal with the PID, the PID may be referred to that agency as outlined in the PID Act.

When a report is identified as a PID, CEQ will:

- Commence investigations and procedures in line with the PID Act and CEQ's Whistleblower Policy.
- Take action in relation to any wrongdoing identified in a PID.
- All recordings of PID's are be documented.
- Disclosers should not suffer any form of detriment as a result of making a PID. People who make PIDs will be provided with support and offered protection from reprisal by CEQ as follows:
 - Conduct a risk assessment to assess the likelihood of reprisal action.
 - Implement a risk management plan.

- Arrange any reasonably necessary support or protection for the discloser, witnesses or affected third parties.
- The person the PID concerns (the subject officer) will become aware that a disclosure has been made if a decision that the PID must be investigated or otherwise dealt with is made. The subject officer will be provided with sufficient information about the matter that was disclosed (or identified during an investigation) to enable them to respond to the issues or allegations.
- Information Provided to Disclosers:
 - Following receipt of a PID or to which a PID has been referred under the Act, CEQ must provide reasonable information about the disclosure to the person who made the disclosure. The following information, must be provided in writing:
 - Confirmation of the receipt of the PID
 - Description of the action taken or proposed to be taken in respect of the PID.
 - If the entity believes no action is required to be taken, reasons for this decision.
 - If action has been taken in relation to the PID, the results of such action.
 - CEQ is not required to provide the discloser with information if it is likely to adversely affect:
 - Anyone's safety.
 - The investigation of an offence or possible offence.
 - The confidentiality about an informant's existence or identity.
- Disclosers are responsible for:
 - Maintaining confidentiality about the making of the PID, the information contained in the PID and the identity of anyone referred to in the PID.
 - Assisting in an investigation of the PID matter, by supplying an investigator with information if requested.
 - Advising their manager or a nominated PID contact person if they believe reprisal action is being taken against them.
- CEQ must report on the outcome of the PID to the Public Service Commission.
- CEQ will provide information regarding the management of PIDs within CEQ's annual reporting to the Minister.
- The PID Act does not provide for an appeal against the outcome of the PID.

Process overview



9. Declining to act on a PID:

Under the PID Act, CEQ 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 CEQ from the performance of its functions.
- Another agency with jurisdiction to investigate the information has informed CEQ that an investigation is not warranted.
- If CEQ decides not to take action in respect of a PID, it must provide written reasons for this decision to the discloser.

10. Rights of subject officers:

CEQ acknowledges that for officers who are the subject of a PID, the experience may be stressful. CEQ will protect their rights by:

- Assuring them that the PID will be dealt with impartially, fairly and reasonably.
- 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 Employee Assistance Program for support.

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

11. Record keeping:

In accordance with its obligations under the PID Act and the Public Records Act 2002, CEQ 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.

12. Associated documents:

CEQ Code of Conduct; CEQ Whistleblower Policy; CEQ Customer Complaint Policy and Procedure; CEQ Investigation Policy and Procedure; CEQ Sexual Harassment Policy; CEQ Anti-Discrimination Policy; CEQ Theft Policy; CEQ Managing Psychosocial Hazards and Risks Code of Practice; CEQ Bullying Policy; CEQ Gift Policy; CEQ Procurement Policy; CEQ Conflict of Interest Policy; CEQ Related Parties Policy; Fair Work (Registered Organisations) Act 2009; Public Interest Disclosure Act 2013; Public Records Act 2002.

13. Approved by:



Michael Dykes

CEO approval date:

9/7/2024

Review Date: 9/07/2027

Governance subcommittee reviewed:

18/07/2024

Endorsed by the Board:

21/08/2024



1. **Title: Whistleblower Policy Statement**

Community Enterprise Queensland (CEQ) is committed to adhering to its statutory obligations, its rules and values. We are committed to providing those involved within our organisation a safe environment to raise concerns, breaches of internal rules or policy, or any acts defined as disclosable conduct, relating to the organisation and its Board Members, team members, suppliers, contractors and volunteers.

In cases where people feel uncomfortable to disclose their personal identity in relation to raising a matter, this Policy outlines such mechanism and the protections that will apply.

2. **Purpose:**

The purpose of this Policy is to:

- 2.1 Provide you with an understanding of what can be reported under this Policy;
- 2.2 Demonstrate the importance CEQ places on ensuring a safe and supportive environment where people feel confident to raise concerns, breaches of internal rules or disclosable conduct relating to CEQ and its Board Members, team members, suppliers, contractors and volunteers;
- 2.3 Assist to create a culture within CEQ that encourages our people to speak up and raise breaches of internal rules or policy, or disclosable conduct relating to CEQ and its Board Members, team members, suppliers, contractors and volunteers;
- 2.4 Ensure any persons who disclose concerns as outlined in this Policy, can do so safely, securely and with confidence that they will be protected and supported.
- 2.5 Explain the processes for reporting breaches of internal rules or policy, or disclosable conduct, including what happens when you make a report.

3. **Scope:** This policy applies to all Board Members, team members, suppliers, contractors, volunteers and customers of CEQ.

3.1 **People**

a) The following people can make a disclosure within CEQ:

- A Board Member of CEQ;
- A team member of CEQ;
- A person who is (or was) a customer of CEQ or a supplier to CEQ, or has (or had) a transaction with the organisation;
- A person who is (or was) a customer of CEQ or a supplier to CEQ, or has (or had) a transaction with a team member of the organisation;
- An acquaintance, friend or family member of a customer or an employee (or former employee) of a supplier or person who had such a transaction; or
- a lawyer on behalf of a discloser in one of the above categories.

3.2 Conduct

- a) The scope of this Policy relates to conduct which:
- Breaches CEQ's internal rules and policies; and/or
 - Is disclosable conduct under the Fair Work (Registered Organisations) Act 2009 (RO Act) (including alleged reprisals for making a disclosure) as defined in Part 4 of this Policy (as well as in section 6 of the RO Act).
 - May include any acts or behaviours that may constitute misconduct including but not limited to:
 - Engaging in or threatening to engage in detrimental behaviour against any person who has made a disclosure, or is believed to or suspected to have made a disclosure under this Policy;
 - Any actions that endanger the health, safety and wellbeing to other person/s and or the environment;
 - Misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting, taxation or financial reporting practices;
 - Breaches of privacy; and
 - Breaches of CEQ's confidential information.

3.3 Out of scope – Complaints and Grievances

From time to time, you may have a complaint in relation to service levels, policy decisions, or an employment-related grievance with another person within the organisation, which is not disclosable conduct or a breach of the organisation's rules or policies.

- a) If you are a customer, supplier, contractor or community member and have a complaint about a service issue or policy decision or you wish to raise a grievance issue, refer to CEQ's Customer Complaint Policy and Procedure and **complete a Customer Complaint Form**.
- b) If you are a Board Member, team member or volunteer of CEQ and have a complaint about a service issue or policy decision, or you wish to raise an employment-related grievance issue, refer to CEQ's Investigation Policy and Procedure and **speak to your supervisor or CEQ's People Workplace Culture Manager in person or in writing**.

4. Definitions:

Disclosable conduct is conduct, as defined in the RO Act, that may be reported to the Fair Work Commission (the Commission) or other responsible external agencies, which amounts to a suspected contravention of the law.

4.1 Disclosable conduct is an act (or failure to act) that indicates that someone may have:

- a) Breached the Registered Organisations Act, Fair Work Act 2009 or Competition and Consumer Act 2010; or
- b) Broken any other law.

4.2 Although disclosable conduct can be reported to external agencies, such as the Commission, in many cases, if it is dealt with promptly and effectively, CEQ will be capable of dealing with the matter internally to reach an appropriate resolution.

5. What Is (And Is Not) 'Disclosable Conduct':

Not everything that can be complained about amounts to disclosable conduct.

As defined above (and in the RO Act) disclosable conduct must be a suspected breach of the RO Act, the Fair Work Act or the Competition and Consumer Act 2010, or a criminal offence.

5.1 Examples of things which would be disclosable conduct include:

- a) A breach of a team member's duties to the organisation in relation to financial management;
- b) providing false or misleading information in a document;
- c) misuse of the organisation's resources;
- d) unauthorised payments being made;
- e) coercion to exercise or not exercise a workplace right;
- f) refusing membership to a person entitled to be a member; and/or
- g) failing to lodge required documents.

5.2 However, things that (on their own) would usually not be disclosable conduct include:

- a) complaints about the level of service received from CEQ or a particular team member;
- b) a difference of opinion about a policy adopted by CEQ;
- c) not being elected as a workplace representative;
- d) employment disputes with your employer;
- e) disagreeing with the decision of CEQ to donate to a particular cause.

6. Reporting Disclosable Conduct:

Every person in the organisation has a role and responsibility in ensuring CEQ is run ethically and in accordance with its internal rules and policies. Where matters related to breaches of internal rules or policies or disclosable conduct are identified, they should be raised as soon as possible. In instances where a person has concerns about making a report, reports can be made anonymously.

6.1 Who can report a matter?

As outlined in Part 3 of this policy, all Board Members, team members, suppliers, contractors, volunteers and customers of CEQ are an essential part of reporting matters to CEQ. It is not acceptable to 'walk past' or 'turn a blind eye' to reportable matters.

If you become aware of a matter, you should raise it as soon as practical with the people responsible for handling matters outlined below. Raising your matter early allows it to be addressed in the right way by an appropriate person.

You should not attempt to conduct any investigation yourself before raising the matter as this could interfere with any future actions or, in rare cases, could put your safety at risk.

If you have fears for your wellbeing, safety, or fear of reprisal as a result of raising your matter, you should mention these at the time you report the matter. You will be noted by CEQ as a Discloser, and afforded the protections outlined under this Policy, and where eligible legislative disclosure requirements are met, protected under the provisions of the RO Act.

6.2 Who should I report my matter to?

1. Your Supervisor, Manager or General Manager

Sometimes, a suspicion of wrongdoing may arise from a misunderstanding and is not in fact wrongdoing. Accordingly, you are encouraged in the first instance to check with your designated Supervisor, Manager or General Manager to seek an immediate response.

Remember, in some instances, communication is restrained by confidentiality requirements or other legitimate reasons. However, where you believe the response to your matter raised is not appropriate, then alternative reporting is available as per below.

2. People Workplace Culture Department

If you do not wish to raise the matter with your designated Supervisor, Manager or General Manager, you should consider raising the matter with CEQ's People Workplace Culture department so they can assist you in relation to your matter.

3. Chief Executive Officer (CEO) Office

If you do not feel safe, or it is not practical to raise the matter with your Manager or Supervisor or the People Workplace Culture department, you may consider raising the matter with the CEQ Chief Executive Officer so they can provide the assistance you need in relation to your matter.

4. Whistleblower Investigation Officer / Whistleblower Hotline

In cases where you do not feel safe to speak to any of the internal reporting channels, and you wish to be protected by CEQ as a part of raising your matter, you can report your matter to CEQ's Whistleblower Investigation Officer (the WIO).

The WIO is a senior officer of CEQ who is responsible for receiving whistleblower disclosures of wrongdoing and overseeing its investigation and resolution.

The WIO must (after reasonable assessment):

- a) Appoint a Whistleblower Protection Officer (the WPO) to provide support to the whistleblower;
- b) Be satisfied that action taken in response to the inquiry/investigation is appropriate to the circumstances; and
- c) Ensure that all investigations are carried out in line with the principle of procedural fairness.

The WIO and WPO can be contacted through the channels below:

CEQ Whistleblower Email address	whistleblower@ceqld.org.au
CEQ Whistleblower Phone number	0427 162 715
CEQ Postal Mailing Address, titling 'Whistleblower Hotline'	PO Box 1108, Cairns, Qld, 4870

Outside CEQ

If your matter relates to disclosable conduct and it is not practical to report your matter within CEQ in the first instance, you can report disclosable conduct to the relevant external agency. You must make the disclosure to one of the following:

- a) The General Manager or the staff of the Fair Work Commission (the Commission);
- b) The Australian Building and Construction Commission (the ABCC) Commissioner, their Deputy or an inspector of the ABCC; or
- c) The staff of the Fair Work Ombudsman.

Any of these people can receive a disclosure from a whistleblower and using it will trigger the whistleblower process. A whistleblower is also able to give the information to their lawyer and have their lawyer contact one of the people in the above list with the information.

A person does not need to use the word 'whistleblower' to be protected, however using it may help the agency receiving the information quickly to recognise the importance of the disclosure. The person also has no obligation to give the agency their name or contact details, however this can have implications as to whether a disclosure is able to be properly investigated.

For further details as to what constitutes disclosable conduct, visit the Commission's website: www.fwc.gov.au and read the information on "What is disclosable conduct".

7. What Happens When You Report Disclosable Conduct to CEQ:

When reporting a matter, you should provide as much information as possible. Information such as dates, times, location, individuals involved, other witnesses, physical evidence (e.g. documents, images) and any other general information may be helpful to assist CEQ to determine how to take appropriate action.

Any information you provide to CEQ may be used by CEQ in assessment of an investigation or other appropriate action. Examples of actions could include:

- a) A satisfactory explanation provided in relation to the matter;
- b) The matter is resolved by speaking to one or more parties;
- c) The matter is recorded and monitored going forward;
- d) A decision is made to investigate (internally or via independent, external investigators);
- e) The matter is referred to another agency; or
- f) Any combination of the above.

Where practicable, you will be contacted and advised of what action will be undertaken.

If CEQ determines that your matter should be investigated, the investigation may be conducted by the WIO, an appropriately capable officer or employee of CEQ nominated by the WIO, or by an external investigator appointed by CEQ.

All investigations will be conducted in a manner that is procedurally fair, confidential, conducted without bias and in a timely manner.

At the end of an investigation, you may be informed of the outcome of the investigation by CEQ. CEQ may, in certain circumstances, whether required by law or in its discretion, inform the Fair Work Commission or the relevant authority of any contents of the investigation.

Additional information and resources can be found at the Commission's website www.fwc.gov.au.

8. How You Are Protected

8.1 Confidentiality

If you report a breach of internal rules or policies, or a concern relating to disclosable conduct to CEQ under this Policy, you will have your details, and the information you provide, treated in strictest confidence. CEQ will only share your details on a need-to-know basis with those within CEQ who have a role to play in looking into your matter. In addition, there may be certain times under applicable law where CEQ is required to share your details as part of its legal obligations.

8.2 Protection

CEQ is committed to ensuring that if you raise a matter under this Policy, you are provided support and protection from reprisal or personal or financial disadvantage because of making that report.

You will be protected under the RO Act when you raise a matter relating to disclosable conduct within CEQ, just the same as you would have been if you had raised the disclosable conduct with the Commission.

This extended protection, is another reason raising matters within CEQ in the first instance is usually the quickest and most effective option.

Protection under the RO Act

The RO Act provides protection to a person who makes a 'protected disclosure'. A protected disclosure is defined in the RO Act. To qualify as a protected disclosure, the disclosure must:

- a) Be made by a discloser listed in Part 4 of this Policy;
- b) Be about suspected Disclosable conduct (as defined in Part 3c of this Policy, i.e. a suspected contravention of relevant Commonwealth laws);
- c) Be capable of being reported to an authorised recipient in a relevant Government agency.

Importantly, the RO Act protects an eligible disclosure even if it is reported internally to the registered organisation. This is because section 337BA of the RO Act stipulates that a disclosure is protected under the RO Act if the person made, or could have made, the disclosure to the Commission or other authorised recipient.

Section 337BA provides protection where:

- a) A person (the first person) takes a reprisal against another person (the second person) if:
 - The first person causes (by act or omission) any detriment to the second person; and
 - When the act or omission occurs, the first person:
 - Believes or suspects that the second person or any other person made, may have made, proposes to make or could make a disclosure that qualifies for protection under this Part; **or**
 - Should have known that the second person or any other person made, may have made, proposes to make or could make a disclosure that qualifies for protection under this Part.

This confirms that under the RO Act, if you raise disclosable conduct within CEQ, you will be afforded the same protection from reprisal as if you had reported the eligible disclosure to the Commission or another authorised recipient in an external agency.

8.3 Reprisals

A Discloser is protected from reprisal being taken against them, to their detriment (whether by act or omission), as a result of making that disclosure.

Detriment is defined in Section 337BA of the RO Act as follows:

"Detriment includes (without limitation) any of the following:

- (a) dismissal of an employee;*
- (b) injury of an employee in his or her employment;*

- (c) alteration of an employee's position to his or her detriment;
- (d) discrimination between an employee and other employees of the same employer;
- (e) harassment or intimidation of a person;
- (f) harm or injury to a person, including psychological harm;
- (g) damage to a person's property;
- (h) damage to a person's reputation."

Reprisals may be the subject of criminal penalties, civil penalties or other civil remedies (such as reinstatement, injunctions, etc) if the disclosure is the reason (or part of the reason) for the reprisal action being taken.

A discloser who makes a protected disclosure will not be subject to:

- a) Any criminal or civil liability for making the disclosure (s 377B(1)(a)), or
- b) The enforcement of any contractual or other right or remedy against them on the basis of their disclosure (s 377B(1)(b)).

However, it is important to understand that if a person makes a protected disclosure, they are not exempt from the consequences of their own misconduct.

The Commission's Fact Sheet Protection for Whistleblowers (FS003) – available on the Commission website – provides comprehensive information on the protections available.

8.4 Anonymity

Anonymous reports of wrongdoing are accepted under this Policy. Anonymous reports may have significant limitations that inhibit a proper and appropriate inquiry or investigation. These limitations may include the inability to provide feedback on the outcome and/or to gather additional particulars to assist the inquiry/investigation.

9. **Failure to comply with this Policy:**

Any breach of this Policy may result in disciplinary action, including dismissal from CEQ.

10. **Associated documents:** CEQ Code of Conduct; CEQ Public Interest Disclosure Policy; CEQ Customer Complaint Policy and Procedure; CEQ Investigation Policy and Procedure; CEQ Sexual Harassment Policy; CEQ Anti-Discrimination Policy; CEQ Theft Policy; CEQ Managing Psychosocial Hazards and Risks Code of Practice; CEQ Bullying Policy; CEQ Gift Policy; CEQ Procurement Policy; The Fair Work (Registered Organisations) Act 2009.

11. **Approved by:**



Michael Dykes

CEO Approval Date:

1 July 2024

Review Date: 1 July 2027

P&R Committee Approval Date:

25 July 2024

Board Approval Date:

21 August 2024