

DIVISION: Corporate Services	BUSINESS UNIT: Human Resources
APPLICATION: RTA Wide	CONTACT OFFICER: Manager, Human Resources

Purpose

This policy provides direction about the reporting of suspected wrongdoing or danger that is in the public interest.

Scope/Application

This policy applies to all permanent, temporary and casual employees and contractors engaged by the Residential Tenancies Authority (RTA).

References

Crime and Corruption Act 2001

Disability Services Act 1992

Financial and Performance Management Standard 2009

Public Interest Disclosure Act 2010

Public Interest Disclosure Standard 2014

Public Sector Ethics Act 1994

Industrial Relations Act 1999

Making a Public Interest Disclosure – A guide for individuals working in the public sector (2011)

Managing a Public Interest Disclosure Program – A guide for public sector organisations (2011)

Handling a Public Sector Interest Disclosure – A guide for public sector managers and supervisors (2011)

Workers' Compensation and Rehabilitation Act 2003 (QLD)

Work Health and Safety Act 2011 (QLD)

Links to other RTA Policies

RTA Code of Conduct

Complaints Management Policy

HRM Policy 'Managing Employee Complaints' (H2)

Records Management Policy

Definitions

Corrupt Conduct has meaning as defined at s15 of the *Crime and Corruption Act 2001*, and includes conduct that could, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for terminating the person's services. Examples include performance of an officer's duties that is dishonest or lacks impartiality, or involves a breach of trust, or is a misuse of officially obtained information. The act may be corrupt conduct even if the person:

- is no longer a public official;
- was not at the time but is now a public official;
- committed the conduct outside of Queensland; and
- did not receive money or a personal benefit.

Corrupt conduct includes:

- neglect, failure and inaction;
- conspiracy to engage in corrupt conduct; and
- attempt to engage in corrupt conduct.

Maladministration refers to administrative action that is unlawful, arbitrary, unjust, oppressive, improperly discriminatory or taken for an improper purpose (e.g. purchasing a computer with a range of features not required for work purposes, or unauthorised travel benefits such as payment of spouses travel arrangements) or an action for which reasons should have been given, but were not given, or were wrong.

Manager includes, a member of the Executive Management Team, Managers and Team Leaders

Policy statement

Public Interest Disclosure (PID) is a disclosure about a suspected wrongdoing or danger in the public sector. A PID is different from a general complaint about dissatisfaction with a service or a managerial decision, and is different from a personal grievance that can be resolved by the parties.

A PID is an appropriate disclosure of public interest information to an appropriate entity, for which the person making the disclosure receives protection. A disclosure can be made if a public officer has information about:

- corrupt conduct by another person;
- maladministration that adversely affects a person's interests in a substantial and specific way;
- a substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about expenditure amounts, the purpose of the expenditure or, priorities of expenditure); or
- a substantial and specific danger to public health or safety; or
- a substantial and specific danger to the environment.

A public officer or any person may make a PID if they have information about:

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

The RTA is committed to ensuring the organisation has a culture that encourages the disclosure of corrupt conduct and maladministration. All employees have an ethical responsibility to report actual or suspected instances of corrupt conduct and maladministration. The RTA is committed to:

- implementing initiatives and internal control systems to identify, prevent and/or reduce incidents of wrongdoing and corrupt conduct;
- identifying areas that may be flawed and may make the RTA vulnerable to loss, public criticism or legal action;
- avoiding financial loss and inefficiency;
- maintaining a positive corporate reputation;

- reducing the risks to the health and safety of employees, clients and stakeholders;
- improving accountability and transparency; and
- deterring employees from engaging in any improper conduct.

All employees must report all suspected instances of corrupt conduct, maladministration or wrongdoing whether the matter has come to their direct attention or has been reported to them by another employee, a client, another person or has been received anonymously.

Suspected instances of corrupt conduct, PIDs and maladministration can be reported to:

- the Chief Executive Officer, or
- the Chief Financial Officer (RTA's PID Officer), or
- a Member of the Legislative Assembly, or
- the Crime and Corruption Commission (CCC), or
- a member of the RTA Board, or
- an external public sector entity that has the power to investigate or remedy the issue, i.e. Environmental Protection Agency, Public Service Commission, Queensland Ombudsman, Queensland Audit Office, etc.

When the RTA receives a Public Interest Disclosure (PID) the RTA is committed to:

- protecting the integrity, wellbeing, career interest and good name of all persons involved;
- protecting the person who made the disclosure from any adverse action as a result of making the disclosure;
- responding to the disclosure thoroughly, objectively, reasonably and impartially;
- keeping the person who made the disclosure informed of the progress and outcome;
- treating any bullying, harassment, unfair treatment, victimisation or discrimination that results from a disclosure being made as a breach of RTA's code of conduct; and
- taking appropriate action where some form of wrongdoing has been found.

Responsibilities

Chief Executive Officer

- Ensuring public interest disclosures made to the RTA are properly assessed, investigated and managed according to legislative provisions.
- Ensuring RTA employees who make a public interest disclosure are:
 - given appropriate support, and
 - protected from reprisal.

PID Officer

The Chief Financial Officer (CFO) is the delegated officer to be responsible for issues related to the Management of PIDS. The CFO has:

- direct access to the CEO in relation to PID matters, and
- delegated authority and resources to manage PIDs.

Employees

- Have a clear understanding of their responsibility to report actual or suspected instances of wrongdoing.

Public Interest Disclosure and the management of corrupt conduct (PID) (H7)

Release Notice

RELEASE NOTICE –			
Version	Amendment Details	Author	Date
0.1 -1.3	Initial Release and updates	See HR for copies	3/11/11
2.0	Final Draft and Release	Al Chisholm	

Approved By: Darren Barlow
Name:
Title: Chief Executive Officer
Signature:

Approval & Release Date: 20.11.2015