

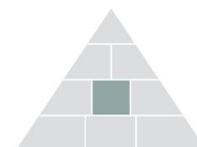
Specification

Public Interest Disclosures

MD-11-6837

QUEENSLAND RAIL OFFICIAL

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*Contact for further information

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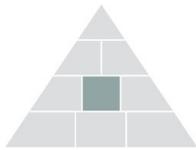
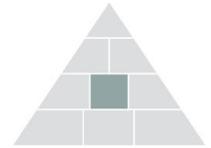


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1 Purpose

Queensland Rail is committed to the highest specifications of conduct and ethical behaviour in all our business activities and promoting and supporting a culture of honest and ethical behaviour and good corporate governance. Queensland Rail will not tolerate any one from being discouraged from speaking up or being adversely affected because they have reported corrupt conduct or workplace misconduct in accordance with this specification.

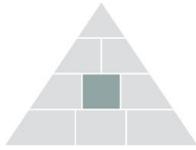
Queensland Rail is a statutory authority established under the *Queensland Rail Transit Authority Act 2013 (Qld)* and for the purposes of the *Financial Accountability Act 2009 (Qld)* and the *Statutory Bodies Financial Arrangements Act 1982 (Qld)*, the specification adopts both state and federal legislation to provide a safe and confidential environment where concerns can be raised by a person making a public interest disclosure (whistleblower) without fear of reprisal or detrimental treatment.

This specification establishes the minimum requirements for:

- encouraging, supporting and promoting the appropriate raising of reportable conduct;
- who is entitled to protections as a whistleblower under the *Public Interest Disclosure Act 2010 (Qld)* and the *Treasury Laws Amendment [Enhancing Whistleblower Protections] Act 2019 (Cth)*;
- the protections whistleblowers are entitled to whereby Queensland Rail has independent, confidential and objective reporting and investigation mechanisms so that people who are acting honestly, ethically and with genuine concern are able to raise reported conduct without fear of reprisal;
- how disclosures are made by whistleblowers will be dealt with by Queensland Rail;
- conducting fair, unbiased, evidence based investigations in order to substantiate or refute claims of reportable conduct; and
- implementing a robust framework for escalating and addressing claims of reportable conduct.

1.1 Business or technical need?

This Specification has been prepared to comply with section 28 of the Public Interest Disclosure Act 2010 and Public Interest Disclosure Specification issued by the Queensland Ombudsman under section 60 of the Public Interest Disclosure Act 2010; and section 1317AI of the Corporations Act 2001 (Cth).



2 Requirements of this Specification

In accordance with section 28 of the Public Interest Disclosure Act 2010, and section 1317AI of the Corporations Act 2001 (Cth), Queensland Rail is required to develop, implement, and publish reasonable procedures for dealing with Public Interest Disclosures.

More Public Interest Disclosure information and resources can be obtained from the Queensland Ombudsman's website.

2.1 Who is eligible for whistleblower protection under this Specification?

To be treated as a whistleblower under this Specification you must:

- be one of the individuals set out in section 2.1.1;
- disclose information regarding the type of matters set out in section 2.1.2; and
- disclose that information to one of the persons set out in section 2.1.3.

2.1.1 Who may make a disclosure?

Dependent upon which legislation the whistleblower is making a disclosure, disclosures can be made by current or former:

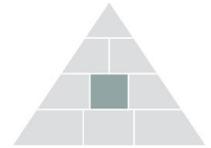
- a) employees of Queensland Rail
- b) contractors or suppliers of goods and services to Queensland Rail, or their current and former employees
- c) associates of Queensland Rail; and/or
- d) family members of an individual mentioned above.

2.1.2 What types of matters can be disclosed?

Disclosures can be about improper conduct which an individual suspects on reasonable grounds has occurred or is occurring within Queensland Rail, including conduct by an employee of Queensland Rail. However, disclosures cannot be made under this Specification about solely personal work-related grievances. Such matters will be dealt with in accordance with the Queensland Rail Employee Complaints Procedure.

Depending upon which legislation an individual is making the disclosure about, examples of disclosable matters include:

- a substantial and specific danger to the health or safety of a person with a disability
- a substantial and specific danger to the environment



- reprisal action following a Public Interest Disclosure
- maladministration that adversely affects someone's interests
- a substantial misuse of public resources
- fraud
- negligence
- breach of duty or trust
- default
- criminal offences
- failure to comply with any legal obligation
- unfair or unethical dealing with a customer, supplier or agent of Queensland Rail
- corrupt conduct
- human rights abuse
- risk to the health or safety of any person
- unethical conduct
- any deliberate concealment relating to the above.

2.1.3 Who should I disclose to?

To ensure appropriate escalation and timely investigation of matters under this Specification, Queensland Rail encourages an individual to report a Public Interest Disclosure in writing or by phone to 'Stopline'. Stopline is an independent external service that operates on behalf of Queensland Rail.

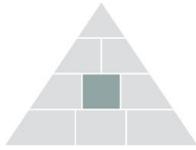
- Stopline can be contacted at:
 - qr@stopline.com.au
 - disclosures@stopline.com.au; or via
- Free call within Australia 1300 30 45 50.

Alternatively, an individual may make a disclosure to any one of the following:

- to any person in a leader/manager position
- to the Chief Executive officer
- to a member of the Board.

2.1.4 Anonymous disclosure

A disclosure may be submitted anonymously if an individual does not wish to disclose their identity. An individual also has the option of providing their details to Stopline, which will not be forwarded to Queensland Rail. In these instances, Stopline will not disclose the individual's identity to Queensland Rail, and their disclosure will remain anonymous.



Depending on the circumstances of the disclosure, Queensland Rail may be able to respond to the individual making the disclosure through Stoptime.

Individuals are encouraged to provide their name and contact details when making a disclosure because it will make it easier for your disclosure to be addressed. For example, the context in which an individual may have observed potential misconduct is likely to be useful information, and Queensland Rail may seek more information to assist an investigation. If an individual does not provide their name and contact details, the investigation will be conducted as best as possible in the circumstances. However, a thorough investigation may not be possible unless enough information is provided by the discloser, and it may be difficult to offer the discloser a level of practical support if their identity is unknown.

2.2 Confidentiality

2.2.1 Whistleblower's identity must be kept confidential

Subject to section 3.2, whether under state or federal legislation, the identity of a whistleblower (or information that is likely to lead to their identity becoming known) must be kept confidential unless the whistleblower has consented to the disclosure of their identity.

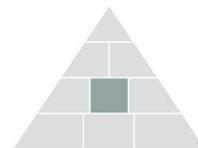
2.2.2 Permitted exceptions

The identity of a whistleblower (or information that is likely to lead to their identity becoming known) may be disclosed without the whistleblower's consent if the disclosure is made to:

- a) an in-house or external lawyer for the purpose of obtaining legal advice or legal representation in relation to the operation of the Australian whistleblower laws
- b) the Australian Federal Police
- c) the Australian Securities and Investments Commission
- d) the Australian Prudential Regulatory Authority; or
- e) the Australian Commissioner of Taxation if the disclosure concerns Queensland Rail's tax affairs or the tax affairs of an associate of Queensland Rail.

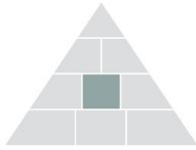
2.3 How this Specification interacts with Australian whistleblower laws

By making a disclosure in accordance with this Specification, you may be afforded protection under Australian whistleblower laws.



While this Specification principally deals with internal disclosures of information, Australian whistleblower laws also protect some types of disclosure made to external parties (such as to legal representatives, the Australian Securities and Investments Commission, the Australian Commissioner of Taxation, members of parliament or journalists). Any person who is a whistleblower under Australian whistleblower laws must be treated in accordance with, and is entitled to, protections afforded by this Specification.

For more information about these laws, see the information available on the Australian Securities and Investments Commission website, the Australian Taxation Office website, and the Queensland Ombudsman Website.



3 Responsibilities

The following establishes the accountabilities and responsibilities of the key internal stakeholders specific to this Specification.

3.1 Investigations of information disclosed

Matters raised under this Specification will be treated seriously and with the utmost sensitivity. All matters will be dealt with fairly and objectively.

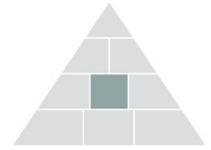
While making a report does not guarantee that the matter will be formally investigated, all reports will be assessed and considered by Queensland Rail and a decision made as to whether they should be investigated in accordance with this Specification.

Queensland Rail's response to a report will vary depending on the nature of the report (including the information provided). Reports alleging potential corrupt conduct or misconduct will be assessed to determine:

- under what legislation is the disclosure made;
- if and how the allegations should be investigated in accordance with this Specification; and
- whether the potential corrupt conduct or misconduct is of a serious nature; in particular if it involves conduct involving senior management and or significant financial matters. Where the matter is of a serious nature, the Manager, Ethics and investigations (or their delegate) must immediately notify the Executive General Manager People and Culture.

In all cases:

- All employees must cooperate fully with any investigations.
- The Manager, Ethics and Investigations may investigate the matter directly or may appoint an Investigation Officer to investigate the matter, other than in matters involving breaches of the *Corporations Act 2001* where particular processes apply.
- The Manager Ethics and Investigations may consult with General Counsel or the EGM People and Culture to determine how Queensland Rail will respond and/or report the matter.
- If the matter relates to the Chief Executive Officer or senior management, a handover to General Counsel will be coordinated by the manager, Ethics and Investigations through the Executive General Manager People and Culture to engage external investigators.
- Unless there are confidentiality or other reasons not to do so, individuals to whom the disclosure relates will be informed of the allegation at an appropriate time and will be given a chance to respond to the allegations made against them.



- Where Queensland Rail considers it appropriate to do so, feedback will be provided to the discloser regarding the progress and/or outcome of the investigation (subject to considerations of the privacy of those against whom allegations are made).

3.2 Reporting to the Board or its delegated committee

Subject to the confidentiality obligations in section 2.2, the Manager, Ethics and Investigation, in consultation with the Senior manager, Employee Relations and General Counsel must provide the Board or its delegated subcommittee monthly reports on all material whistleblower matters, including information on:

- a) the status of any investigations underway; and
- b) the outcomes of any investigations completed, and actions taken as a result of those investigations.

3.3 Who does what?

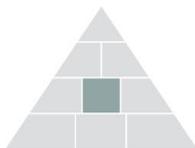
| Who | What |
|----------------------------------|--|
| Ethics and investigations | <ul style="list-style-type: none"> • Assessment of a PID • Management of a PID • Investigate allegations of reprisal action • Provide support to the PID process • Comply with reporting requirements of the Office of the Queensland Ombudsman |
| Leader | <ul style="list-style-type: none"> • Referral of PID information to Ethics and Investigations • Duty of care to ensure a safe workplace by means of initial and on-going risk assessments particularly as it relates to disclosures |

4 Terms and definitions

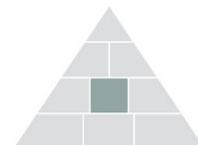
The following key terms and definitions are unique to this Specification. Please refer to the [Business Glossary](#) for other terms not included in this section.

| Term | Definition | Source ¹ |
|------------------------|----------------|--|
| Corrupt Conduct | See section 15 | <i>Crime & Corruption Act 2001 (Qld)</i> |

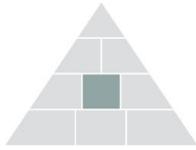
¹ Where left blank, Source is not applicable.



| Term | Definition | Source ¹ |
|-------------------|---|--|
| Detriment | Includes – | <i>Schedule 4 - Public Interest Disclosure Act 2010 (Qld)</i> |
| | (a) Personal injury or prejudice to safety; and | |
| | (b) Property damage or loss; and | |
| | (c) Intimidation or harassment; and | |
| | (d) Adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and | |
| | (e) Financial loss; and | |
| | (f) Damage to reputation, including, for example, personal professional or business reputation. | |
| | See section 1317ADA | <i>Corporations Act 2001</i> |
| | See section 14ZZZAA | <i>Taxation Administration Act 1953</i> |
| Discloser | A person who makes a public interest disclosure | |
| Disclosure | Refer to section 2.1.1 of this Procedure As defined in section 11 of the <i>Public Interest Disclosure Act 2010 (Qld)</i> | <i>Public Interest Disclosure Act 2010 (Qld)</i> |
| Journalist | A person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media. | <i>Section 20(4) - Public Interest Disclosure Act 2010 (Qld)</i> |
| | Journalist means a person who is working in a professional capacity as a journalist for any of the following: (a) a newspaper or magazine; (b) a radio or television broadcasting service; (c) an electronic service (including a service provided through the internet) that: (i) is operated on a commercial basis; and (ii) is similar to a newspaper, magazine or radio or television broadcast. | <i>Section 1317AAD Corporations Act 2001</i> |
| PID | Public Interest Disclosure | As defined in section 11 of the <i>Public Interest Disclosure Act 2010 (Qld)</i> |



| Term | Definition | Source ¹ |
|---------------------------------|--|---|
| Public Sector Entities | As defined in Section 6 of the <i>Public Interest Disclosure Act 2010</i> | <i>Public Interest Disclosure Act 2010</i> (Qld) |
| Reprisal | <p>A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that –</p> <ul style="list-style-type: none"> (a) The other person or someone else has made, or intends to make, a public interest disclosure; or (b) The other person or someone else is, has been or intended to be, involved in proceeding under the Act against any person. | Refer to section 40 of the <i>Public Interest Disclosure Act 2010</i> (Qld) |
| Subject Officer | The person about whom a PID is made. | <i>Public Interest Disclosure Act 2010</i> (Qld) |
| Substantial and specific | Substantial means “of a significant or considerable degree”. It must be more than trivial or minimal and have some weight or importance. Specific means “precise or particular”. This refers to conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms. | |



5 Appendices

Appendix 1 – Related documents

Queensland Rail documents

| Document type | Document title |
|----------------------------------|---|
| Standard | MD-10-62 <u>Code of Conduct</u> |
| | MD-13-327 <u>Performance and Behaviour</u> |
| | MD-11-1338 <u>Risk Management</u> |
| Principle | MD-12-555 Values |
| Specification | N/A |
| Strategy / Plan | MD-10-917 <u>Fraud and Corruption Control</u> |
| Specification / Framework | N/A |
| Procedure | N/A |
| Other | Crime and Corruption Commission 'Corruption in Focus' |