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Whistleblower Policy

Public

Gold Coast 2018 Commonwealth Games Corporation (GOLDOC)
PO Box 8177, GCMC QLD 9726, Australia P +61 7 5618 2018 F +61 7 5618 2000 E info@goldoc.com W gc2018.com



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Tel: (07) 5618 2018
Email: info@goldoc.com
Web: <https://www.gc2018.com/>



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1. OBJECTIVES AND GUIDING PRINCIPLES

This document supports Gold Coast 2018 Commonwealth Games Corporation's (GOLDOC) commitment to assessing and responding to any Public Interest Disclosure (PID) and disclosure of any alleged genuine serious wrongdoing.

This means that GOLDOC:

- Promotes a culture that encourages the workforce, a supplier or partner of GOLDOC, and any member of the public to report any alleged genuine serious wrongdoing associated with GOLDOC.
- Provides a fair and convenient process with established roles and responsibilities within GOLDOC for appropriately assessing, responding and dealing with disclosures in a fair, objective, and unbiased manner.
- Delivers a framework that recognises the importance of providing a safe mechanism for disclosing alleged serious wrongdoing, aiding in GOLDOC's ability to stage a great Games in a great city, leaving great memories and great benefits for all.
- Provides protection and support to anyone making a disclosure to manage the risk of discrimination, harassment, or victimisation, including reprisal.
- Maintains confidentiality, where appropriate (unless otherwise required by law).
- Satisfies its obligations under the *Public Interest Disclosure Act 2010 (Qld)*.

2. POLICY STATEMENT

GOLDOC is committed to a high standard of legal, ethical and moral behaviour in all of its activities, and by people at all levels within GOLDOC's workforce. GOLDOC promotes a positive culture of honest and ethical conduct and encourages effective disclosure of alleged serious wrongdoing without fear of retribution.

GOLDOC acknowledges that the disclosure of alleged serious wrongdoing is an important source of information regarding its business decisions and processes. Those working with GOLDOC, both internal and external to the organisation, may be the first to become aware of any serious wrongdoing.

GOLDOC recognises that an effective manner of disclosing and dealing with alleged serious wrongdoing is important for maintaining GOLDOC's reputation and contributing to the best possible delivery of the Gold Coast 2018 Commonwealth Games (GC2018).

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3. SCOPE

Within scope

This policy applies to disclosures about alleged serious wrongdoing made in the public interest by GOLDOC's workforce, a supplier or partner of GOLDOC and any member of the public.

The discloser must honestly and reasonably believe the information provided demonstrates a serious wrongdoing.

This policy also applies to disclosures made in accordance with the *Public Interest Disclosure Act 2010 (Qld)*.

Out of scope

A disclosure under this policy is different from a general complaint about dissatisfaction with a service or a decision by GOLDOC, and is different from an employee related complaint that can be resolved between the individual parties.

Examples of disclosures not within the scope of this policy include disclosures that are:

- Questioning the merits of government or GOLDOC policy or are a mere disagreement over the application of such policy
- Made to avoid disciplinary action
- Primarily involving matters aimed at an individual, such as favouritism, bullying or disputes between two individuals
- Made frivolously, vexatiously or about trivial matters

If a person has feedback or information that they wish to report to GOLDOC that is out of scope of this policy, the feedback or information may be provided through GOLDOC's Customer Feedback Framework, which can be located on our [website](#)¹.

Alternatively, GOLDOC workforce matters may be dealt with under GOLDOC's internal workforce policies, including the Workplace Complaints Procedure.

¹ <https://www.gc2018.com/about/contact-us>

4. HOW TO MAKE A DISCLOSURE

This policy applies to all disclosures of alleged serious wrongdoing made in the public interest associated with GOLDOC.

4.1 Information to provide

To ensure that a matter can be dealt with appropriately, disclosers should provide all known relevant information including:

- The name, job title and location of the Subject Person/s
- Details of relevant events, dates and places
- Details of people who may be able to verify or support the allegations
- Any other evidence, documents or information that support the allegations

All information relating to a disclosure will remain confidential and secured, unless required to be disclosed by law.

Disclosers are not obliged to identify themselves and may remain anonymous. However, GOLDOC will not be able to update or inform an anonymous discloser about the progress of a disclosure or seek clarification of information provided.

4.2 Making a disclosure

Disclosures should be made as soon as possible after identification of the serious wrongdoing, using any of the methods listed below.

Sometimes, a suspicion of serious wrongdoing may arise from a misunderstanding and is resolved through internal investigation or clarification. For that reason, GOLDOC encourages the workforce to initially use the internal reporting methods, if appropriate.

Disclosers should not attempt to investigate matters or collect evidence themselves.

Various methods of disclosure available to GOLDOC's workforce, a supplier or partner of GOLDOC and members of the public are detailed in the following table.

Table: Methods of Disclosure

Method of disclosure	Initial report Internal / External to GOLDOC	Detail <i>Note: All internal disclosures will be provided to the PID Team (or CEO if the information is about a member of the PID Team)</i>	All	Employees
GOLDOC's integrity email address	Internal	integrity@goldoc.com - This is monitored by GOLDOC's Head of Legal, Head of Workforce and Head of Security.	✓	✓
By post – addressed to GOLDOC's PID Team or CEO	Internal	Private and Confidential GOLDOC Public Interest Disclosure Team PO Box 8177 GCMC QLD 9726 <i>Alternatively, if the matter is about a member of the PID Team</i> Private and Confidential GOLDOC Chief Executive Officer PO Box 8177 GCMC QLD 9726	✓	✓
In person to an employee's direct manager, another manager, GOLDOC's PID Team or CEO	Internal	Employees are encouraged to first make disclosures internally to their manager or immediate supervisor. However, if the employee's manager may be suspected to be involved in the alleged serious wrongdoing or if the employee is not comfortable making a disclosure to their manager, they should consider making the disclosure to a member of the PID Team or the CEO.		✓
GOLDOC's integrity hotline 1300 064 412	Internal	Available 8:30am to 5pm Monday – Friday excluding public holidays: 1300 064 412	✓ (Not employees) *	
Legislative Assembly (member of Parliament)	External	Members of the Legislative Assembly who receive a disclosure are required to refer it to the appropriate entity as they do not have any authority to investigate disclosures.	✓	✓
Crime and Corruption Commission	External	If a matter is about corruption, any person can make a disclosure directly to the Crime and Corruption Commission.	✓	✓
Queensland Ombudsman	External	If a matter is about maladministration, any person can make a disclosure directly to the Queensland Ombudsman.	✓	✓
Optum Whistleblower hotline 1800 676 787	External	An independent service available 24 hours, seven days a week: 1800 676 787. Optum will provide the disclosed information to the GOLDOC PID Team.		✓

5. SUPPORT AND PROTECTIONS AVAILABLE

5.1 Support for disclosers

GOLDOC is committed to protecting the rights of disclosers who disclose alleged serious wrongdoing in good faith. A person should not suffer from reprisal as a result of making a disclosure and GOLDOC will not tolerate such conduct from any member of its workforce. A reprisal is any form of detriment (or threat of detriment) against a person because they made a genuine and honest disclosure. Examples of reprisal include:

- Termination of employment, contract or supply of goods or services
- Demotion or reassignment of duties
- Discrimination, victimisation or harassment

As soon as possible after receiving a disclosure, the PID Team and/or Whistleblower Protection Officer will conduct a risk assessment to determine the level of risk of reprisal to the discloser and any other relevant persons. Where a risk of reprisal is identified, GOLDOC will implement appropriate protections, which are proportionate to the risk and its potential impact.

If the discloser believes they are being subjected to reprisal they should report this to the PID Team and/or Whistleblower Protection Officer as soon as possible. Any allegations of reprisal will be considered, and if relevant, investigated separately to the initial disclosure.

Employees

GOLDOC employees are encouraged to contact GOLDOC's confidential Employee Assistance Program (EAP) in accordance with the Employee Assistance Program Guideline.

5.2 Support for Subject Person/s

The Subject Person may be informed of the substance of the allegations if a decision is expected to be made about their conduct. This is to allow the Subject Person a reasonable opportunity to respond to the allegations.

The Subject Person of a disclosure is entitled to natural justice. This means that they have the right to:

- Be treated fairly
- Be informed of the allegations against them (where necessary)
- Be given a reasonable opportunity to respond to the allegations
- The presumption of innocence
- Confidentiality, where possible

GOLDOC recognises that a Subject Person must be supported during the handling and investigation of the alleged serious wrongdoing. Full support will be offered to any workforce member who is the subject of a disclosure if an investigation determines that the disclosure is unfounded or baseless.

6. CONFIDENTIAL MANAGEMENT OF DISCLOSURES

Any disclosure received by GOLDOC will be managed in accordance with the process below.



6.1 Receive and record

All disclosures will be provided to the PID Team (or CEO if the information is about a member of the PID Team). Where possible, the PID Team will obtain as much information in order to properly assess the disclosure. This will include a record of:

- The person making the disclosure, if known
- The information disclosed
- Any action taken
- Any other relevant information

Unless the discloser chooses to remain anonymous, a member of the PID Team may contact the discloser to obtain further information or clarify information already provided.

All details related to a disclosure must be kept confidential and secure by GOLDOC, except where disclosing the information is authorised under the *Public Interest Disclosure Act 2010 (Qld)* or other legislation.

GOLDOC may need to disclose confidential information in certain circumstances, including but not limited to:

- Making further inquiries or investigating a matter
- Informing the Subject Person/s of the substance of the allegations to allow them to respond
- For record keeping and reporting purposes

If a discloser is concerned about information that may be disclosed, they should discuss this with the Whistleblower Protection Officer.

6.2 Assessment and appropriate action

The PID Team will assess all disclosures made under this policy to determine the appropriate action to be taken and the appropriate person or entity to deal with the matter.

Appropriate action will depend on the information provided and may include:

- Referring the disclosure to an external agency, including the Crime and Corruption Commission
- Making further inquiries, reviewing or auditing matters to determine the appropriate action
- Conducting or commissioning an internal or external investigation
- Recording the disclosure and taking no further action

Any investigator must be independent of the functional area to which the disclosed information relates to, including the discloser and the Subject Person.

While disclosers are encouraged to provide their details, they are not required to do so, and GOLDOC will take appropriate action on all disclosures including anonymous disclosures that contain enough information to support further inquiry.

GOLDOC may decide not to deal with the disclosure under this policy if it is reasonable to conclude that the disclosure:

- Has already been investigated or dealt with by another appropriate process
- Should be dealt with by another appropriate process
- Is impractical to deal with or investigate because of its age
- Is trivial in nature

Where appropriate, GOLDOC will provide written reasons to a discloser of its decision not to investigate or otherwise deal with a disclosure.

A discloser may apply for review of a decision not to investigate or otherwise deal with a disclosure within 28 days of receiving the written reasons from GOLDOC.

6.3 Record keeping and reporting

GOLDOC will ensure that a proper record of disclosures received are maintained.

After receiving a disclosure, GOLDOC may provide the discloser with relevant information, including acknowledgement that the disclosure has been received, any action taken by GOLDOC and, if relevant, the outcome of the action. The discloser will not be provided with any information that is likely to affect any person's safety or their personal privacy. This information will be provided in a timely manner, with regard to the action taken by GOLDOC.

The PID Team will report disclosures to the Chair of the Finance and Audit Committee or the Board via the General Manager Finance and Business Services.

6.4 Follow Up

Where appropriate, the Whistleblower Protection Officer will follow up with disclosers to ensure the matter has been resolved and there is no new information or reoccurrence of the issue.

7. ROLES AND RESPONSIBILITIES

7.1 Chief Executive Officer

The CEO is responsible for:

- Complying with their responsibilities as outlined in the *Queensland Ombudsman Public Disclosure Standards No. 1*.
- Ensuring that procedures for making, receiving and managing disclosures are in place and reviewed on a regular basis.

7.2 Management

Managers are responsible for:

- Ensuring the GOLDOC workforce is aware of the process and responsibilities in making a disclosure.
- Fostering an organisational culture which encourages, values and supports making disclosures of alleged serious wrongdoing in relevant circumstances.
- Taking all reasonable steps to ensure that any disclosures received are provided to the PID Team or CEO as soon as possible.
- Taking all reasonable steps to ensure that disclosers are not subject to reprisals.

7.3 Public Interest Disclosure Team

The PID Team is responsible for dealing with disclosures in accordance with this policy and the *Public Interest Disclosure Act 2010 (Qld)*.

7.4 Whistleblower Protection Officer

Has the role to safeguard the interests of the whistleblower in terms of this policy and the *Public Interest Disclosure Act 2010 (Qld)*.

7.5 Workforce

The GOLDOC workforce is responsible for:

- Disclosing suspected serious wrongdoing which is in the public interest in accordance with this policy.
- Where relevant, supporting disclosers and maintaining confidentiality.
- Being aware of the disclosure process and how to make a disclosure.

8. FAILURE TO COMPLY

Intentionally providing a disclosure that is false or misleading is a criminal offence and will not attract protection from GOLDOC. Any workforce member who knowingly provides a false or misleading disclosure may be subject to disciplinary action that could include termination of employment, engagement or contract.

Additionally, any other breach of this policy by any workforce member may result in disciplinary actions that could include termination of employment, engagement or contract.

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9. DEFINITIONS

Term	Meaning
Corrupt Conduct	<p>Has the meaning in section 15 of the <i>Crime and Corruption Act 2001 (Qld)</i>, which is:</p> <p>(1) Conduct of a person, regardless of whether the person holds or held an appointment, that:</p> <ul style="list-style-type: none"> (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of: <ul style="list-style-type: none"> (i) a unit of public administration [i.e. GOLDOC]; or (ii) a person holding an appointment; and (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: <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 (c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and (d) would, if proved, be: <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) Without limiting (1) above, conduct that involves any of the following could be corrupt conduct:</p> <ul style="list-style-type: none"> (a) abuse of public office;

Term	Meaning
	<ul style="list-style-type: none"> (b) bribery, including bribery relating to an election; (c) extortion; (d) obtaining or offering a secret commission; (e) fraud; (f) stealing; (g) forgery; (h) perverting the course of justice; (i) an offence relating to an electoral donation; (j) loss of revenue of the State; (k) sedition; (l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm; (m) obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person; (n) illegal drug trafficking; (o) illegal gambling.
Discloser	A person who makes a disclosure about a wrongdoing. This includes both workforce members and members of the public.
Maladministration	<p>Has the meaning in Schedule 4 of the <i>Public Interest Disclosure Act 2010 (Qld)</i>, which 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; or ○ 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; • was wrong.
Public Interest Disclosure	A disclosure in the public interest, of information about wrongdoing associated with GOLDOC.

Term	Meaning
Public Interest Disclosure (PID) Team	Whistleblower Protection Officer, Head of Workforce, Head of Security and Head of Legal.
Serious wrongdoing	Includes: <ul style="list-style-type: none"> • Corrupt conduct; • Maladministration; • A substantial mismanagement or misuse of GOLDOC or public resources, including funds or property; • Fraudulent or any other illegal activity (including theft, use or sale of drugs, criminal activity); • Conduct involving substantial and specific danger to the health or safety of a person with a disability; • Conduct involving substantial and specific danger to the environment; • Conduct involving substantial and specific risk to public health or safety; • Any detriment caused to a person because they made a disclosure under this policy (reprisal).
Subject Person	The person about whom the disclosure is made.
Whistleblower Protection Officer	A member of the PID Team who has primary responsibility for protecting whistleblowers. This person should not conduct investigations into reports received from whistleblowers.
Workforce	Includes the following which may be engaged by GOLDOC: <ul style="list-style-type: none"> • Full time, part time, casual, temporary and short term employees; • Secondees, interns, volunteers and work placement trainees of GOLDOC; • Consultants or contractors (including embedded contractors).

10. RELATED DOCUMENTS, POLICIES AND LEGISLATION

- *Public Interest Disclosure Act 2010 (Qld)*
- *Crime and Corruption Act 2001 (Qld)*
- *Queensland Ombudsman Public Interest Disclosure Standard No.1*
- Code of Conduct Workforce
- Corruption Control Policy
- Customer Feedback Framework – Policy and Guidelines
- Workplace Behaviour Policy
- Workplace Complaints Procedure