1. Purpose

This Procedure outlines the process to be undertaken in dealing with Public Interest Disclosures under the *Public Interest Disclosure Act 2010*.

2. Scope

This Procedure applies to any person who makes a Public Interest Disclosure (PID) or any investigation carried out under the PID Act.

3. Responsibilities and Authorities

The Manager Risk and Assurance has been delegated as the PID Coordinator for receiving disclosures and acting on them. A disclosure concerning the PID Coordinator must be referred to the CEO who will appoint an alternative PID Coordinator for the purpose of managing that disclosure.

The PID Coordinator will:

- Be responsible for all issues relating to the timely management of public interest disclosures and will ensure that handling of a PID is carried out in accordance with Unitywater policy and PID Act;
- Assess if the disclosure meets either the subjective or objective test set out in the PID Act;
- Assess if the disclosure has been made by an individual or entity who may receive a PID;
4. Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
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<tbody>
<tr>
<td>CAC Act</td>
<td>Means the <em>Crime and Corruption Act 2001</em>.</td>
</tr>
<tr>
<td>Conduct</td>
<td>Has the same meaning as defined within the CAC Act.</td>
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<tr>
<td>Corrupt conduct</td>
<td>Has the same meaning as defined within the CAC Act. Refer appendix 1 for examples of conduct that may be determined as corrupt.</td>
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<tr>
<td>Discloser</td>
<td>The person making a Disclosure.</td>
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<tr>
<td>Disclosure</td>
<td>Means a public interest disclosure made in accordance with the PID Act.</td>
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<tr>
<td>Team Member</td>
<td>Means an employee of Unitywater, whether employed on a permanent, temporary or casual basis and includes all Board Members, Executive Employees, Employees and Contractors.</td>
</tr>
<tr>
<td>Hold an appointment</td>
<td>Has the same meaning as defined within the CAC Act.</td>
</tr>
<tr>
<td>Maladministration</td>
<td>Has the same meaning as defined within the PID Act.</td>
</tr>
<tr>
<td>PID</td>
<td>Means public interest disclosure.</td>
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<tr>
<td>PID Act</td>
<td>Means the <em>Public Interest Disclosure Act 2010</em>.</td>
</tr>
<tr>
<td>Public Officer</td>
<td>Means an employee, member or officer of Unitywater.</td>
</tr>
<tr>
<td>Reprisal</td>
<td>Has the same meaning as contained with the PID Act.</td>
</tr>
<tr>
<td>Unit of public administration</td>
<td>Has the same meaning as contained within the CAC Act.</td>
</tr>
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</table>

5. Procedure

5.1 Confidentiality and Record Keeping

Unitywater will, to the greatest extent possible, keep the disclosure and the identity of the Discloser confidential.

The PID Act requires Unitywater to keep a proper record of PIDs, including reportable details, the information disclosed and any action taken on the disclosure.

Ensure employees who are the subject of a PID are afforded natural justice and appropriate support;

Where required, to appoint an investigator (internal or external);

Be responsible for coordinating the investigations and liaising internally, as required;

Liaise with the Crime and Corruption Commission, as required;

Fulfil Unitywater’s reporting obligations under the PID Act.
All records of PIDs and their investigation will be kept in the official, central records system and will be kept strictly confidential. Information will not be disclosed except for the purposes of investigation or to discharge other functions under the PID Act.

Any commitment to confidentiality is subject to the requirements of the law which may require disclosure of the identity of the Discloser in legal proceedings. Information obtained from a Discloser will only be disclosed to the extent necessary to conduct an investigation into the matter.

Any breach of confidentiality will be treated as a serious matter and disciplinary action may be taken in accordance with the relevant provisions of the Unitywater Code of Conduct.

5.2 Making a Disclosure

To ensure PIDs are recognised as such, and appropriately investigated, it is preferable that a disclosure is made in writing and can be made to the:

- Employee’s supervisor or other Unitywater officer;
- General Counsel and Company Secretary;
- Manager Risk and Assurance;
- Employee Relations Manager;
- Unitywater integrity service (FairCall);
- Chairman, in the case of a disclosure about the Chief Executive Officer.

The PID Act provides that a PID may also be made to:

- A member of the Board;
- The State Ombudsman if it concerns maladministration or waste of public resources;
- The Crime and Corruption Commission if it concerns corrupt conduct; or
- A member of the Legislative Assembly who may refer it to a relevant public sector entity.

Where possible, the person making the PID should give information on:

- The name, job title and workplace address of the person the subject of the disclosure;
- Details of relevant events, dates and places;
- The names of people who may be able to back up the disclosure;
- Any other evidence that supports the disclosure.

If a supervisor or other Unitywater team member receives a PID verbally they should encourage the Discloser to put the information in writing. If the Discloser is unable or unwilling to do so, the supervisor, or other Unitywater employee, should document it and ask the Discloser to confirm the contents before signing it and referring it to the PID Coordinator.

A disclosure can be made anonymously; however, this can make the disclosure more difficult to investigate and Unitywater will not be able to inform the Discloser of the results of any investigation.
5.3 Assessment of Disclosure

In assessing the disclosure the PID Coordinator will determine whether:

- The disclosure concerns a matter about which a PID can be made;
- The person making the disclosure is able to receive the protection of the PID Act;
- The disclosure meets either the subjective or objective test set out in the PID Act;
- The disclosure has been made by an individual or entity who may receive a PID;
- The disclosure has been made in accordance with Unitywater’s procedure or to a person listed in the PID Act;
- further information is required to provide an accurate assessment; or
- The disclosure requires investigation by an investigator.

If there is doubt whether a disclosure is a PID the PID Coordinator will assume the disclosure is protected and manage it as if it is a PID.

5.4 Investigation

Investigations will be undertaken in accordance with Unitywater’s Complaints Management Policy and Investigations Procedure.

The PID Coordinator determines whether the PID is to be referred to another entity such as the Crime and Corruption Commission. This referral will be in accordance with legislative and other requirements. The PID Coordinator is also Unitywater’s Crime and Corruption Commission Liaison Officer.

The CEO (or Chairman, if the disclosure involves the CEO) will be informed once a disclosure has been formally assessed as a PID, together with details as to whether it will be dealt with internally or referred to an external agency.

If the matter is determined to be a PID, the PID Coordinator may develop an investigation and protection plan in consultation with the Discloser. The assessment of the risk to the Discloser and others associated with the Discloser will be made in accordance with Unitywater’s Risk Management Framework and the protective measures will be proportionate to the risk and potential consequences of any reprisal.

The PID Coordinator may consult with other relevant Unitywater officers (while maintaining the confidentiality of the person making the disclosure). Unitywater may choose to appoint an internal or external investigator. The investigator/s must be independent and not have an actual or potential conflict of interest in the matter.

Any investigations as a result of a disclosure will be undertaken in the strictest confidence. Any employees interviewed as a part of an investigation or otherwise involved in an investigation, have an obligation to maintain confidentiality and must not disclose the fact that they have been interviewed or the discussion during the interview to another person, except as required by law. Disclosure of confidential information may constitute an offence under the PID Act.
5.5 Support and Protection for a Discloser

After a matter is determined to be a PID, the PID Coordinator will, in consultation with the Discloser consider whether a contact person should be appointed to assist a Discloser. The contact person will be someone separate from the investigation function and if the Discloser is a Unitywater public officer, that contact person must have sufficient authority within Unitywater to ensure the Discloser has appropriate support and protection from reprisals. The contact person will be appointed by the PID Coordinator after consultation with the CEO.

The contact person will liaise with the PID Coordinator and will, if required, continue to assist the Discloser until the conclusion of the investigation and any subsequent proceedings.

Reasonable information will be provided to the Discloser regarding the likely timeframe of any investigation, their involvement in the process, their importance of maintaining confidentiality, the protections that will apply, how progress and outcomes will be advised.

A Discloser who is a Unitywater team member is entitled to assistance from the Unitywater Employee Assistance Program (EAP).

5.6 Support for Public Officers who are the subject of a disclosure

Persons whose rights and interests are affected by a PID are entitled to confidentiality and the presumption of innocence. A Unitywater team member will be referred to the Unitywater EAP, and informed that they may seek support from another Unitywater employee, a union representative, legal representative or other support person.

Principles of natural justice will apply to all persons whose rights and interests may be affected by the investigation. Once it is appropriate to advise a subject officer of the allegations, the officers will be informed of their rights to natural justice.

5.7 Reprisals

The PID Act is designed to protect the discloser from a reprisal. The PID Act provides that a person must not cause, or attempt to cause, detriment to another person because, or in the belief that, anybody has made, or may make a PID. Such conduct is called a reprisal and is not condoned or tolerated by Unitywater.

Taking a reprisal against a person is an indictable offence. In addition, a Unitywater team member who takes a reprisal against a Discloser may be guilty of misconduct and may be disciplined and in serious cases, dismissed. If a Discloser believes he or she, or their family has been the victim of any reprisal, the Discloser should immediately report this to the Manager Risk and Assurance, Employee Relations Manager, General Counsel and Company Secretary or Chief Executive Officer.

A reprisal can take many forms including: the personal safety of the Discloser may be prejudiced; the personal property of that person may be damaged; disclosers may be faced with intimidation or harassment in the workplace and may be discriminated against or disadvantaged in their career or profession (for example, if disciplinary action is taken, a person is transferred or duties downgraded). Additionally, inducing another person to take reprisal action itself may constitute a reprisal.
5.8 Reporting

The investigation report will be provided to the Chief Executive Officer (or Chairman, if the CEO is the subject officer). The report may contain recommendations for further action.

The PID Coordinator is responsible for informing the Discloser of the outcome and coordinating a debrief of other employees who may be involved either individually or in groups to clarify any decisions or outcomes. Such debriefs will be made under confidentiality requirements and will also include what has been learned from the process.

A Discloser who is dissatisfied with Unitywater’s response to the information supplied shall be referred to the State Ombudsman.

The PID coordinator is responsible for fulfilling Unitywater’s reporting obligations under the PID Act.

Reporting information on public interest disclosures will be provided on a de-identified basis to the Audit and Risk Committee on at least an annual basis. Such reports are provided for the purpose of informing members of the Committee of the assessment of risk factors.
Appendix 1

Examples of Conduct that may be corrupt conduct include:

- Accepting money or other benefits to use influence in favour of a particular person to:
  - Avoid prosecution;
  - Win a contract;
  - Gain favourable approval from the organisation;
- Concealing evidence or the existence of fraud or misconduct;
- Theft of:
  - Plant and equipment;
  - Inventory;
  - Cash usually involving some form of concealment;
  - Petty cash;
  - Intellectual property;
- Accounts receivable fraud (misappropriation of remittances received);
- False accounting;
- Receiving kickbacks to influence decisions;
- Leaking sensitive information;
- Unfair treatment of tenders or contractors;
- Deliberate authorisation of a payment when a payment is not due;
- Misuse of position to obtain goods or services;
- Redirection of goods or services for personal use;
- Theft of money or cheques held by Unitywater;
- Misuse of credit cards or fuel cards;
- Misuse of telephones and property;
- False claims for travel, petty cash, overtime, etc;
- Misuse of time spent at work;
- Misuse of Unitywater’s fleet or assets; and
- Misuse of information such as releasing confidential information
- External fraud by persons other than Unitywater employees
  - encouraging employees to divulge sensitive information;
  - offering kickbacks for fraudulent administration of tendering;
  - encouraging employees to do special favours;
  - claiming payment for goods or services not provided; and
  - providing to Unitywater information which is false, knowing that it may be acted on;
- Corrupt conduct includes a conspiracy or attempt to engage in such conduct.