



PUBLIC INTEREST DISCLOSURES POLICY



1. Overview

1.1 Policy at a glance

Hunter Water Corporation ('Hunter Water') has a zero-tolerance stance in relation to the four relevant areas of serious wrongdoing encompassed by the PID Act, namely:

1. corruption
2. maladministration
3. serious and substantial waste of public money, and
4. government information contravention.

Hunter Water wishes to ensure that our people are protected when reporting such serious wrongdoing, in line with its obligations under the Public Interest Disclosures Act 1994 (PID Act).

This Public Interest Disclosures Policy (PID Policy) sets out how Hunter Water complies with its obligations under the PID Act.

1.2 Scope

Public Officials

The PID Act, and consequently this PID Policy, applies to our people who are public officials as defined in the PID Act. This includes:

- ✓ permanent employees, whether full-time or part-time
- ✓ temporary or casual employees
- ✓ consultants
- ✓ individual contractors working for or on behalf of Hunter Water
- ✓ employees of contractors providing services to Hunter Water
- ✓ other people who perform public official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

It also includes public officials of another public authority who report wrongdoing relating to Hunter Water.

Public Interest Disclosures

This PID Policy relates to **public interest disclosures**. The PID Act sets out the requirements that must be met for a disclosure to be considered a public interest disclosure.

In summary, the requirements are:

- a) The disclosure must be made by a public official
- b) The disclosure must be about:
 - ✓ a public official
 - ✓ a public authority, such as Hunter Water, or
 - ✓ a former public official.



- c) The disclosure must be about:
 - ✓ corrupt conduct
 - ✓ maladministration
 - ✓ serious and substantial waste,
 - ✓ a government information contravention, or
 - ✓ a breach of local government pecuniary interest requirements [Note: this exception is relevant to local government bodies only].
- d) The person making the disclosure must:
 - ✓ honestly believe, on reasonable grounds, that the information shows or tends to show at least one of the above five categories of serious wrongdoing.
- e) The disclosure must be made:
 - ✓ in accordance with any procedure established by the authority for the reporting of the five categories of serious wrongdoing, which at Hunter Water is this PID Policy and the Complaints & Allegations Framework.
 - ✓ to the right person or body, being a nominated officer at Hunter Water, a relevant external body or to an MP or journalist (explained in more detail in the PID Fact Sheet).

Reports are not public interest disclosures if they:

- ✗ primarily question the merits of government policy
- ✗ are made with the sole or substantial motive of avoiding dismissal or other disciplinary action
- ✗ are workplace grievances, which should be raised through the Complaints & Allegations Framework or referred to People & Culture.

The PID Policy is designed to complement normal communication channels between supervisors and our people. Our people are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this Policy and the PID Act.

2. Policy statement

2.1 Policy framework



TRUST

Hunter Water recognises the trust that our customers and community place in us and the need to uphold ethical and lawful conduct in all aspects of its business.

Such conduct can have a negative impact on the work environment and result in significant resource costs to Hunter Water. It also puts at risk the reputation of Hunter Water, its directors and our people and undermines trust within the community.

People who work in the public sector are usually best placed to know when a colleague is doing the wrong thing, systems are not working properly, or a public authority is wasting public funds. In recognition of this, the PID Act sets in place a system to encourage public officials to report serious wrongdoing by providing them with certain protections. Hunter Water is committed to providing its public officials with those protections at a minimum.



3. Application of policy

In order to foster an ethical organisational culture, Hunter Water has a strong commitment to:

- create a climate of trust, where our people are comfortable and confident about reporting actual or suspected wrongdoing and are encouraged to do so.
- keep the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate.
- protect our people from any adverse action resulting from making a report.
- deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to address it.
- keep people who make reports informed of their progress and the outcome.
- encourage our people to report wrongdoing within Hunter Water, but respect any decision to disclose wrongdoing externally in accordance with the provisions of the PID Act.
- ensure managers and supervisors at all levels of Hunter Water understand the benefits of reporting wrongdoing, are familiar with this PID Policy, and are aware of the needs and concerns of those who report wrongdoing.
- review the policy periodically to ensure it is relevant and effective.
- provide adequate resources to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training for our people about how to make reports and the benefits of internal reports to Hunter Water and the public interest generally
 - properly assess and investigate or otherwise deal with allegations
 - properly manage any workplace issues that the allegations identify or that result from a report
 - appropriately address any identified problems.

The Managing Director of Hunter Water is responsible for ensuring that:

- Hunter Water has an internal reporting policy which is this PID Policy, coupled with its associated Standard, and the Complaints & Allegations Policy (“internal reporting policies”).
- all of Hunter Water’s people are aware of the contents of the internal reporting policies and the protections under the PID Act for people who make public interest disclosures.
- Hunter Water complies with the internal reporting policies and its obligations under the PID Act.
- the internal reporting policies delegate at least one person as being responsible for receiving public interest disclosures. The PID Standard outlines the roles at Hunter Water that have been delegated the responsibility for receiving public interest disclosures. Additionally, the PID Fact Sheet includes their contact details.

3.1 Protections and support

The Complaints & Allegations Framework outlines the protections and support provided to reporters of public interest disclosures at Hunter Water, as well as those who find themselves the subject of a report. The PID Fact Sheet also has this information.

3.2 Offences

Under the PID Act, a public official must not, in making a disclosure to an investigating authority, public authority or public official, wilfully make any false statement to, or mislead or attempt to mislead, the investigating authority, public authority or public official. To do so is a criminal offence under the PID Act. In short this means that it is an offence to make an intentionally false or misleading report of a PID to Hunter Water or one of the relevant external agencies or any workers at any of those bodies.

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3.3 Reporting

Hunter Water has a legal obligation to report actual or suspected wrongdoings to relevant external investigating bodies. It also has a legal obligation to report annually to Parliament and six monthly to the Ombudsman on protected disclosures received.

3.4 Review

This PID Policy will be reviewed by Hunter Water every four years.

3.5 More information

The PID Standard provides more detailed information about the Scope of this PID Policy and the roles and responsibilities of everyone at Hunter Water. The PID Fact Sheet provides a useful summary and contact details for internal and external reporting.

In addition, sometimes a situation may not fit neatly into the provisions of the PID Act and more information may be needed to determine how it should be dealt with. Other Hunter Water policies and procedures support this PID Policy and provide further information and guidance. They include the following related documents:

- Whistleblower Service FAQs
- Complaints & Allegations policy, standard and form
- Fraud & Corruption Control plan and policy.

These documents are available on the Hunter Water intranet.

Information and guidance can also be sought from the Manager Audit & Assurance and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

4. Associated Internal Documents

| Document Type | Title |
|-----------------------------------|------------------------------|
| Standard, Fact Sheet | Public Interest Disclosures |
| Policy, Standard, Form | Complaints and Allegations |
| Plan, Policy, Fact Sheet | Fraud and Corruption Control |
| Policy, Standard, Procedure, Form | Conflict of Interests |
| Policy, Procedure, Form | Gifts and Benefits |
| FAQ | Whistleblower Service |

5. Associated regulations and standards

| Document Type | Title |
|---------------|---|
| Act | <i>Public Interest Disclosures Act 1994</i> |
| Regulation | <i>Public Interest Disclosures Regulation 2011</i> |
| Act | <i>Independent Commission Against Corruption Act 1998</i> |
| Act | <i>State Owned Corporations Act 1988</i> |
| Act | <i>Government Information (Public Access) Act 2009</i> |

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6. Definitions, acronyms and abbreviations

| Term | Definition |
|-------------------------|--|
| Disclosures coordinator | Manager, Audit & Assurance |
| Investigating Authority | One of the following: (a) Auditor-General (b) ICAC (c) Ombudsman (d) Children's Guardian (e) Law Enforcement Conduct Commission (LECC) (f) LECC Inspector (g) Office of Local Government (h) ICAC Inspector (i) Information Commissioner, or (j) Crime Commission Inspector. |
| Our People | a Public Official at Hunter Water |
| PID | Public Interest Disclosure |
| Public Authority | any public authority whose conduct or activities may be investigated by an investigating authority, and includes (without limitation) each of the following: <ul style="list-style-type: none">• a Public Service agency• a State owned corporation and any subsidiary of a State owned corporation (Hunter Water is a State owned corporation),• a local government authority• the NSW Police Force, PIC and PIC Inspector• the Department of Parliamentary Service• the Department of the Legislative Assembly• the Department of the Legislative Council. |
| Public Official | Under section 4A of the PID Act, an individual who is an employee of or otherwise in the service of a public authority. It includes: permanent employees, whether full-time or part-time; temporary or casual employees; consultants; individual contractors working for or on behalf of Hunter Water; employees of contractors providing services to Hunter Water; other people who perform public official functions whose conduct and activities could be investigated by an investigating authority, such as volunteers. |
| Triage Team | General Counsel, Chief Financial Officer, and Head of People and Culture |

Signed:

Darren Cleary
Managing Director

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