

Whistleblower Policy

Purpose of Policy

TasWater is committed to the highest standard of conduct and ethical behaviour.

TasWater encourages persons who are aware of any known or suspected unlawful, unethical, or irresponsible behaviour to **speak up and report it** and provides protections and measures so that those persons who make a report may do so safely, securely and with confidence that they will be protected and supported.

This purpose of this policy is to ensure persons reporting such behaviour know who to contact, how to make a report, how investigations will be managed and the protections available to them under applicable whistleblower regimes.

Acknowledgement of dual regimes

TasWater is subject to whistleblower regimes at both a State and Federal level under the following legislation:

- *Public Interest Disclosure Act 2002* (Tas) ('PID Act').
- *Corporations Act 2001* (Cth) ('Corps Act'); and
- *Tax Administration Act 1953* (Cth) ('Tax Act').

(collectively '**the Acts**').

TasWater recognises that the overlapping State and Federal regimes may be difficult to navigate. TasWater supports and encourages disclosures and will provide assistance to any potential whistleblower to navigate processes. Assistance can be sought from the below persons (who are eligible recipients of disclosures under both regimes):

- General Counsel/Company Secretary
Kate Crawford
P: 0437 559 278
E: whistleblower@taswater.com.au
- Deputy General Counsel
Stephanie Collins
P: 0457 065 013
E: whistleblower@taswater.com.au

Policy

Who does this policy apply to?

This policy applies to all whistleblowers who are able to make disclosures under the Acts.

PID Act

Disclosures under the State regime may be made by TasWater members, officers, employees, contractors (and employees and subcontractors of contractors).

Corps Act and Tax Act

Disclosures under the Federal regimes may be made by TasWater officers (i.e. a director, secretary, CEO, General Managers), employees, a business associate of TasWater, suppliers of goods or services to TasWater and their employees and a relative or dependent of any of the above.

Types of wrongdoing that can be reported ('Disclosable Matters')

PID Act

Disclosures under the State regime may be made relating to:

- '**Improper conduct**' by a TasWater member, officer, or employee, being serious or significant illegal or unlawful activity, corrupt conduct, maladministration, professional misconduct, waste of public resources, conduct constituting a danger to public health and/or safety or a danger to the environment or misconduct (including breach of the code of conduct); and/or
- '**Detrimental action**' by a TasWater member, officer, or employee against a person in reprisal for making a protected disclosure under the State regime, including action causing injury, loss or damage, intimidation or harassment, discrimination, disadvantage, or adverse treatment in relation to employment, career, profession, trade or business (including taking disciplinary action) and threats of detrimental action.

Corps Act and Tax Act

Disclosures under the Federal regime may be made where the discloser has reasonable grounds to suspect:

- Misconduct or improper state of affairs or circumstances (including in relation to tax affairs). Misconduct includes fraud, negligence, default, breach of trust and breach of duty.
- Conduct that constitutes an offence against, or in contravention of the Corps Act, Australian Securities, and Investments Commission Act 2001 (Cth), Banking Act 1959 (Cth), Financial Sector (Collection of Data) Act 2001 (Cth), Insurance Act 1973 (Cth), Life Insurance Act 1995 (Cth), National Consumer Credit Protection Act 2009 (Cth), Superannuation Industry (Supervision) Act 1993 (Cth).
- Conduct that constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of twelve months or more; or
- Conduct that represents a danger to the public or the financial system.

Examples of such behaviour include:

- Offering or taking a bribe.
- Illegal conduct (such as theft, harassment or intimidation, criminal damage to property, wilful breaches of privacy law).
- Fraud or misappropriation of funds.
- Misuse or unauthorised removal of property belonging to TasWater; and
- Conduct which amounts to an abuse of authority, including failure to appropriately manage a conflict of interest.

Matters not covered by this policy

Disclosures that are not about disclosable matters under the Acts do not qualify for protection under this policy or the Acts.

General employment grievances or complaints that are not connected to disclosable matters (such as interpersonal conflict with another employee, a decision about your employment, transfer or promotion, or a decision about the terms and conditions of your employment) are not within the scope of this policy and should be dealt with in accordance with THRPOL01 Workplace Behaviour Policy and THRPRO13 Workplace Complaint Resolution Procedure.

How to make a disclosure

PID Act

Disclosure to Principal Officer or PID Officers

Disclosures may be made confidentially:

- In person or by calling the CEO ('Principal Officer'): George Theo on (03) 6108 7098.
- In person or by calling the General Counsel/Company Secretary or Deputy General Counsel (each a 'PID Officer'): Kate Crawford on 0437 559 278 or Stephanie Collins on 0457 065 013.
- In writing via the Whistleblower Email Hotline whistleblower@taswater.com.au This email is monitored by the PID Officers.

Where a person is contemplating making a disclosure and is concerned about approaching the Principal Officer or a PID Officer in the workplace, they can call the relevant officer and request a meeting in a discreet location away from the workplace. Disclosures can also be made outside of office hours via the Whistleblower Email Hotline.

Disclosure to the Ombudsman

A disclosure about improper conduct or detrimental action may also be made directly to the Ombudsman. The contact details for the Ombudsman are:

Mail:	Or in person at:	Phone: 1800 001 170
GPO Box 960	Level 6, 86 Collins Street	Website: www.ombudsman.tas.gov.au
HOBART TAS 7001	HOBART TAS 7000	Email: ombudsman@ombudsman.tas.gov.au

Disclosure to the Integrity Commission

A disclosure about improper conduct or detrimental action may also be made directly to the Integrity Commission. The contact details for the Integrity Commission are:

Mail:	Or in person at:	Phone: 1300 720 289
GPO Box 822	Level 2, Surrey House	Website: www.integrity.tas.gov.au
HOBART TAS 7001	199 Macquarie Street	Email: contact@integrity.tas.gov.au
	HOBART TAS 7000	

Corps Act and Tax Act

In addition to making a disclosure to the Principal Officer or a PID Officer, a disclosure may also be made to a TasWater officer (a Director) or senior manager (General Manager), although TasWater encourages disclosure to the Principal Officer/PID Officer in the first instance given they are eligible recipients under both the State and Federal regimes.

Under the Federal Regime, disclosures can also be made to:

- TasWater's external or internal audit and members of the audit team.
- the Australian Securities & Investments Commission (ASIC), Australian Prudential and Regulations Authority (APRA) or Australian Taxation Office (ATO). Each of these entities publishes information on how disclosures can be made to them.
- a legal practitioner, if disclosing to obtain legal advice or representation under the whistleblower provisions of the Corps Act.
- In very limited circumstances, to a journalist or a Member of Parliament. You are encouraged to look at the criteria for making such a disclosure before taking this step – www.asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/.

Can a disclosure be made anonymously?

Disclosures under **the Acts** can be made anonymously and still be protected; however, disclosures must contain sufficient information to enable assessment and investigation. If a disclosure is made anonymously, TasWater cannot advise the discloser of the outcome.

Confidentiality and Legal Protection

The following protections are available to disclosers who make a disclosure that qualifies the discloser for protection as a whistleblower under the Acts (**'protected disclosures'**):

Identity protection (confidentiality)

Both the Federal and State regime require that information in respect of a protected disclosure must not be disclosed (including the identity of the discloser), with limited exceptions. It is illegal for a person to identify a discloser or disclose information that is likely to lead to the identification of the discloser outside these exceptions.

Protection from reprisal (detrimental acts or omissions)

The State regime prohibits 'detrimental action' from being taken (or threatening or inciting such action) against a person in reprisal for a making or intending to make a protected disclosure (or on the basis of a belief of such disclosure).

The Federal regime also prohibits certain detrimental action (for example, dismissal, demotion, discrimination, or harassment) from being taken against a person on the basis of a belief that the person has accessed or intends to access the whistleblower protections in the Federal regime.

Supports are available to disclosers to protect them from detrimental acts or omissions (as detailed below).

Actions taken by TasWater that are reasonable to protect a discloser from detriment (e.g. moving a person who has made a disclosure about their immediate area to another area to protect them from detriment) or to manage any unsatisfactory work performance in line with relevant policies are not considered detrimental actions.

Compensation and other remedies

A discloser can seek compensation if they suffer loss, damage, or injury for making a disclosure. A discloser may seek other remedies such as reinstatement of employment, an injunction to prevent or stop detrimental conduct or an apology. Disclosers are advised to seek independent legal advice if considering pursuing such remedies.

Civil, criminal, and administrative liability protection

Under both the Federal and State regimes, a person who makes a protected disclosure is protected from any civil, criminal, or administrative liability for making the disclosure. This protection does not apply to any conduct of the discloser which is a part of the disclosed conduct (for example, if the discloser has themselves engaged in misconduct).

Support available to Whistleblowers

TasWater supports whistleblowers by:

- providing confidential and accessible methods to make disclosures.
- providing support to navigate the dual Federal and State whistleblower regimes.
- providing access to TasWater's free and confidential employee assistance program.
- ensuring that all relevant files, whether paper or electronic, are kept securely and can only be accessed by those directly involved in managing and investigating the disclosure.

- taking care to ensure that all relevant phone calls and meetings are conducted in private.
- for protected disclosures:
- providing a dedicated welfare manager to the discloser and providing regular updates on the investigation of the disclosure; and
- conducting a risk assessment to ensure the work environment is suitable and safe for the discloser on an ongoing basis and to protect disclosers from detrimental actions.

Investigation of Disclosures

TasWater is required to have extensive procedures available for management and investigation of disclosures under the State regime and has adopted the model procedures issued by the Ombudsman.

TASPRO16 Public Interest Disclosures (Whistleblower) Procedures are available on TasWater's external website, and the intranet.

For protected disclosures under the Corps Act/Tax Act, TasWater will follow an aligned investigation process as follows:

Initial assessment

A PID Officer will, within 45 days of receiving the disclosure, assess the disclosure to determine whether it qualifies for protection; and whether a formal in-depth investigation is required, and notify the Principal Officer.

If the PID officer assesses that the disclosure does not qualify for protection under the Acts, the discloser will be notified in writing with 14 days of the date of assessment.

Investigation

For a disclosure that qualifies for protection under the Acts, the Principal Officer will determine the nature and scope of the investigation, appoint an investigator to carry out the investigation (which may be a person from within TasWater or a consultant engaged for that purpose) and the nature of any technical, financial, or legal advice that might be required to support the investigation. Investigations will be completed within 6 months of the disclosure being made.

TasWater is committed to undertaking a thorough, fair, and objective investigation with a view to determining whether a report is substantiated and rectifying any wrongdoing uncovered, to the extent that is possible. The PID Officer will inform the discloser of the findings of the investigation.

The findings of any investigations will also be reported to the Board (subject to maintaining confidentiality).

Review Process

If a discloser is not satisfied by the findings of the investigation, they may request a review be undertaken by the Principal Officer, or alternatively they may make a complaint to an external agency such as ASIC.

The findings of a review will be reported to the Board (subject to maintaining confidentiality).

Ensuring Fair Treatment of Individuals

TasWater acknowledges that any persons the subject of or mentioned in a disclosure is entitled to fair treatment, which will include:

- handling disclosures and investigations confidentiality.
- Ensuring thorough, fair, and objective investigation, including affording the individual and opportunity to respond to any allegations or proposed adverse findings; and
- providing access to TasWater's free and confidential employee assistance program.

Publication and administration of Policy

This policy will be published on TasWater's external website, and internally via the intranet.

Periodic training will be conducted to ensure ongoing awareness of TasWater's key governance and whistleblowing processes.

Roles and Responsibilities

TasWater's Board

The TasWater Board is responsible for approving this policy and providing governance oversight TasWater's policies and programs to manage conduct risks and ensure the highest standard of conduct and ethical behaviour.

Principal Officer and PID Officers

The Principal Officer and PID Officers have responsibility for ensuring the provisions of the Acts relating to whistleblowers are implemented by TasWater. Further details on the specific roles of the Principal Officer and PID

Officers under the State regime are included in **TASPRO16 Public Interest Disclosures (Whistleblower) Procedures**.

All TasWater officers, employees, and contractors

All TasWater officers, employees and contractors are expected to comply with this policy, including upholding the protections and measures that apply to protected whistleblowers under this policy and the Acts.

Associated Documents

TASCD501 Owners Representatives' Code of Conduct
TASCD502 Directors' Code of Conduct
TASCD503 Code of Conduct
TASPOL15 Fraud and Corruption Control Policy
TASPOL25 Conflicts of Interest and Related Party Transactions Policy
TASPOL43 Gifts and Benefits Policy
TASPRO16 Public Interest Disclosures (Whistleblower) Procedures
Speak Up Program information sheets and associated documents.

Approved by the Board Chair on 27 September 2023



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Board Chair