

# Policy and Procedure

## Public Interest Disclosures & Whistleblowers

Document number: PRO-01748

This document is the property of Seqwater. It must not be copied or reproduced in any way whatsoever without the authority of Seqwater. This document is uncontrolled when printed. An electronic database manages and stores the controlled version.

Rev no.	Description	Process Owner			Approved for issue			
		Position	Name	Signature	Position	Name	Date	Signature
6	Amended Version (minor change)	Manager, Internal Audit & Compliance	Stefanus Immelman	Refer to Approvals in Supporting Information in properties in REX	Company Secretary & General Counsel	Will Harpham	27/04/2020	Refer to Approvals in Supporting Information in properties in REX

# Contents

<b>Part 1: Purpose and Policy</b> .....	<b>3</b>
<b>1. Purpose</b> .....	<b>3</b>
<b>2. Scope</b> .....	<b>3</b>
<b>3. Roles and Responsibilities</b> .....	<b>4</b>
<b>4. Policy</b> .....	<b>7</b>
<b>5. PID Coordinator</b> .....	<b>7</b>
<b>Part 2: What is a PID? How can you make a PID?</b> .....	<b>8</b>
<b>6. What is a PID?</b> .....	<b>8</b>
6.1 Who can make a PID?.....	9
6.2 When is a disclosure NOT a PID? .....	9
6.3 What happens if the disclosure is not a PID? .....	10
<b>7. Making a disclosure</b> .....	<b>10</b>
7.1 What information should be disclosed? .....	10
7.2 Integrity of information .....	10
7.3 Anonymity .....	11
7.4 Disclosures within Seqwater.....	11
7.5 Disclosures outside Seqwater .....	12
7.6 Further information about making a disclosure.....	13
<b>Part 3: What does Seqwater do when it receives a PID?</b> .....	<b>14</b>
<b>8. Assessing a disclosure</b> .....	<b>14</b>
8.1 When can Seqwater decide not to deal with a PID?.....	15
<b>9. Support and protection</b> .....	<b>15</b>
9.1 How does Seqwater protect disclosers?.....	16
9.2 How does Seqwater support subject officers (i.e. people who are the subject of a PID or a potential PID).....	16
9.3 Confidentiality .....	17
9.4 Managing performance.....	17
<b>10. Investigation</b> .....	<b>18</b>
10.1 Finalising a PID.....	18
10.2 Reporting .....	19
<b>11. What if you disagree with Seqwater’s decision?</b> .....	<b>19</b>
<b>12. References</b> .....	<b>20</b>
<b>Appendix A – Definitions</b> .....	<b>21</b>
<b>Appendix B – Examples of Public Interest Disclosures (PID)</b> .....	<b>23</b>

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 2 of 24

# Part 1: Purpose and Policy

## 1. Purpose

A public interest disclosure (PID) is a disclosure that can be made:

- about 'public interest information'
- by a Seqwater employee (or in certain cases, a member of the public)
- to a 'proper authority'.

Making a PID is sometimes referred to as 'whistleblowing'.

The purpose of this policy and procedure is to:

- set out how Seqwater employees and members of the public can make a PID
- establish a management process for Seqwater to deal with PIDs
- communicate the support that is available for people who have made PIDs.

This policy and procedure also discusses other ways that Seqwater employees, and other people such as Seqwater contractors, labour hire and consultants, can raise concerns about Seqwater's operations, where the PID process is not the appropriate mechanism to use.

## 2. Scope

This procedure applies to all Seqwater workers, suppliers, consultants and contractors.

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 3 of 24

### 3. Roles and Responsibilities

Role	Responsibilities
Employees	<ul style="list-style-type: none"> <li>• Report concerns about suspected misconduct, unethical behaviour and/or reprisals in accordance with this policy and procedure.</li> <li>• Conduct themselves in a manner which is consistent with the ethical standards expected by Seqwater and as prescribed in the Code of Conduct.</li> <li>• Participate in awareness training.</li> <li>• Adhere to the Code of Conduct and act professionally at all times.</li> <li>• Seek advice on making a PID from your Manager, General Manager, the Company Secretary and General Counsel (CSGC) or an external entity, if required.</li> <li>• Ensure all matters relating to PIDs remain confidential.</li> </ul>
<p>Managers  <i>(includes Managers, Supervisors, Team Leaders and Coordinators)</i></p>	<p>In addition to their responsibilities as employees above:</p> <ul style="list-style-type: none"> <li>• Understand and support Seqwater culture, policies and procedures in relation to PIDs.</li> <li>• Ensure employees within their team understand Seqwater’s PID process and reporting options.</li> <li>• Lead by example to create a corporate culture that encourages, values and supports PIDs.</li> </ul> <p>Managers are often the first to receive a PID. Where a manager receives a disclosure that may be a PID, or is involved in the management of a PID:</p> <ul style="list-style-type: none"> <li>• Progress any PID in accordance with the processes outlined in this policy and procedure in a timely manner.</li> <li>• Maintain confidentiality and ensure natural justice.</li> </ul>
<p>Manager Internal Audit and Compliance</p>	<p>In addition to their responsibilities as an employee and manager:</p> <ul style="list-style-type: none"> <li>• Prepare and regularly update this policy and procedure.</li> <li>• Develop and review PID awareness education and make accessible for induction and ongoing employee training.</li> <li>• Oversee compliance with PID statistical reporting requirements.</li> </ul>

Role	Responsibilities
Company Secretary and General Counsel (CSGC) (PID Coordinator)	<p>In addition to their responsibilities as an employee and manager:</p> <ul style="list-style-type: none"> <li>• Establish clear lines of authority and accountability for management of PIDs.</li> <li>• Oversee the appropriate assessment and, where appropriate, investigation of PIDs.</li> <li>• Oversee secure storage of PID documentation.</li> <li>• Ensure the rights of those who are the subject of a PID are protected and natural justice is accorded.</li> </ul>
General Manager, People, Culture and Safety	<p>In addition to their responsibilities as an employee and manager:</p> <ul style="list-style-type: none"> <li>• Facilitate employee movements as required to ensure the safety and security of disclosers.</li> <li>• Where required and appropriate, ensure disciplinary processes are carried out in accordance with the Discipline Procedure (<a href="#">PRO-00962</a>)</li> </ul>
Chief Executive Officer (CEO)	<p>In addition to their responsibilities as an employee and manager:</p> <ul style="list-style-type: none"> <li>• Establish reasonable procedures relating to PIDs as required by the PID Act and PID Standards.</li> <li>• Ensure the procedures relating to PIDs are published on Seqwater’s website <a href="http://www.seqwater.com.au">www.seqwater.com.au</a>.</li> <li>• Ensure wrongdoing is reported to the appropriate external authorities, including the police when appropriate.</li> <li>• Notify the Crime and Corruption Commission (CCC) if the CEO reasonably suspects that a complaint, or information or matter, involves, or may involve, corrupt conduct, as required by section 38 of the <i>Crime and Corruption Act 2001</i>.</li> </ul>
Principal Fraud and Corruption Control (Investigator)	<ul style="list-style-type: none"> <li>• Where an internal investigation is appropriate, carry out the investigation in an independent manner in accordance with relevant Seqwater policy and procedure and all relevant laws.</li> <li>• Where appropriate, manage and liaise with an external investigator appointed by the PID Coordinator to undertake the investigation.</li> <li>• Maintain confidentiality.</li> <li>• Provide natural justice.</li> <li>• Advise the discloser, subject officer and CSGC on the progress of the investigation</li> <li>• Provide outcome advice to the discloser and CSGC.</li> </ul>

Role	Responsibilities
PID Support Officer	<ul style="list-style-type: none"> <li>• Remain independent of the investigative process.</li> <li>• Provide support and procedural information to the discloser, subject offer and/or witness.</li> <li>• Provide information on the availability of Seqwater's Employee Assistance Program and how to access it.</li> <li>• Subject to the needs of the discloser, and PID risk assessment, proactively check on the welfare of the discloser on a regular basis.</li> <li>• Inform the discloser of the process for reporting reprisal.</li> <li>• Where appropriate, report back to the PID coordinator with relevant information to ensure required action is taken to maintain the safety and security of the discloser or witness.</li> </ul>

## 4. Policy

Seqwater is committed to ensure the highest level of ethics in our organisation. Seqwater's Executive Leadership Team encourages any person who considers they have witnessed a wrongdoing, or has come across an activity or incident that could impact adversely on Seqwater, to come forward and make a disclosure.

Seqwater is committed to ensuring that any person who makes a PID about, or to, Seqwater is provided the protection to which they are entitled under the PID Act.

Seqwater's policy objectives will be achieved by the following:

- eliminating unlawful and improper conduct from the workplace
- promoting the public interest, by facilitating complaints and PIDs that relate to Seqwater
- ensuring that complaints and PIDs made to Seqwater, including those made anonymously, are:
  - properly assessed and managed
  - treated confidentially
- educating employees about their rights and responsibilities in relation to PIDs and other types of reporting, including:
  - how to recognise wrongdoing
  - how to make a disclosure
  - that Seqwater is committed to protecting and supporting those who report suspected wrongdoing
- applying the principles of natural justice (procedural fairness) to all internal investigations, for both disclosers and subject officers
- promoting accountability, integrity and transparency in the management of all PIDs
- supporting and protecting disclosers from reprisals.

## 5. PID Coordinator

The GCCS is the PID Coordinator for Seqwater. The GCCS may engage internal or external assistance to perform their responsibilities as the PID Coordinator. This can include the appointment of an investigator, appointment of a decision maker, or both, to assist them to manage and deal with disclosures.

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 7 of 24

## Part 2: What is a PID? How can you make a PID?

### 6. What is a PID?

When a disclosure is made to Seqwater, Seqwater has a responsibility to determine whether the disclosure is a PID. Not all disclosures will be a PID. The determining factors are:

- who is making the disclosure (this person is called the “discloser”)
- what the disclosure is about (if it is about a person, that person is called the “subject officer”)
- who is the disclosure being made to.

If you have information about suspected wrongdoing or inappropriate behaviour and you are not sure if it is a disclosure under the PID Act, Seqwater still wants to know about it. It will then be Seqwater’s responsibility to assess whether the information is a PID to be dealt with under the PID Act, or whether it should be dealt with under other processes and procedures.

Table 1 below sets out a summary of how to assess whether a disclosure is a PID.

**Table 1: Summary of how to determine if a disclosure is a PID**

Criteria	Considerations		PID Act
Is this ‘public interest information’? (as defined in the PID Act)	<b>Disclosure by a Seqwater employee</b> (a person directly employed by Seqwater)	<b>Disclosure by a member of the public</b> (including Seqwater contractors, labour hire or consultants)	s.12 & s.13
	Is the disclosure about: <ul style="list-style-type: none"> <li>○ a substantial and specific danger to the health or safety of a person with a disability?</li> <li>○ a substantial and specific danger to the environment?</li> <li>○ a reprisal in connection with a disclosure?</li> </ul> <b>OR</b> Does the disclosure relate to: <ul style="list-style-type: none"> <li>○ corrupt conduct?</li> <li>○ maladministration, that adversely affects a person’s interests in a substantial and specific way?</li> <li>○ a substantial misuse of public resources?</li> <li>○ a substantial and specific danger to public health or safety?</li> </ul>	Is the disclosure about: <ul style="list-style-type: none"> <li>○ a substantial and specific danger to the health or safety of a person with a disability?</li> <li>○ a substantial and specific danger to the environment?</li> <li>○ a reprisal in connection with a disclosure?</li> </ul>	s.12 & s.13
Is it an ‘appropriate’ disclosure?	Does the <b>discloser honestly believe on reasonable grounds</b> that the information tends to show the conduct? <b>OR</b> Does the <b>information tend to show that the conduct occurred</b> (regardless of whether the person honestly believes the information tends to show the conduct)?		s.12(3) & s.13(3)



Criteria	Considerations	PID Act
Is it made to a 'proper authority'?	Was the matter disclosed to a <b>'proper authority'</b> ? When Seqwater receives a disclosure, whether Seqwater is a 'proper authority' for dealing with the disclosure, is determined as per Section 7.5 below.	ss.14-17

## 6.1 Who can make a PID?

PIDs can be made by Seqwater employees, or any member of the public. The legislation does not include contractors, labour hire or consultants as part of Seqwater for the purpose of PIDs. So a contractor, labour hire or consultant can only be protected by the PID Act, if they make a disclosure as a 'member of the public' as set out in Table 1 above.

Seqwater is committed to ensuring that all people that work for, or with, Seqwater have suitable opportunities and protection when reporting suspected wrongdoing. Seqwater contractors, labour hire and consultants may also make disclosures about matters relating to Seqwater that concern them, even if the disclosure does not fall within the definition of a PID. These can be made:

- internally within Seqwater to anyone in a management position
- to the Stopline hotline, or
- by following the processes in the procedures listed in section 0 below.

Even if a disclosure is not a PID, Seqwater will take all reasonable steps to ensure that:

- information provided about potential wrongdoing is treated confidentially and investigated appropriately
- both disclosers and people subject to allegations are treated fairly and are provided natural justice.

## 6.2 When is a disclosure NOT a PID?

There are times when disclosures do not fall within the scope of the PID Act. Examples of disclosures that do not fall within the PID Act include:

- disclosures that do not meet the criteria in Table 1 above
- those made to the media (except in circumstances listed below in section 7.5.2)
- disclosures made frivolously and/or vexatiously
- those which are a disagreement over government or Seqwater policy
- those that are made substantially to avoid disciplinary action with no further substance.

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 9 of 24

## 6.3 What happens if the disclosure is not a PID?

If a disclosure is not a PID, but the information relates to Seqwater, the information may be dealt with under other Seqwater procedures, such as:

- Discipline Procedure ([PRO-00962](#))
- Bullying Prevention Procedure ([PRO-01763](#))
- Anti-Discrimination and Harassment Procedure ([PRO-00952](#))
- Conflicts of Interest Policy and Procedure ([PRO-00040](#))
- Fraud and Corruption Control Policy ([POL-00066](#)) and Procedure ([PRO-01604](#)).

## 7. Making a disclosure

Disclosures can be made:

- in person
- in writing (by letter, email or memo, or via the Stopline website)
- by telephone.

### 7.1 What information should be disclosed?

Seqwater employees should disclose anything that they consider may be a PID. It should be noted however, Seqwater will assess whether the information constitutes a PID. Where possible, the discloser should be prepared to give information on:

- the name, job title and workplace address of the person who is the subject of the disclosure
- details of relevant events, dates and places
- the names of people who may be able to confirm the information given
- any other evidence that supports the disclosure.

If the discloser believes the information they have falls within the PID Act, then they should state this when they report the information. However, even if they don't state this, it's still up to Seqwater to identify disclosures that are PIDs.

### 7.2 Integrity of information

A person is committing a criminal offence if they knowingly give false or misleading information to a proper authority, intending that it be acted upon as a PID. They may be subject to prosecution, or disciplinary action under Seqwater's Discipline Procedure ([PRO-00962](#)).

However, this is different from a discloser whose information or evidence turns out to be incorrect, or unable to be substantiated.

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 10 of 24

## 7.3 Anonymity

Seqwater has a strict obligation to protect the confidentiality of information reported to it, and to support the discloser through the process. If a person wishes to make a disclosure anonymously, they can do so.

If a disclosure is made anonymously, it may not be possible to update the discloser with progress on the matter. It is recommended disclosers who wish to remain anonymous should provide their information through Stopline (Seqwater's current third-party disclosure management provider), or via an email address which does not indicate the discloser's identity. Also, if the original information is insufficient to adequately investigate the matter, Seqwater may be unable to request further information from the discloser if there is no return communication mechanism. This may hinder Seqwater's ability to effectively investigate the matter.

Further information about confidentiality is provided in section 9.3 below.

## 7.4 Disclosures within Seqwater

Employees making a disclosure are encouraged to do so internally. Consider who will be the best person to receive your disclosure. If it is a matter that can be resolved by your manager, supervisor or team leader, make your disclosure to them.

Disclosures may also be made to:

- any other person in a management position in Seqwater
- the CSGC (PID Coordinator)
- the Principal Fraud and Corruption Control
- the Manager Internal Audit and Compliance
- the Chief Executive Officer (CEO)
- a member of the Seqwater Board
- Stopline independent hotline.

If you think the matter may relate to corrupt conduct, you can follow the processes for internal and external reporting of possible corrupt conduct in this policy & procedure, or the processes outlined in the Fraud and Corruption Control Procedure ([PRO-01604](#)).

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 11 of 24

## Disclosures to the CSGC (PID Coordinator)

To report a matter to the CSGC, please use the following contact details:

<b>Email:</b>	<a href="mailto:pid@seqwater.com.au">pid@seqwater.com.au</a>	<b>Phone:</b>	0427 023 249
<b>Letter:</b>	Company Secretary & General Counsel Seqwater PO Box 328 Ipswich QLD 4305	<b>In person:</b>	117 Brisbane Street Ipswich QLD 4305 <i>(Please phone first for an appointment)</i>

## Disclosures to Stopline (confidential, independent hotline)

Stopline Pty Ltd is an independent company which allows Seqwater employees, contractors, labour hire and consultants to report securely, anonymously and confidentially any incidents and information.

If you report through this hotline you can remain anonymous and follow up and receive updates from Seqwater about progress and decisions in investigating the disclosure. You will be able to continue to communicate anonymously with Seqwater, through the Stopline website.

<b>By phone:</b>	1300 30 45 50	24 hours a day, 7 days a week
<b>Website:</b>	<a href="https://seqwater.stoplinereport.com">https://seqwater.stoplinereport.com</a>	24 hours a day, 7 days a week
<b>Email</b>	<a href="mailto:seqwater@stopline.com.au">seqwater@stopline.com.au</a>	24 hours a day, 7 days a week

## 7.5 Disclosures outside Seqwater

A person may choose to make a disclosure to a person or entity external to Seqwater. To maintain the protections under the PID Act, disclosures must be made to a 'proper authority'. A proper authority is either:

- a member of the Legislative Assembly, or
- an entity that has a particular connection to the subject matter of the disclosure.

For a public sector entity to have a particular connection to the subject matter, the information must relate to:

- (a) the conduct of that entity or any of its public officers, or
- (b) anything the entity has power to investigate or remedy, or
- (c) the conduct of another person that could, if proved, be a reprisal that relates to a previous disclosure made by the person to a proper authority, or
- (d) the person honestly believes that the information that is the subject of the disclosure relates to a matter mentioned in (a) to (c) above.

## 7.5.1 What happens when a disclosure is made to an entity outside Seqwater?

Proper authorities are subject to the same requirements as Seqwater to protect confidentiality and follow the requirements of the PID Act. When a proper authority receives a disclosure relating to Seqwater, that authority will record the information and send it to the appropriate person in Seqwater to be dealt with. If a matter is of a serious nature, certain entities may conduct their own investigation (e.g. the Crime and Corruption Commission, or police service). When a disclosure is received by Seqwater through a proper authority, Seqwater must take the same steps to maintain confidentiality and protect the discloser, as if the disclosure had been received directly by Seqwater.

## 7.5.2 Disclosures to the media

A person who makes a PID to the media will not be protected under the PID Act unless:

- the person has made a disclosure to a proper authority that meets the criteria of a PID (see Table 1 above), and
- the agency to which the disclosure was made or referred:
  - decided not to investigate or deal with the disclosure, or
  - investigated the disclosure but did not recommend the taking of any action in relation to the disclosure, or
  - did not notify the discloser within six months from when the disclosure was made, whether or not the disclosure was to be investigated or dealt with.

Before you make a disclosure to the media you should be certain that the actions of the organisation dealing with the PID meet the above criteria. You should consider seeking legal advice about whether you would be protected by the PID Act in your particular circumstances. Media organisations are not subject to the same obligations of confidentiality as proper authorities. Journalists may publicly disclose the information that you have given to them. Your identity may also become public.

## 7.6 Further information about making a disclosure

**The Queensland Ombudsman is the government oversight body for PIDs and has developed a range of PID information resources for both public sector agencies and members of the public which can be accessed at <https://www.ombudsman.qld.gov.au/improve-public-administration/public-interest-disclosures>.**

The Australian Securities and Investment Commission (ASIC) has also developed information and resources to support the corporate sector in managing and protecting whistleblowers under the Corporations Act 2001, which under certain circumstances applies to Seqwater. Further information can be accessed at <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>.

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 13 of 24

## Part 3: What does Seqwater do when it receives a PID?

### 8. Assessing a disclosure

On receiving a disclosure that may be a PID, the Seqwater recipient should immediately refer the matter to the CSGC, who can deal with the disclosure as PID Coordinator. If they are unable to reach the GCCS promptly, they should contact the Principal Fraud and Corruption Control who can provide advice on initial steps to take.

A disclosure will be appropriately assessed against assessment criteria as defined in s12, 13, 15 and 17 of the PID Act.

**If there is doubt whether a disclosure is a PID, the recipient must assume the discloser is protected by the PID Act and manage the disclosure as if it is a PID.**

Seqwater must keep adequate and confidential records for each PID. The GCCS, or the person appointed by them to deal with the disclosure, must make an initial record of the disclosure and then record the details of the disclosure, including:

- name of the person making the PID (if known)
- the information disclosed
- any action taken on the PID
- any other information required by the PID Standard.

If the PID was made orally, the person who received the disclosure is responsible for ensuring that the written version of the PID is accepted as accurate by the discloser.

Once the details of the disclosure are recorded, the decision maker will assess the details using the Public Interest Disclosures & Whistleblowers Work Instruction ([PRO-02219](#)) and determine:

- if the disclosure is a PID, and
- whether Seqwater should deal with the PID.

If the decision maker does decide to deal with a PID, they will determine how to best deal with the PID within Seqwater. The PID Coordinator will ensure the discloser receives acknowledgement their disclosure has been received, information regarding protections available to them and the proposed action and process Seqwater will follow to manage the disclosure.

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 14 of 24

## 8.1 When can Seqwater decide not to deal with a PID?

If any of the following facts are established, the decision maker may make decide not to investigate or deal with a PID:

- the substance of the disclosure has already been investigated or dealt with by another appropriate process
- Seqwater reasonably considers that the disclosure should be dealt with by another appropriate process
- the age of the information the subject of the disclosure makes it impracticable to investigate
- Seqwater reasonably considers that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert Seqwater's resources from their use by Seqwater in the performance of its functions
- another entity that has jurisdiction to investigate the disclosure has notified Seqwater that investigation of the disclosure is not warranted.

If Seqwater decides not to deal with a PID, the decision maker will advise you of their reasons in writing. This is only possible if Seqwater has the identity of the discloser, or is able to communicate with an anonymous discloser via the Stoplevel website. If you disagree with these reasons, you may apply to the CEO for a review of the decision within 28 days after receiving the written advice.

Where the disclosure is referred to an external entity such as the Crime and Corruption Commission (CCC), Seqwater will inform the discloser of the referral and any progress they are informed of by the external entity. This is only possible if Seqwater has the identity of the discloser, or is able to communicate with an anonymous discloser via the Stoplevel website.

## 9. Support and protection

Seqwater will take appropriate steps to protect individuals who are involved in a PID process from 'reprisal' action. This applies equally to an individual who makes a PID (discloser) and to an individual who is the subject of a PID (subject officer). An employee should not suffer any form of detriment as a result of being involved in a PID including:

- unfair treatment
- harassment
- intimidation
- victimisation
- unjustified disciplinary action
- unlawful discrimination
- any other adverse action.

If a discloser suffers a reprisal as a result of making a disclosure, then the reporting of that reprisal constitutes a separate PID that must be managed under the PID process.

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 15 of 24

## 9.1 How does Seqwater protect disclosers?

As soon as possible after receiving a PID, the person managing the PID on behalf of Seqwater must conduct a risk assessment to consider the likelihood and consequences of the discloser suffering some form of reprisal as a result of making the PID (see the Public Interest Disclosures & Whistleblowers Work Instruction ([PRO-02219](#))). The risk assessment must include input from the discloser, if their identity is known. Seqwater will use the results of the risk assessment to put in place arrangements to protect the discloser and, where practicable, their anonymity. A PID support officer will be assigned to support the discloser throughout the management of the PID.

Other actions by Seqwater to protect the discloser may include, but are not limited to:

- taking immediate action as appropriate if there is a reasonable concern of imminent danger to the discloser's physical safety, e.g. referral to the Queensland Police Service
- taking reasonable management action to address concerns the employee may have as a result of making the disclosure
- referral to Seqwater's Employee Assistance Program (Benestar Ph 1300 360 364)
- promptly and confidentially dealing with reasonable suspicions of victimisation or harassment
- negotiating a formal end to the employee's involvement with the support program, when it is agreed assistance is no longer required.

All Seqwater managers are under an obligation to notify the PID Coordinator if they believe any employee is suffering detriment as a result of reporting a wrongdoing. In the event of a reprisal being alleged or suspected, Seqwater will act in the interest of the discloser by:

- attending to the safety of the discloser or affected third parties as a matter of priority
- reviewing the risk assessment of reprisal and any protective measures needed
- managing any allegation of a reprisal as a PID in its own right.

Any employee found to have engaged in reprisals will be subject to disciplinary action.

## 9.2 How does Seqwater support subject officers (i.e. people who are the subject of a PID or a potential PID)

Seqwater is committed to treating disclosures appropriately and applying the principles of natural justice. The rights of any person who is the subject of, or is in some way associated with, a disclosure are important. A person against whom a disclosure is made is entitled to the presumption of innocence and, where possible, their identity and the details of the disclosure will remain confidential.

Employees who are the subject of an allegation may utilise the services of the Employee Assistance Program for advice and counselling (Benestar Ph 1300 360 364). This service provides confidential counselling and support to staff through stressful times. Employees may also seek assistance from their union or professional organisation (if they are a member of one) and may wish to consider obtaining their own independent legal advice.

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 16 of 24



Protection exists for those against whom an intentionally false PID is made (see section 7.2 above). It is a criminal offence if a person knowingly gives false or misleading information to a proper authority, intending that it be acted upon as a PID.

Subject officers should remember that employees have performed their duty by making a disclosure or participating in an investigation, and employees should not be treated adversely because of their involvement in this process. Any substantiated allegations of adverse treatment or reprisals on these grounds will result in disciplinary action being taken against the person conducting the adverse treatment.

## 9.3 Confidentiality

Maintaining confidentiality is very important in the handling of a disclosure. Confidentiality not only protects the discloser against reprisal, but any other people affected by the disclosure, including subject officers. In protecting confidentiality, Seqwater will ensure that the details of a person's disclosure, the investigation and related decisions are kept secure.

Seqwater requires the discloser not to talk about the disclosure to work colleagues or any other unauthorised person. The fewer people who know about the disclosure (both before and after it is made) the more likely it is that Seqwater will be able to keep the discloser's identity confidential and protect the discloser from any reprisal.

While every attempt to protect confidentiality will be made, there will be occasions when disclosure of the discloser's identity may be necessary. These potentially include:

- providing natural justice to the subject officer e.g., in order to appropriately respond to an allegation, it may be unavoidable to reveal the identity of the discloser
- responding to a court order or legal directive (e.g. subpoena, notice to produce, direction by a parliamentary committee)
- in court proceedings.

Seqwater will advise you if your identity needs to be revealed and seek your consent, if possible and where appropriate.

## 9.4 Managing performance

Employees should understand that making a PID does not prevent managers from addressing the employee's unsatisfactory performance or improper conduct through reasonable management action. This can only occur where:

- the employee fails to follow Seqwater's policies and procedures, or
- the manager can clearly demonstrate any gaps in the employee's performance or conduct.

The manager's reasons for taking the management action must be independent of the fact the person has made a PID.

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 17 of 24

## 10. Investigation

The investigation of a PID will be carried out by trained and experienced people. An investigator may be appointed by the CSGC to undertake the investigation of a PID. The investigator will be independent and will not have an actual or potential conflict of interest in the matter. If the investigator is an external party, the discloser will be consulted regarding their preferred method of communication throughout the investigation process.

At the commencement of the investigation the discloser will be:

- notified by the investigator that they have been appointed to conduct the investigation
- asked to clarify any matters
- asked to provide any additional material they might have
- made aware that people might attempt to guess their identify
- advised of likely timeframes
- advised of the importance of maintaining confidentiality
- advised of the protections under the PID Act that will apply
- advised that Seqwater will keep the information disclosed, including the discloser's identity confidential, except as allowed under the PID Act (see further information on confidentiality in section 9.3 below)
- advised how they will be advised of progress and outcomes
- advised of who to contact if they want further information or are concerned about reprisals.

In certain circumstances, information will not be provided to the discloser if giving that information would be likely to adversely affect:

- anybody's safety
- the investigation
- natural justice
- necessary confidentiality about an informant's existence or identity.

All interviews should be conducted in private and care should be taken not to divulge any unauthorised information about the PID during the investigation process.

### 10.1 Finalising a PID

The discloser and subject officer(s) should be separately informed by the investigator of:

- the investigation findings, and
- the reasons for the findings.

If the PID is substantiated, the CSGC will advise the discloser of:

- the action that will be taken in response to the findings, and
- the description of the results of the action.

Once the investigation is completed and relevant agencies consulted, Seqwater will take corrective or disciplinary action where necessary. Any systemic, policy or procedural issues

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 18 of 24

identified through the course of an investigation will be addressed in consultation with relevant stakeholders.

Once a matter is finalised, Seqwater should debrief other staff in the workplace involved individually or in groups to:

- clarify any decisions or outcomes, without breaching confidentiality
- emphasise the opportunities to learn from the situation.

## 10.2 Reporting

Seqwater has an obligation to report certain details about the PIDs it receives to the Queensland Ombudsman. These requirements are set by the Public Interest Disclosure Standard No. 3. This includes but not limited to:

- date of receipt and how it was received
- status of the discloser (e.g. employee; member of the public; anonymous)
- gender and status (employee/non-employee) of discloser (if known)
- relationship between discloser and subject officer (e.g. direct report)
- location of the subject officer (geographical region)
- summary of the alleged information received.

Reporting occurs via the RaPID (“Report a PID”) database, maintained by the Queensland Ombudsman.

## 11. What if you disagree with Seqwater’s decision?

If you have made a disclosure and are unhappy with a decision that Seqwater has made about the disclosure, you should consider the reasons that the decision maker has provided in support of the decision. If you are still dissatisfied with the decision after considering the reasons, you should speak to the GCCS, or the person appointed by the GCCS to review your disclosure.

If Seqwater decides not to investigate or deal with a PID, the discloser can apply to the CEO for a review of the decision within 28 days after receiving the advice.

Alternatively, you may be able to make a PID to another proper authority – see section 7.5 above. However, the other entity may decide not to investigate the disclosure, if that entity is satisfied that:

- the disclosure does not constitute a PID under the PID Act, or
- the matter has already been investigated properly.

You may also seek your own independent legal advice about your rights, such as whether you could apply to the Supreme Court for a review of the decision under the *Judicial Review Act 1991 (Qld)*.

Further information about making PIDs can be found on the Queensland [Ombudsman’s website](#).

Ver. no.	Doc No.	Doc Owner	Version Date	Doc Approver	
6	PRO-01748	Peter McKinnon	27/04/2020	General Counsel & Company Secretary	Page 19 of 24

## 12. References

Description	Location
<i>Public Interest Disclosure Act 2010</i>	<a href="http://www.legislation.qld.gov.au">www.legislation.qld.gov.au</a>
Public Interest Disclosure Standards No 1, 2 & 3 Queensland Ombudsman	<a href="#">Qld Ombudsman website</a>
<i>Public Sector Ethics Act 1994</i>	<a href="http://www.legislation.qld.gov.au">www.legislation.qld.gov.au</a>
<i>Financial Accountability Act 2009</i>	<a href="http://www.legislation.qld.gov.au">www.legislation.qld.gov.au</a>
<i>Crime and Corruption Act 2001</i>	<a href="http://www.legislation.qld.gov.au">www.legislation.qld.gov.au</a>
Corruption in Focus (March 2019)	<a href="#">Crime and Corruption Commission website</a>
<i>Disability Services Act 2006</i>	<a href="http://www.legislation.qld.gov.au">www.legislation.qld.gov.au</a>
Code of Conduct ( <a href="#">POL-00038</a> )	REX & Waternet
Discipline Procedure ( <a href="#">PRO-00962</a> )	REX & Waternet
Performance Improvement Plan Procedure ( <a href="#">PRO-00959</a> )	REX & Waternet
Anti-Discrimination and Harassment Procedure ( <a href="#">PRO-00952</a> )	REX & Waternet
Bullying Prevention Procedure ( <a href="#">PRO-01763</a> )	REX & Waternet
Government Owned Corporations Governance Framework	Intranet
Fraud and Corruption Control Policy ( <a href="#">POL-00066</a> )	REX & Waternet
Fraud and Corruption Control Procedure ( <a href="#">PRO-01604</a> )	REX & Waternet

## Appendix A – Definitions

Term	Definitions
Corrupt conduct	See section 15 of the <i>Crime and Corruption Act 2001</i> , as amended from time to time.  For conduct to constitute corrupt conduct the conduct must satisfy a number of cumulative threshold tests outlined in section 15 of the <i>Crime and Corruption Act 2001</i> . The section also includes examples of the types of conduct which may amount to corrupt conduct including abuse of public office, bribery, fraud, extortion, obtaining a secret commission or sedition. The Crime and Corruption Commission (CCC) would determine whether conduct constitutes corrupt conduct.
Discloser	The person who makes a PID in accordance with the PID Act.
Investigator	The person appointed by the CSGC to undertake an investigation relating to a PID.
Maladministration	Is administrative action that— (a) was taken contrary to law; or (b) was unreasonable, unjust, oppressive, or improperly discriminatory; or (c) 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; or (d) was taken— (i) for an improper purpose; or (ii) on irrelevant grounds; or (iii) having regard to irrelevant considerations; or (e) was an action for which reasons should have been given, but were not given; or (f) was based wholly or partly on a mistake of law or fact; or (g) was wrong.
Manager	A person with responsibilities for managing a functional area of the business including workers within the relevant functional area or the day to day supervisory responsibilities for workers within a functional area of the business. This includes, but not limited to, Level 3 Managers, Supervisors, Team Leaders and Coordinators. A manager is also considered an employee and may have additional responsibilities.
Natural justice	Provides that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right of representation by another person.
Proper authority	Means a public sector entity or member of the Legislative Assembly.
Public Interest Disclosure (PID)	A disclosure under the PID Act and includes all information and help given by the discloser to a proper authority for the disclosure.
PID Act	<i>Public Interest Disclosure Act 2010 (Qld)</i>

Term	Definitions
Reasonable Management Action	<p>Means action taken by a manager in relation to an employee, including any of the following taken by the manager –</p> <ul style="list-style-type: none"> <li>a) a reasonable appraisal of the employee’s work performance</li> <li>b) a reasonable requirement that the employee undertake counselling</li> <li>c) a reasonable suspension of the employee from the employment workplace</li> <li>d) a reasonable disciplinary action</li> <li>e) a reasonable action to transfer or deploy the employee</li> <li>f) a reasonable action to end the employee’s employment by way of redundancy or retrenchment</li> <li>g) a reasonable action in relation to an action mentioned in (a)-(f)</li> <li>h) a reasonable action in relation to the employee’s failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee’s employment.</li> </ul>
Reprisal	<p>Means conduct or an omission which is substantially to cause, or attempts or conspires to cause, detriment to another person because, or in the belief that:</p> <ul style="list-style-type: none"> <li>• the other person or someone else has made, or intends to make a PID</li> <li>• the other person or someone else is, has been, or intends to be, involved in a proceeding under the PID Act against any person.</li> </ul>
Subject Officer	<p>The person who the discloser alleges to have performed actions which are the subject of the PID.</p>
Worker	<p>Includes all permanent, full time, part time, temporary and casual employees of Seqwater, and</p> <ul style="list-style-type: none"> <li>• vocational and work experience placements</li> <li>• volunteers</li> <li>• contractors and consultants temporarily assigned to Seqwater whilst working for or on behalf of Seqwater.</li> </ul>

## Appendix B – Examples of Public Interest Disclosures (PID)

Disclosure	Examples	Internal Reporting
Corrupt conduct	<ul style="list-style-type: none"> <li>cheating on travel allowances</li> <li>accepting 'kickbacks' in the tendering process</li> <li>manipulating a selection panel decision to ensure a relative gets the job</li> </ul>	<ul style="list-style-type: none"> <li>Managers, supervisors, team leaders and co-ordinators</li> <li>Company Secretary &amp; General Counsel</li> <li>CEO, General Managers</li> <li>People and Culture</li> <li>Stopline</li> </ul>
Maladministration	<ul style="list-style-type: none"> <li>neglecting to inform a complainant on request of his or her rights or entitlements</li> <li>failure by management to monitor compliance and comply with the law</li> </ul>	
Misuse of Public Resources	<ul style="list-style-type: none"> <li>a contract for services which does not comply with tendering policies</li> <li>misuse of paid work time for non-related activities</li> <li>misuse of Seqwater assets e.g. work vehicles, telephones</li> </ul>	
Danger to public health or safety	<ul style="list-style-type: none"> <li>contamination of the water supply</li> <li>irresponsible use of chemicals resulting in odours</li> </ul>	
Danger to health or safety of a person with a disability	<ul style="list-style-type: none"> <li>harassment or bullying behaviour</li> <li>not taking into account the type of work allocated to a disabled employee</li> </ul>	
Danger to environment	<ul style="list-style-type: none"> <li>contamination of sea life</li> <li>clearing trees without a permit / licence</li> <li>uncontrolled bush fires</li> </ul>	
Reprisal	<ul style="list-style-type: none"> <li>threatening or harassing a discloser or those close to them</li> <li>discriminating against a disclosure in subsequent job applications</li> </ul>	

### Disclosures to the CSGC (PID Coordinator)

<b>Email:</b>	<a href="mailto:pid@seqwater.com.au">pid@seqwater.com.au</a>	<b>Phone:</b>	0427 023 249
<b>Letter:</b>	General Counsel & Company Secretary Seqwater PO Box 328 Ipswich QLD 4305	<b>In person:</b>	117 Brisbane Street Ipswich QLD 4305 <i>(Please phone first for an appointment)</i>

### Disclosures to Stopleveline (confidential, independent hotline)

<b>By phone:</b>	1300 30 45 50	24 hours a day, 7 days a week
<b>Website:</b>	<a href="https://seqwater.stoplينereport.com">https://seqwater.stoplينereport.com</a>	24 hours a day, 7 days a week
<b>Email</b>	<a href="mailto:seqwater@stopleveline.com.au">seqwater@stopleveline.com.au</a>	24 hours a day, 7 days a week