

# Public Interest Disclosure Procedure

CORP PRO 016

## Creation, Review and Approval

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## 1. Purpose

To ensure appropriate processes are in place to meet the objectives of Sunwater's Public Interest Disclosure and Whistleblower Policy (Policy) and to comply with the requirements of the Public Interest Disclosure (PID) Act and the Public Interest Disclosure Standards, respectively.

This Procedure outlines the PID management program and the associated processes involved in making a PID about or to Sunwater and how Sunwater will assess and manage a PID.

The Company Secretary is the Sunwater PID and Whistleblower Coordinator (the Coordinator) and in conjunction with the General Counsel is the owner of this Procedure. The General Counsel and Company Secretary work together to discharge the responsibility under the Policy.

## 2. Scope

This procedure applies to all Sunwater workers and must be read in conjunction with the Policy.

Note: as a Government Owned Corporation (GOC), Sunwater also complies with the Corporations Act 2001 (Cth) and the Taxation Administration Act 1953 (Cth) which impose obligations in relation to disclosers (Whistleblowers).

## 3. PID Management Program

The details of Sunwater's PID management program are set out in Appendix 5.

## 4. Procedure

Disclosures concerning Sunwater can be made internally to Sunwater or externally to another proper authority. This Procedure is focused on internal disclosures made to Sunwater (but also identifies below the types of external disclosures that may be made that concern Sunwater).

### 4.1. What is a PID?

A PID is a disclosure that meets the following 3 elements:

1. an **appropriate disclosure**
2. of **public interest information**
3. made to a **proper authority**

Refer to Table 1 below for a full explanation.

### 4.2. Who can make a PID?

- Sunwater employees
- Any person

A Sunwater employee may make a PID concerning corrupt conduct by a Sunwater employee or reprisal, directly to Sunwater (refer to Table 1 for details).

Any person (including a Sunwater employee) may make a PID, so long as it is made to the proper authority. Who the proper authority is will depend upon on what is being disclosed (refer to Table 1 for details).

The PID Coordinator can be contacted by contacting the Company Secretary by phone or email.

Table 1

Discloser	Element	Description
<ul style="list-style-type: none"> <li>Any person</li> </ul>	1. Appropriate disclosure	<p>The discloser has an:</p> <ul style="list-style-type: none"> <li><b>honest belief on reasonable grounds</b> that the information tends to show the conduct or other matter</li> </ul> <p>or:</p> <ul style="list-style-type: none"> <li>the <b>information tends to show the conduct</b> or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter.</li> </ul>
<ul style="list-style-type: none"> <li>Any person</li> </ul>	2. Public Interest Information	<p>The discloser has information about:</p> <ul style="list-style-type: none"> <li>a <b>substantial</b> and <b>specific danger</b> to the <b>health</b> or <b>safety</b> of a person with a <b>disability</b>; or</li> <li>the commission of an offence against a provision listed in Schedule 2 of the PID Act (refer to Appendix 4) that would be a <b>Substantial</b> and <b>Specific danger</b> to the <b>environment</b>; or</li> <li>a <b>contravention</b> of a <b>condition</b> imposed under a provision listed in Schedule 2 of the PID Act (refer to Appendix 4 ), that would be a <b>Substantial</b> and <b>Specific danger</b> to the <b>environment</b>; or</li> <li>the conduct of another person that could, if proved, be a <b>Reprisal</b>.</li> </ul>
<ul style="list-style-type: none"> <li>Sunwater employee</li> </ul>	2. Public interest information	<p><b>Sunwater employees</b> can make a PID by disclosing information about either:</p> <ul style="list-style-type: none"> <li>the conduct of another Sunwater Employee, that could, if proved, be <b>Corrupt Conduct</b>; or</li> <li>the conduct of another person that could, if proved, be a <b>Reprisal</b> that relates to a previous disclosure made by a Sunwater Employee to Sunwater or the CCC.</li> </ul>
<ul style="list-style-type: none"> <li>Sunwater employee</li> </ul>	3. Proper Authority	<ul style="list-style-type: none"> <li>The proper authority for PIDs made by a Sunwater employee are:</li> <li>PID Coordinator</li> <li>Company Secretary</li> <li>General Manager and above</li> <li>Whistleblower Hotline - - via the PKF Integrity Services website (Link: PKF Integrity Services), by calling the PKF Integrity Services toll-free hotline at 1800 298 497, OR via email: <a href="mailto:Sunwaterdisclosures@pkf.com.au">Sunwaterdisclosures@pkf.com.au</a>. Note that PKF Integrity Services online system allows Sunwater to communicate with a Discloser anonymously..</li> </ul>

Discloser	Element	Description
<ul style="list-style-type: none"> <li>Any person</li> </ul>	3. Proper Authority	<p>The proper authority for PIDs made under section 12 of the PID Act is dependent upon on the disclosure:</p> <ul style="list-style-type: none"> <li><u>CCC</u> for disclosures about corrupt conduct including Reprisal</li> <li><u>Department of Child Safety, Youth and Women</u> for disclosures about danger to the health and safety of a child or young person with a disability</li> <li><u>Department of Communities, Disability Services and Seniors</u> for disclosures about danger to the health and safety of a person with a disability</li> <li><u>Office of the Public Guardian</u> for disclosures about danger to the health and safety of a person with a disability</li> <li><u>Department of Environment and Science</u> disclosures about danger to the environment</li> <li><u>A Member of the Legislative Assembly (MP)</u> for any wrongdoing or danger</li> <li><u>A Journalist</u>* – subject to the following conditions: - <ul style="list-style-type: none"> <li>a valid PID was initially made to a proper authority (listed above) and the proper authority: - <ul style="list-style-type: none"> <li>decided not to investigate or deal with the disclosure, or</li> <li>investigated the disclosure but did not recommend taking any action, or</li> <li>failed to notify the discloser within six months of making the disclosure whether or not the disclosure was to be investigated or otherwise dealt with.</li> </ul> </li> </ul> </li> </ul> <p><i>*Disclosers should be aware that journalists are not bound under the confidentiality provisions of section 65 of the PID Act.</i></p>

### 4.3. Providing the Relevant Information

To assist in the assessment, and any subsequent investigation of a PID, Disclosers are requested to:

- provide contact details (this could be an email address that is created specifically for the purpose of making the disclosure or a telephone number), and
- provide as much information as possible about the suspected public interest disclosure matter, including:
  - who was involved
  - what happened
  - when it happened
  - where it happened
  - whether there were any witnesses, and if so, who they are

- any evidence that supports the PID, and where the evidence is located
- any further information that could help investigate the PID
- provide this information in writing

#### 4.3.1. Making a false or misleading disclosure

Under the PID Act, an Employee or any person who gives information to Sunwater, knowing that it is false or misleading and intending that it be acted upon as a PID, commits a criminal offence with a maximum penalty of two years' imprisonment or 167 penalty units. An Employee may also face disciplinary action under the Sunwater Code of Conduct.

#### 4.4. Assessment on Receipt of a PID

On receipt (or referral) of a disclosure, the recipient will acknowledge receipt of the disclosure in writing as soon as practicable (where contact details have been provided).

The PID Coordinator will, as soon as practicable, together with the General Counsel, assess the disclosure and subsequently escalate this information to the CEO (as appropriate). In conjunction with the CEO, a decision will be made as to whether a disclosure qualifies as a PID in accordance with this Procedure as follows:

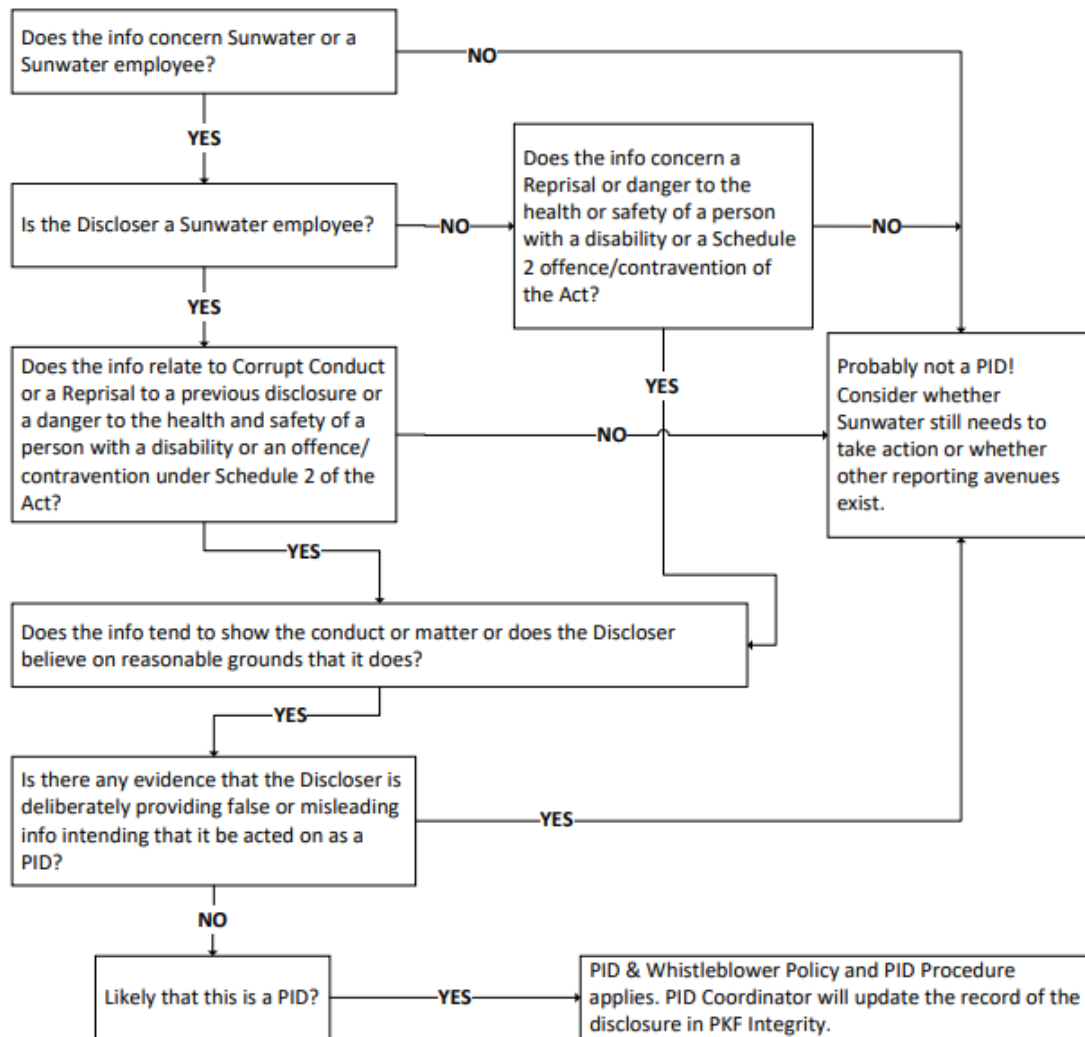
- the person making the disclosure is able to receive the protection under the PID Act
- the disclosure concerns a matter about which a PID can be made
- the disclosure meets either the subjective or objective test set out in the PID Act
- the disclosure has been made to an individual or entity who may receive a PID, and
- the disclosure has been made in accordance with this Procedure or to a person listed in the PID Act.

The PID Coordinator will make and keep a written record of the assessment decision, including the factors considered in reaching a decision on each criteria listed above.

Where there is doubt on the face of the information as to whether it should be assessed as a PID, Sunwater will treat the disclosure as a PID and apply the PID Act and this Procedure to the management of the disclosure.

All PIDs are then managed by the PID Coordinator and General Counsel whilst keeping the CEO and Chief People Office appropriately informed as required. The Sunwater Audit & Risk Committee are updated on a disclosures through quarterly Committee meetings.

Considerations when assessing a PID are outlined in the workflow below and in Appendix 1 PID Assessment Tool.



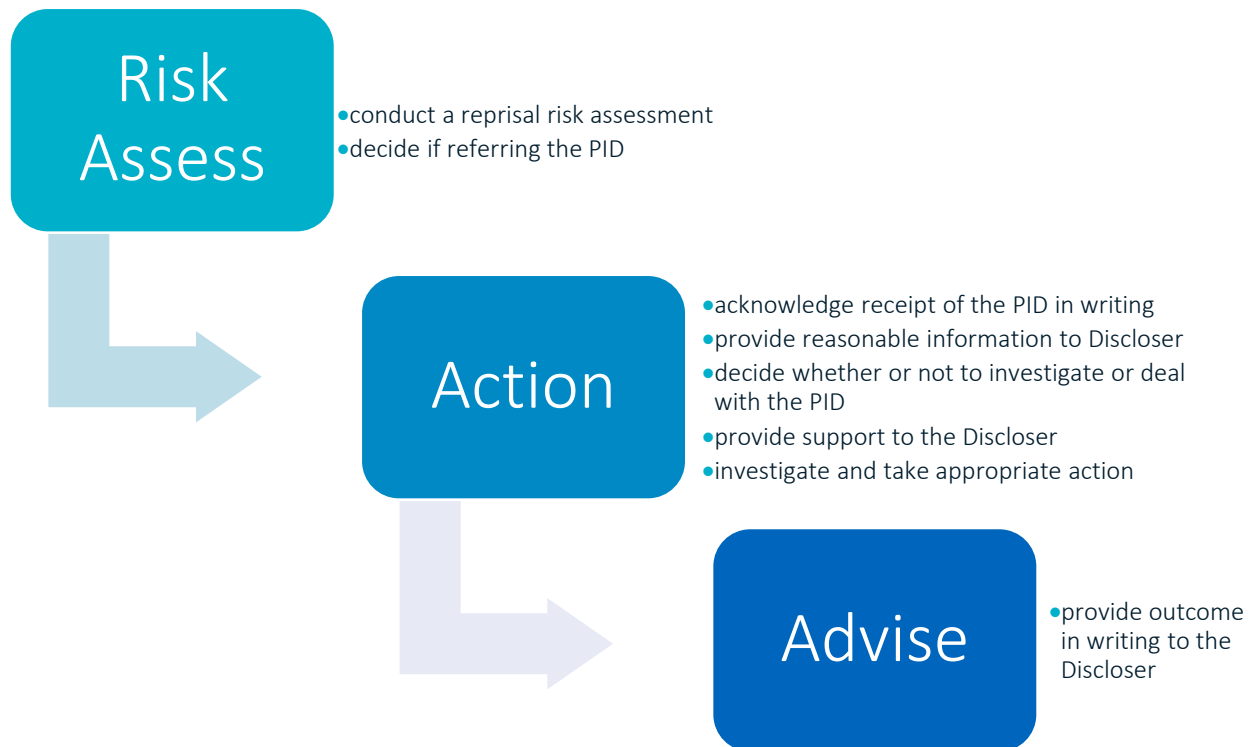
Important to note is that the following factors are **not relevant** to the assessment of whether a disclosure is a PID:

- how the disclosure is received (e.g. orally, verbally, by email)
- if it is made anonymously
- whether the information identifies the conduct of a particular identified person or not,
- whether the Discloser identifies the information as a 'PID' or not
- whether the Discloser wishes to proceed with the PID

If a disclosure meets the requirements of a PID, the Discloser is afforded the protection under this Procedure and the PID Act.

Sunwater will advise the Discloser if a purported PID does not meet the requirements of this Procedure. Sunwater will also provide the Discloser written reasons for its decision, the information relied upon in making the decision, the name of the delegated officer, the right of review of the decision, and how to exercise that review right as soon as practicable.

#### 4.5. Process once assessed as a PID



##### 4.5.1. Managing the Risk of Reprisal

###### What is a Reprisal?

The PID Act requires that a person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that:

- someone has made or intends to make a PID, or
- someone has been or intends to be involved in a proceeding under the PID Act against any person.

Under the PID Act, such action constitutes a Reprisal or the taking of a Reprisal. The PID Act defines 'detriment' as including:

- personal injury or prejudice to safety
- property damage or loss
- intimidation or harassment
- adverse discrimination, disadvantage or treatment about a person's career, profession or employment, trade or business
- financial loss, or
- damage to reputation

It is sufficient if the making of a PID is the substantial ground for causing detriment, even if there is another ground.

Anyone who is proven to have taken a Reprisal or conspires to cause a Reprisal commits an indictable offence and is liable to two years imprisonment or a fine of 167 penalty units. They can also be liable in damages to anyone who suffers detriment as a result.

Note - Unrelated disciplinary or other work-related action against a Discloser may be considered as Reasonable Management Action and therefore not “detriment” under the PID Act.

### Assessing the risk of reprisal

Sunwater will conduct a risk assessment, considering the relevant factors that may lead to a higher-than-normal risk of Reprisal, in relation to each particular PID. This includes the risk of Reprisal to a Discloser and any relevant witnesses.

If Sunwater is not the appropriate authority to receive the information as a PID, Sunwater will assess the risk to the Discloser of referring the PID to the appropriate authority and seek consent from the Discloser’s before referring the PID (or invite the Discloser to redirect the information to the proper authority. If Sunwater refers the PID to another authority, it will inform the Discloser as soon as practicable.

**Sunwater will not refer a PID to another agency if the risk of reprisal is assessed as unacceptable<sup>1</sup>.**

Refer to the PID Risk Assessment Tool in Appendix 2.

#### 4.5.2. Record keeping

A proper record of the disclosure will be maintained on the PKF Integrity case management system. Access to the PKF Integrity Case Management System is limited to the PID Coordinator, the General Counsel and the Chief People Officer.

Details recorded are:

- the name of the Discloser (if known)
  - information disclosed
  - any action taken, and
  - if the matter has been referred to Sunwater, the name of the person or entity that referred the disclosure
  - if the matter has been referred to the CCC, then a note to that effect.
- If the matter is referred to the CCC, all the above information is forwarded to the CCC for the CCC to make a decision.

Sunwater will keep a record of the items listed in Appendix 3 for the purpose of reporting to Ombudsman.

#### 4.5.3. Written notification

Written notification will be provided by Sunwater to the Discloser covering:

- confirmation that the PID was received by Sunwater
- confirmation of whether the disclosure has been assessed as a PID
- the protections under the PID Act that apply
- that the Discloser’s identity and the information disclosed will be kept confidential, except as allowed under the PID Act
- that the Discloser has an obligation to maintain confidentiality, except as allowed under the PID Act

<sup>1</sup> Refer to s31(3) of the PID Act

- a description of the action proposed to be taken, or taken, by Sunwater in relation to the disclosure, and if action has been taken by Sunwater in relation to the PID a description of the results of the action
- the Discloser's likely involvement in any action Sunwater proposes to take (for example, if the Discloser will be a witness in an investigation)
- the likely timeframe for taking action
- how the Discloser will be advised of progress and the frequency of updates
- the arrangements Sunwater has/will put in place to support the Discloser
- the name and contact details of the PID Support Officer assigned to support the Discloser, and
- after action has been taken in response to the PID, the results of the action.

However, no notification (or a limited notification) will be provided to a Discloser if, after conducting a risk assessment, Sunwater considers the giving of the information would likely adversely affect either:

- a person's safety
- the investigation of an offence or possible offence, or
- protecting the confidentiality of an informant's existence or identity

#### 4.5.4. Supporting the Discloser

In addition to the protections offered under the PID Act (see section 4.6), the following support may also be offered to the Discloser:

- acknowledgement that making the PID was the right thing to do and is valued
- making a clear statement that Sunwater will support the Discloser
- where appropriate, appointing a person (separate from the Coordinator and General Counsel) with sufficient authority to ensure the Discloser has appropriate support and protection from Reprisals
- where appropriate, regularly checking on the Discloser's well-being and advising the Discloser of the availability of the Sunwater Employee Assistance Program (where relevant), and
- where the health of the Discloser becomes a concern, liaising with officers responsible for workplace health and safety.

#### 4.5.5. If Sunwater decides not to investigate or deal with a PID

Sunwater may also decide not to investigate or deal with a PID if:

- the substance of the disclosure has already been investigated or dealt with by another appropriate process; or
- Sunwater reasonably considers that the disclosure should be dealt with by another appropriate process; or
- the age of the information relating to the disclosure makes it impracticable to investigate; or
- Sunwater reasonably considers that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert Sunwater resources; or
- another entity or body that has jurisdiction to investigate the disclosure has notified Sunwater that investigation of the disclosure is not warranted.

If Sunwater decides **not** to investigate or deal with a PID, Sunwater will **give written notice** to the Discloser **within 21 days** from date of notification setting out:

- the information relied upon in making a decision not to investigate or deal with the PID, and

- the ground or grounds under PID Act on which it is decided not to investigate or deal with a PID, the reasons for the decision and the delegated officer who made the decision.

A Discloser may apply to the CEO for a review of the decision within **28 business days** after receiving the written reasons.

If a Discloser applies to the CEO for a review of a decision of Sunwater not to investigate or deal with a PID, then the CEO (or their delegate) must as soon as practicable:

- assess the request and conduct a review to determine whether to confirm or overturn the previous decision not to investigate or deal with the PID
- record the review decision, the reasons for the decision and the officer who made the decision
- provide the Discloser with written reasons for the decision, including the reasons for the review decision, the information relied on in making the review decision, the name of the officer who made the decision, and
- notify the Discloser of their right of external review if they are not satisfied with the review decision.

Where resolution of a PID does not require a formal investigation, possible next steps could include:

- providing an explanation to the Discloser (e.g. if the Discloser was not aware of all the circumstances surrounding an action which appeared to be improper)
- increasing supervision or performance management strategies, guidance, or counselling, or specific training; or mediate or review the operations of a particular unit; or
- follow through with an internal audit; or implement or change policies, procedures or practices, or initiate a formal investigation of the allegation or refer the matter to an appropriate external entity.

#### 4.5.6. Substantiated corrupt conduct or wrongdoing

The PID Coordinator, General Counsel and Chief People Officer (if relevant) will make recommendations to the CEO in relation to appropriate action to be taken in relation to substantiated Corrupt Conduct or wrongdoing which is the subject of the PID. The recommendations will give consideration to the seriousness of the conduct and may include appropriate disciplinary actions including termination of employment and/ or referral to the Queensland Police Service for further investigation.

#### 4.5.7. Reporting

Sunwater will report to the Queensland Ombudsmen the information listed in Appendix 3 through the RaPID reporting database operated by the Queensland Ombudsmen. Sunwater will:

- report information within 30 days of the assessment of a disclosure being a PID
- update information within 30 days of the management of the PID being finalised, and
- regularly audit case records in RaPID to identify and update incomplete records.

### 4.6. Discloser Protections

#### Anonymity and Confidentiality protections

Sunwater's preference is for a Discloser to identify themselves to facilitate a more efficient and successful assessment of the disclosure. However, a Discloser has the option of making a disclosure anonymously through Sunwater's PKF Integrity website.

The PID Act makes it an offence for Sunwater or an Employee who receives confidential information as part of a disclosure to make a record of that information, or intentionally or recklessly disclose the information to anyone, except:

- for the purpose of the PID Act or another Act
- for a proceeding in a court or tribunal
- if authorised under a regulation or another Act
- if the person to whom the information relates consents in writing
- if the consent of the person to whom the information relates cannot reasonably be obtained, and the disclosure of information would be unlikely to harm the interests of that person and would be reasonable in the circumstances, or
- if the person reasonably believes that making the record or disclosing the information is necessary to provide for the safety or welfare of a person.

To protect a Discloser's confidentiality, Sunwater will ensure that the details of the disclosure, the investigation and related decisions will be kept secure. However, while every attempt to protect confidentiality will be made, there may be occasions when disclosure of a Discloser's identity may be necessary (such as to provide natural justice to the Subject Officer, to respond to a court order or legal directive in court proceedings (e.g. subpoena, notice to produce, direction by a parliamentary committee)).

#### 4.6.1. Reprisal Protections

Sunwater will take appropriate steps to protect a Discloser (and other parties e.g. witnesses) from Reprisals which may include:

- monitoring a Discloser's workplace for signs of Reprisal action
- early intervention through an assessment of the culture within the work area and conducting awareness communication sessions and training
- holding supervisors and/or managers responsible for supporting the Discloser and ensuring the Discloser does not suffer harassment, victimisation or any form of Reprisal, and
- changing work environments e.g. changing seating arrangements, granting a Discloser leave of absence until the matter is resolved, transfer/ relocation of affected staff etc.

Any action taken will depend on the level of risk of Reprisal, its seriousness and other circumstances. Every allegation of Reprisal is taken seriously, recorded and dealt with. Furthermore, each allegation of Reprisal is assessed separately from the initial allegation, as a potential fresh PID under the PID Act.

A person against whom a Reprisal is made or proposed may also be entitled to seek an injunction to halt Reprisal action in certain circumstances.

#### 4.7. Subject Officer Protections

##### Natural justice

The Subject Officer will be provided natural justice. Also known as procedural fairness, natural justice will be managed by the PID Coordinator and General Counsel. It means that the Subject Officer has the right to:

- know about the substance of the allegations if a decision is going to be made about their conduct,
- have a reasonable opportunity to put their case forward (whether in writing, at a hearing or otherwise), and
- have a decision-maker act fairly and without bias.

However, providing natural justice does not mean that Sunwater must advise the Subject Officer of the allegation as soon as it is received.

Furthermore, the Subject Officer need not be told about the allegation if it is misleading or is of no substance, and thus Sunwater does not intend to act on the allegation. Sunwater will only provide the name of the Discloser if it is essential to do so to afford the Subject Officer natural justice and if it is unlikely that a Reprisal will be taken against the Discloser.

#### 4.7.1. Support for the Subject Officer

Once it is appropriate to advise the Subject Officer, Sunwater will reassure them that the PID will be assessed impartially, objectively and reasonably, and is only an allegation until a decision is reached to the contrary following a process as required by this Procedure. Sunwater will provide them with information about their rights and the progress and outcomes of any investigations. Sunwater will also refer the person to the Sunwater Employee Assistance Program to ensure that they receive appropriate support.

### 4.8. When is a disclosure NOT a PID?

There are times when disclosures do not fall within the scope of the PID Act, examples include:

- disclosures that do not meet the 3 elements of a PID as outlined in section 4.1
- those made to the media (except in circumstances listed in section 4.1 Table 1)
- disclosures made frivolously
- those which are a mere disagreement over government or Sunwater policy, and
- those that are made substantially to avoid disciplinary action with no further substance

#### 4.8.1. What happens if the disclosure is not a PID?

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

- Misconduct and Discipline Guide, or
- Fraud and Corrupt Conduct Procedure

#### Matters referred back to Sunwater

If Sunwater determined it was appropriate to refer a matter to the CCC, but it is referred back from the CCC to Sunwater to deal with, then the Fraud and Corrupt Conduct Procedure will apply, in terms of the process and the investigation into the matter.

## 5. Related Legislation and Documents

- [Public Interest Disclosure Act 2010](#)
- [Public Interest Disclosure Standard 1/2019 – Public Interest Disclosure Management Program](#)
- [Public Interest Disclosure Standard 2/2019 – Assessing, Investigating and Dealing with Public Interest Disclosures](#)
- [Public Interest Disclosure Standard 3/2019 – Public Interest Disclosure Data Recording and Reporting](#)
- [Corporations Act 2001](#)
- [Sunwater Public Interest Disclosure and Whistleblower Policy](#)
- [Public Interest Disclosure Act 2010 \(Qld\)](#)
- [Whistleblower Procedure](#)
- [Sunwater Enterprise Agreement](#)
- [Sunwater Code of Conduct](#)
- [Crime and Corruption Act 2001 \(Qld\)](#)

- [Fraud and Corrupt Conduct Procedure](#)
- Fraud Control Plan

## 6. Definitions and Abbreviations

Term	Explanation
Confidential Information	<ol style="list-style-type: none"> <li>includes – <ol style="list-style-type: none"> <li>information about the identity, occupation, residential or work address or whereabouts of a person – <ol style="list-style-type: none"> <li>who makes a public interest disclosure; or</li> <li>against whom a public interest disclosure has been made; and</li> </ol> </li> <li>information disclosed by a public interest disclosure; and</li> <li>information about an Employee’s personal affairs; and</li> <li>information that, if disclosed, may cause detriment to a person; and</li> </ol> </li> </ol> <p>does not include information publicly disclosed in a public interest disclosure made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.</p>
Corrupt Conduct	<p>‘Corrupt Conduct’ (as defined under the <i>Crime and Corruption Act 2001</i>) means:</p> <p><b>Type ‘A’ Corrupt Conduct</b></p> <ol style="list-style-type: none"> <li><b>conduct of a person</b>, regardless of whether the person holds or held an appointment, that: <ol style="list-style-type: none"> <li>adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of: <ol style="list-style-type: none"> <li>a unit of public administration; or</li> <li>a person holding an appointment; <b>and</b></li> </ol> </li> <li>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: <ol style="list-style-type: none"> <li>is not honest or is not impartial; or</li> <li>involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</li> </ol> </li> </ol> </li> <li>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; <b>and</b></li> <li>would, if proved, be: <ol style="list-style-type: none"> <li>a criminal offence; or</li> </ol> </li> <li>a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</li> </ol> <p><b>Type ‘B’ Corrupt Conduct</b></p> <ol style="list-style-type: none"> <li>conduct of a person, regardless of whether the person holds or held an appointment, that <ol style="list-style-type: none"> <li>impairs, or could impair, public confidence in public administration; <b>and</b></li> <li>involves, or could involve, any of the following: <ol style="list-style-type: none"> <li>collusive tendering</li> <li>fraudulent applications for licences, permits and other authorities under an Act necessary to protect –</li> </ol> </li> </ol> </li> </ol>

Term	Explanation
	<p>A. the health and safety of persons  B. the environment  C. the use of the State's natural resources</p> <p>(iii) dishonestly obtaining benefits from the payment or application of public funds or the disposition of state assets  (iv) evading State taxes, levies, duties or fraudulently causing a loss of State revenue  4. fraudulently obtaining or retaining an appointment; <b>and</b>  c) would, if proved, be –  (i) a criminal offence  5. a disciplinary breach providing reasonable grounds for terminating the  6. person's services, if the person is or were the holder of an appointment.  (ii)</p> <p>To meet the definition of Corrupt Conduct, all three elements must be met under either of Type A or Type B (e.g. under Type A - the <b>effect</b> of the conduct under (a), the <b>result</b> of the conduct under (b) and which results in a <b>criminal offence or a disciplinary breach</b> under (c)).</p> <ul style="list-style-type: none"> <li>For Sunwater's purposes, the behaviour need not necessarily be criminal to be subject to the operation of this Procedure.</li> </ul>
Discloser	A person who makes a PID.
Employee/s	This refers to employees engaged on a full time, part time, temporary or casual basis and includes a person engaged by Sunwater under a contract of service.
Public Interest disclosure ('PID' or 'qualifying disclosure')	A public interest disclosure under the PID Act.
Reasonable Management Action	<p>Reasonable management action under the PID Act means action taken by a manager in relation to an Employee, and includes any of the following taken by the manager—</p> <p>(a) a reasonable appraisal of the Employee's work performance  (b) a reasonable requirement that the Employee undertake counselling  (c) a reasonable suspension of the Employee from the employment workplace  (d) a reasonable disciplinary action  (e) a reasonable action to transfer or deploy the Employee  (f) a reasonable action to end the Employee's employment by way of redundancy or retrenchment  (g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f)  (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.</p>
Reprisal	<p>Means causing, attempting or conspiring to cause, detriment to another person because, or in the belief that –</p> <p>(a) the other person or someone else has made, or intends to make, a public interest disclosure; or</p>

Term	Explanation
	(b) the other person or someone else is, has been, or intends to be, involved in a proceeding under the PID Act against any person. Attempting to cause detriment includes an attempt to induce a person to cause detriment.
Subject Officer	The person (e.g. Employee) who is the subject of allegations of wrongdoing made in the disclosure.
Substantial and Specific	The term 'Substantial' is not defined in the PID Act, however from a Sunwater perspective 'Substantial' means it needs to be more than trivial or minimal and have weight or importance to Sunwater. An example of something that meets the definition of substantial will be a Sunwater Employee receiving a kickback from a supplier for the referral of Sunwater work to that supplier, even if the amounts involved are small. The term 'Specific' refers to conduct or detriment that is particular and able to be identified, as opposed to broad or general concerns or criticism.
Worker	A person who is engaged by Sunwater on a full time, part time, temporary or casual basis, including a person engaged by Sunwater under a contract of service.

## 7. Roles and Responsibilities

Role	Responsibility
CEO	<ul style="list-style-type: none"> <li>Chief Executive Officer of Sunwater has overall responsibility for establishing reasonable procedures to deal with PIDs that align with the Standard and maintaining oversight of the PID management program.</li> <li>The CEO delegates responsibility for the PID management program and the management of PIDs to the PID Coordinator.</li> </ul>
PID Coordinator	<ul style="list-style-type: none"> <li>An officer of Sunwater delegated by the CEO who is responsible for all aspects of the PID management program and the management of PIDs.</li> <li>The PID Coordinator will oversee all processes related to the implementation of the PID management program, to ensure: <ul style="list-style-type: none"> <li>consistent application of the PID Act, and</li> <li>fair and reasonable decision-making</li> </ul> </li> <li>The PID Coordinator will implement processes to coordinate the support and protections offered to disclosers and other persons associated with PIDs</li> </ul>
PID Support Officer	<p>An officer of Sunwater independent of the PID investigation, delegated by the CEO or the PID Coordinator with responsibility for providing support to a Discloser, Subject Officer or witness who is involved in the management of a PID.</p> <p>Subject to the needs and circumstances of the Discloser, the PID Support Officer may:</p> <ul style="list-style-type: none"> <li>proactively contact the Discloser to check on their welfare, on a regular basis as determined by the risk assessment, until management of the PID is finalised</li> </ul>

Role	Responsibility
	<ul style="list-style-type: none"> <li>provide updates to the Discloser on the progress of the investigation or action taken by the entity, on a regular basis, until management of the PID is finalised</li> <li>support the Discloser in liaising with the PID Coordinator to arrange specific support services to meet the needs of the Discloser (for example, information, counselling, legal advice or skills training).</li> </ul>

## Appendix 1 | PID Assessment Tool

### Public Interest Disclosure Assessment Guide

To assess whether a matter amounts to a disclosure under the *Public Interest Disclosure Act (2010)* (the PID Act), it needs to include all of the following elements:

- an appropriate disclosure
- of public interest information
- made to a proper authority

1. An appropriate disclosure		
<p>Does the discloser honestly believe on reasonable grounds that the information tends to show the conduct being disclosed?</p> <p><b>or</b></p> <p>Is there evidence which tends to show the conduct occurred (regardless of the discloser's belief)?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Consider whether there is any evidence to suggest the disclosure is intentionally false or misleading.</p>
2. Of public interest information		
<p>If the discloser is a <b>Sunwater employee</b>, is the disclosure about any of the below:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> reprisal connected to a previous PID</li> <li><input type="checkbox"/> corrupt conduct</li> <li><input type="checkbox"/> substantial and specific danger to health and safety of a person with a disability</li> <li><input type="checkbox"/> the commission of an offence, or contravention of a condition imposed under a provision mentioned in Schedule 2 of the PID Act, if the contravention would be a substantial and specific danger to the environment</li> </ul> <p><b>or</b></p> <p>If the discloser is <b>NOT a Sunwater employee</b>, is the disclosure about any of the below:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> substantial and specific danger to health and safety of a person with a disability</li> <li><input type="checkbox"/> the commission of an offence, or contravention of a condition imposed under a provision mentioned in Schedule 2 of the PID Act, if the contravention would be a substantial and specific danger to the environment</li> <li><input type="checkbox"/> reprisal connected to a previous PID</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Consider whether the discloser's employment status meets the definition of public officer as defined in s.7 of the PID Act. If in doubt, proceed on the basis that the discloser is a public officer until there is evidence to the contrary.</p> <p>Public interest information is defined in ss.12 and 13 of the PID Act. If the disclosure is not about one of these categories of public interest information, then it is not a PID. For more information about categories of public interest information, refer to the Queensland Ombudsman's website: <a href="http://www.ombudsman.qld.gov.au">www.ombudsman.qld.gov.au</a></p>

### 3. Made to a proper authority

Has the disclosure been made to a proper authority?

- ☐ Yes  
☐ No

*Consider whether the disclosure has been made to a proper authority as defined in ss. 14, 15, 16 or 17 of the PID Act.*

*If the disclosure would otherwise be a PID but has not been made to a proper authority, consider what action to take. Should the matter be referred to another proper authority, or should advice be provided to the discloser about where they should lodge their PID?*

### Decision and action

Based on this assessment, is the information a Public Interest Disclosure?

- ☐ Yes ☐ No

Reasons for decision:

What action will be taken?

Name:

Date:

### Tips for effective PID assessment

The PID assessment should occur prior to the commencement of any investigation:

- Disclosers are not required to self-identify that they are making a PID
- If the discloser is anonymous, assess the content of the information for evidence that the discloser is a public officer. If in doubt, proceed on the basis the discloser is a public officer, unless there is evidence to the contrary
- If in doubt, err on the side of caution and interpret the PID Act broadly
- For further advice, please refer to the Queensland Ombudsman's PID standards at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au) or contact the Queensland Ombudsman PID unit at [PIDAdmin@ombudsman.qld.gov.au](mailto:PIDAdmin@ombudsman.qld.gov.au)

## Appendix 2 | PID Risk Assessment Tool

In order to comply with the requirements of the Public Interest Disclosure Act 2010 (the PID Act) and the Public Interest Disclosure standards, a risk assessment must be completed as soon as practicable after assessing a PID. The risk assessment should be reviewed on a regular basis, and amended as required, until the management of the PID is finalised.

In conducting a risk assessment, take into account the nature of the risks, the consequences if reprisals occur, the likelihood of reprisal occurring and the timeframe/s in which the risks of reprisal may arise.

Risk assessments should be conducted in accordance with Sunwater's Enterprise Risk Management Framework.

<b>Internal reference:</b>		<b>Date:</b>	
<b>Assessor:</b>			
Which party is this risk assessment prepared for?		<input type="checkbox"/> Discloser <input type="checkbox"/> Subject officer/s <input type="checkbox"/> Witness/es <input type="checkbox"/> Other (specify) _____	
<b>Have you:</b> <input type="checkbox"/> explained the PID management process to each party (where appropriate) <input type="checkbox"/> consulted with each party (where practicable) about any potential risks they have identified <input type="checkbox"/> explained your agency's obligations in relation to confidentiality, the exceptions to confidentiality, and the limitations with respect to affording natural justice to a subject officer <input type="checkbox"/> provided information to each party about their responsibilities and what they can expect, particularly when it comes to their obligations to maintain confidentiality <input type="checkbox"/> provided advice on what outcomes can reasonably be expected.			
<b>Risk Assessment</b> <i>What are the nature of the risks? What types of harm are possible, both when the PID is initially made and during the process of managing the PID?</i>			
There is a risk of (type of harm) to the Discloser, caused by the disclosure, resulting in (impact of harm)			
<ul style="list-style-type: none"> <li>What is the nature of the risks?</li> <li>What types of harm are possible, both when the PID is initially made and during the process of managing the PID?</li> </ul>		Examples of types of harm include: <ul style="list-style-type: none"> <li>Stress</li> <li>Isolation</li> <li>withholding of resources needed to perform role</li> <li>physical harms</li> <li>denial of career opportunities</li> <li>unreasonable performance management</li> <li>financial loss</li> <li>damage to reputation</li> <li>damage to property</li> <li>refusal of access to training and professional development</li> </ul>	
<b>Reasons:</b>			

When assessing the impact of harm, consider the possible consequences:	<ul style="list-style-type: none"> <li>• What is the potential impact of the harms?</li> <li>• Will the impact be limited and transitory, with the party having the capacity to readily deal with it?</li> <li>• Will the impact have consequences for the party which will affect their work-life and potentially their personal wellbeing and home life, requiring proactive support to effectively manage?</li> <li>• Will the consequences be short-term, medium-term or long-term in nature?</li> </ul>
Reasons:	
When assessing the likelihood, consider:	<p>What is the likelihood of risks occurring, particularly if confidentiality cannot be maintained?</p> <p>Will the likelihood of reprisal be exacerbated by the presence of any of the following factors:</p> <ul style="list-style-type: none"> <li>• the number of subject officers involved?</li> <li>• the seniority of the subject officer/s?</li> <li>• the number of people who know the Discloser has raised the issue?</li> <li>• the seriousness of the alleged wrongdoing?</li> <li>• any history of conflict in the workplace?</li> </ul>
Reasons:	

### Evaluation of risk

This matter has been assessed as:

- ☐ High risk  
☐ Medium risk  
☐ Low risk

## Appendix 3 | Record Keeping for reporting to the Ombudsman

### General

Sunwater **must** keep a record of the following information:

- the name of the person making the disclosure (if known)
- the information disclosed
- the name of the entity that referred the disclosure (if relevant)
- any action taken on the disclosure
- date PID received
- if PID is a referral from a Member of Parliament
- if PID is a referral from another entity
- public sector entity which the referral was received from
- type of PID
- if a reprisal PID, details of the PID history
- Discloser type
- Discloser's location
- Subject Officer type
- Subject Officer's location
- Discloser's relationship to Subject Officer/s
- a summary of the PID
- date initial risk assessment completed for Discloser
- if PID Support Officer assigned to Discloser
- date PID assessment completed
- assessment decision
- grounds for decision to take no action
- date decision to take no action communicated to Discloser
- if Discloser requested a review of decision to take no action
- basis for review request
- date review of decision to take no action completed
- outcome of review
- date investigation of PID commenced
- date investigation of PID completed
- outcome of investigation
- if investigation discontinued, an explanation
- resolution action taken by Sunwater
- date outcome of investigation communicated to Discloser

Sunwater **should** keep a record of the following information where practicable to do so:

- Discloser's gender, ATSI identity and language background
- Subject Officer's gender, ATSI identity and language background
- legal proceedings, appeal or complaint processes that arose during or after management of the PID
- outcome of legal proceedings, appeal or complaint processes
- if the Discloser contacted the media, if so, at what stage of the PID management process.

## Appendix 4 | Schedule 2 of the PID Act - Offences or contraventions endangering the environment

Please refer to the Public Interest Disclosure Act 2010 to verify the currency of the below list

<https://www.legislation.qld.gov.au/view/pdf/2017-03-01/act-2010-038>

### Aboriginal Cultural Heritage Act 2003

- section 24(1) (Unlawful harm to Aboriginal cultural heritage)
- section 25(1) (Prohibited excavation, relocation and taking away)
- section 26(1) (Unlawful possession of Aboriginal cultural heritage)

### Biosecurity Act 2014

- section 36 (Reporting presence of prohibited matter)
- section 37 (Dealing with prohibited matter)
- section 42 (Reporting presence of category 1 or 2 restricted matter)
- section 44 (Requirement to kill and dispose of category 7 restricted matter)
- section 45 (Offences about other categories of restricted matter)

### Environmental Protection Act 1994

- all provisions for which a contravention is an offence

### Fisheries Act 1994

- section 90 (Nonindigenous fisheries resources not to be possessed, released etc.)
- section 91 (Aquaculture fisheries resources not to be released)
- section 92 (Duty of person who takes or possesses noxious or nonindigenous fisheries resources)
- section 122 (Protection of fisheries resources in declared fish habitat area)
- section 123 (Protection of marine plants)

### Forestry Act 1959

- section 53(1)(b) (Interference with forest products on Crown holdings and particular entitlements)
- section 54 (Interfering with forest products on Crown lands etc.)

### Greenhouse Gas Storage Act 2009

- all provisions for which a contravention is an offence

### Land Act 1994

- section 404 (No trespassing)

### Mineral Resources Act 1989

- section 194 (Conditions of mineral development license)
- section 209 (Contravention by holder of mineral development license)
- section 276 (General conditions of mining lease)
- section 308 (Contravention by holder of mining lease)

### Nature Conservation Act 1992

- section 88 (Restrictions on taking protected animal and keeping or use of unlawfully taken protected animal)
- section 89(1) (Restriction on taking etc. particular protected plants)
- section 91 (Restriction on release etc. of international and prohibited wildlife)
- section 92 (Prohibition on breeding etc. hybrids of protected animals)
- section 93 (Aborigines' and Torres Strait Islanders' rights to take etc. protected wildlife)
- section 94 (Conservation officers prohibited in dealing with protected wildlife)
- section 97(2) (Restriction on taking etc. of native wildlife in areas of major interest and critical habitats)

- section 109 (Compliance with order)

**Petroleum Act 1923**

- all provisions for which a contravention is an offence
- Petroleum and Gas (Production and Safety) Act 2004
- all provisions for which a contravention is an offence

**Queensland Heritage Act 1992**

- section 104 (Offence to destroy protected area)
- section 155 (Contravention of stop order)
- section 164B (4) (Restoration orders)

**Torres Strait Islander Cultural Heritage Act 2003**

- section 24(1) (Unlawful harm to Torres Strait Islander cultural heritage)
- section 25(1) (Prohibited excavation, relocation and taking away)
- section 26(1) (Unlawful possession of Torres Strait Islander cultural heritage)

**Transport Operations (Marine Pollution) Act 1995**

- all provisions for which a contravention is an offence

**Water Act 2000**

- section 272(4) (Immediate suspension of permit in exceptional circumstances)
- section 273(3) (Notice to owner of land to remove vegetation etc.)
- section 814 (Destroying vegetation, excavating or placing fill without permit)

## APPENDIX 5 | PID MANAGEMENT PROGRAM

### Organisational commitment

Sunwater recognises the importance of fostering a culture that values the role disclosers play in identifying wrongdoing, which ultimately improves the integrity and performance of Sunwater and deters further wrongdoing.

Sunwater's Code of Conduct states its commitment to ethical values, which includes the reporting of misconduct and the possible consequences where breaches of the Code of Conduct are established.

Sunwater's Board and Executive Leadership Team:

- encourages the reporting of wrongdoing observed or identified by workers or any other person outside of Sunwater
- understands the importance of providing protection from reprisal to those who report wrongdoing via the appropriate internal or external reporting methods and commits to protecting disclosers from:
  - personal injury or prejudice to safety
  - property damage or loss
  - intimidation, harassment, adverse discrimination
  - being disadvantaged in relation to their career, profession, employment, trade or business
  - financial loss, or
  - reputational damage
- are committed to ensuring PIDs are properly assessed, investigated and dealt with in accordance with the requirements of the PID Act
- are committed to ensuring that the interests of persons who are the subject of a PID are given appropriate consideration to ensure natural justice is served
- are committed to providing appropriate resources to ensure the efficient implementation of the management program and ongoing improvement
- confirms that all officers of Sunwater are offered protection from reprisals from the organisation and its officers

### PID Coordinator

The Chief Executive Officer (CEO) has delegated responsibility for the PID management program which includes, development and implementation of PID procedures and oversight of the program, to the PID Coordinator.

The PID Coordinator has:

- direct access to the CEO
- appropriate delegated authority in relation to PID matters
- access to the resources required to properly administer the management program, and
- written guidance on the roles and the tasks to be performed to administer the management program and implement its procedures, as set out in section 4 below.

### Delegating PID responsibilities

The PID Coordinator will ensure that:

- all officers who directly or indirectly supervise or manage other officers are informed that they may receive a PID in accordance with s17(3)(d) of the PID Act.
- all officers who have the function of receiving or taking action on the type of information that may be disclosed in a PID, are a person who may receive a PID in accordance with s17(3)(e) of the PID Act.
- designated officers are provided with the responsibility for receiving, assessing, investigating and/or decision-making in relation to PIDs, with written guidance on the performance of these tasks and appropriate delegated authority.

- all officers nominated to undertake the role of PID Support Officer are provided with written guidance on the performance of this role, including information about support services available to assist disclosers within Sunwater and externally.

### Communication strategy

Critical to the success of Sunwater's management program is worker awareness of the program, including the PID and Whistleblower Policy, the PID Procedure and the Whistleblower Procedure.

Sunwater's communication strategy includes:

- providing new workers with information about PIDs and Whistleblowers at induction, including a clear explanation of how to make a PID
- publishing information about the management program on Sunwater's intranet and its external website including contact details and a direct link to the disclosure portal
- publishing links to the PID and Whistleblower Policy, the PID Procedure and the Whistleblower Procedure on Sunwater's intranet and its external website
- regular communications via Sunwater's internal bulletin to raise awareness about PIDs and associated Policies and Procedures
- regular communication to responsible officers in relation to the management of PIDs and specific information needs for those who directly or indirectly supervise or manage other officers

### Training strategy

Sunwater recognises the importance of providing appropriate PID training to all workers and ensuring that training is refreshed at regular schedule intervals.

Sunwater's training strategy includes:

- all new workers must complete mandatory PID training during induction and all existing workers must complete refresher training at scheduled intervals. Records of completion will be maintained by Organisational Capability.
- the PID Coordinator and all officers with designated responsibility for receiving, assessing, investigating and/or decision-making in relation to PIDs and Sunwater's obligations under the PID Act, are provided with the opportunity to attend comprehensive PID training presented by the Queensland Ombudsman PID Training Team, designed to provide them with the knowledge and skills to perform assigned tasks.
- all officers who may be called upon to act as PID Support Officers are provided with the opportunity to attend comprehensive PID training presented by the Queensland Ombudsman PID Training Team, designed to provide them with the knowledge to ensure the protection of confidentiality and prevention of reprisal and the skills to provide effective support.
- The PID Coordinator will ensure workers have the opportunity to attend periodical inhouse PID awareness sessions.

### Analyse PIDs to inform improvement

Sunwater recognises the value of continuous improvement and the importance of analysing PIDs to identify systemic issues and trends, which inform the process of improvement.

The PID Coordinator will establish procedures to regularly analyse PIDs in accordance with Sunwater's Quality Management System, to identify systemic issues and trends (where appropriate) and identify opportunities for improvement in relation to service delivery, management of personnel, business processes and internal controls.

The PID Coordinator will report on a regular basis the findings of the analysis to the CEO, focusing on matters of high risk and the improvements to address/mitigate the risks.

Review of the effectiveness of the management program will be included in Sunwater's annual Quality Management Review Meeting.