

# Public Interest Disclosures (“Whistleblowers”) Policy (Version 4)

## VERSION HISTORY

Rev No.	Date	Revision Description	Approval
1.0	11 July 2011	Initial version	
2.0	July 2013	Updated – Administrative changes	General Counsel
3.0	April 2016	Reviewed with minor updates to reflect changes in business following disaggregation	Chief Executive Officer
4.0	April 2019	Implementation of current template and 6 month extension on review date.	Chief Executive Officer

## AUTHORISATIONS

<b>Prepared by:</b>	Manager Legal & Strategic Sourcing	<i>April 2019</i>
<b>Reviewed by:</b>	Company Secretary/General Counsel	<i>April 2019</i>
<b>Approved by:</b>	Chief Executive Officer	<i>April 2019</i>
<b>Next review due:</b>	Every 3 years	<i>September 2019</i>

## CONTACT FOR ENQUIRIES (POLICY OWNER)

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- conduct by a public officer, former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their official functions; or
- a conspiracy or attempt to engage in the above conduct.

### **Detrimental Action**

The *Public Interest Disclosures Act 2002* makes it an offence for a person to take detrimental action against a person in reprisal for a protected disclosure. Detrimental action includes:

- action causing injury, loss or damage;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and
- threats of detrimental action.

### **Public Interest Disclosures Procedure**

The Act requires that a public body establish procedures for dealing with disclosures, investigations, and the protection from reprisals of persons making disclosures. These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors. As an alternative, employees may make a disclosure of improper conduct or detrimental action under the Act in accordance with these procedures.

This Policy should be read in conjunction with the Public Interest Disclosures Procedures.

## **6. Key Stakeholder Responsibilities**

The Chief Executive Officer is the Principal Officer for the purposes of the Act but may appoint delegated officers to undertake any or all of his functions under the Act.

The Company Secretary/Manager Legal Services and Corporate Lawyer have been appointed as Public Interest Disclosure Officers in accordance with the Act. Additional responsibilities may fall on other persons from time to time in the role of the investigator or welfare manager under the Act.

## **7. Key Responsibilities Section**

Failure to comply with the provisions of the Act may result in Aurora Energy, or individual officers within Aurora Energy, being subjected to criminal sanction:

- It is an offence for a person to take detrimental action against a person in reprisal for a protected disclosure being made. The Act provides a maximum penalty of a fine of 240 penalty units or two years imprisonment or both.
- It is an offence for a person to divulge information obtained as a result of the handling or investigation of a protected disclosure without legislative authority. The Act provides a maximum penalty of 60 penalty units or six months imprisonment or both.

- It is an offence for a person to obstruct the Ombudsman in performing his responsibilities under the Act. The Act provides a maximum penalty of 240 penalty units or two years imprisonment or both.
- It is an offence for a person to knowingly provide false information under the Act with the intention that it be acted on as a disclosed matter. The Act provides a maximum penalty of 240 penalty units or two years imprisonment or both.

If a matter is referred to the Ombudsman for investigation and Aurora Energy fails to comply with any recommendations made as a result, the Ombudsman may make an adverse report to Parliament. Such matters may also be referred to the Integrity Commission for investigation.

## **8. Non-compliance with this Policy**

All non-compliances with this Policy will be recorded in accordance with the Compliance Policy.

Any non-compliances that are risk-rated as Severe or Major will be escalated to the Board or a relevant Board Committee through Aurora Energy's non-compliance reporting processes.

Non-compliances that are risk-rated as Moderate or Minor will be reported to the Chief Executive Officer.

Incidents of wilful non-compliance with this Policy are considered to be serious and will be dealt with in accordance with Aurora Energy's normal performance management process, which may include dismissal.

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- It is an offence for a person to knowingly provide false information under the Act with the intention that it be acted on as a disclosed matter. The Act provides a maximum penalty of 240 penalty units or two years imprisonment or both.

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## **9. Related Policies**

- Compliance Policy

