

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

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

CONTACT FOR ENQUIRIES (POLICY OWNER)

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1. Introduction

The *Public Interest Disclosures Act 2002* ('Act') aims to:

- encourage and facilitate disclosures of improper conduct by public officers and public bodies;
- protect persons making those disclosures, and others, from reprisals;
- provide for the matters disclosed to be properly investigated and dealt with; and
- provide all parties involved in the disclosures with natural justice.

The Act is about “whistle-blowing” in the Tasmanian public sector. The Act is based on the precepts that it is in the public interest for whistle-blowing to occur, and that this will be encouraged and facilitated by providing due protection for whistle-blowers, and by ensuring that disclosures which they make are properly investigated and dealt with.

2. Purpose

The purpose of this document is to outline the effect of the Act on Aurora Energy and to formulate an appropriate policy and procedures to be applied in administering the requirements of the Act.

3. Scope

This policy applies to all employees and contractors of the Aurora Energy.

4. Definitions

ALT Aurora Energy Leadership Team

5. Policy

As a “public body” within the meaning of the Act, the Act has implications for Aurora Energy. Three key concepts under the Act are:

Improper Conduct

A disclosure may be made by *anyone* and it may be about improper conduct by a public body or public official. Improper conduct includes conduct that is *illegal, corrupt, a substantial mismanagement of public resources, or conduct involving substantial risk to public health or safety or to the environment*. The conduct must be serious enough to constitute, if proven, a criminal offence or reasonable grounds for dismissal.

Corrupt Conduct

means:

- conduct of any person (whether or not a public official) that adversely affects the honest performance of a public officer's or public body's functions;
- the performance of a public officer's functions dishonestly or with inappropriate partiality;
- conduct of a public officer, former public officer or a public body that amounts to a breach of public trust;

- 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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9. Related Policies

- Compliance Policy

- Public Interest Disclosures Procedure
- Conflict of Interest Procedures
- Code of Conduct
- Delegation Policy

10. Precedence

In the event of a conflict between policies, the following precedence will apply in this order to the extent of any inconsistency:

- Board approved Policy
- CEO approved Policy
- Business approved Procedure
- Business approved Work Practice

11. Policy Approval and Review

The CEO is responsible for approving this Policy at least every three years, or earlier if a significant change occurs that may impact the policy.

12. Whistleblowing Statement

In extreme circumstances an individual may be concerned that a serious breach of this policy has occurred but considers that it would be personally damaging to pursue it through normal channels. In such circumstances the individual should refer to Aurora Energy's Public Interest Disclosure Policy for information about how to report such a concern and to whom.

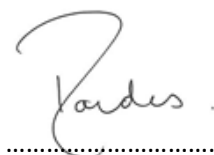
Aurora Energy's Public Interest Disclosure Policy ('whistleblower' policy) is based on the Public Interest Disclosures Act 2002. This Policy is available on both Aurora Energy's external website and its internal intranet.

Delegated Officers under the Public Interest Disclosure Policy will do all that is possible and practicable to ensure the identity of the individual and the identity of the person who is the subject of the disclosure are kept confidential.

13. Publication

This Policy is approved for publication on Aurora Energy's website.

Approved by the Chief Executive Officer on 18 April 2019.



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