

Public Interest Disclosure Policy

Version No	V9
Approved By	Board
Approval Date	21 June 2022
Next Review Date	June 2025

Purpose

A public interest disclosure is a complaint or allegation made about corrupt conduct, improper conduct or detrimental action. The Public Interest Disclosure Act 2012 (PID Act), enables people to make disclosures without fear of reprisal. The PID Act aims to ensure openness and accountability by encouraging people to make disclosures and protecting them when they do.

The PID Act supports Westernport Water's commitment to the principles of open, honest and accountable governance. The PID Act:

- encourages and assists individuals in making disclosures of improper conduct by public officers, public bodies and other persons
- establishes a system for such matters to be confidentially disclosed and impartially investigated and
- provides the discloser with protection from detrimental action as a result of making the disclosure.

Scope

This policy applies to all staff, officers and directors.

Policy Application

Westernport Water does not tolerate improper conduct by its employees, officers, volunteers, contractors or directors, nor the taking of reprisals against those who come forward to disclose such conduct.

Westernport Water recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures and will afford such person(s) natural justice.

Westernport Water will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process.

In some circumstances investigations may not substantiate a finding of improper or corrupt conduct or detrimental action. In such cases, Westernport Water will take all reasonable actions to ensure that the fact that the investigation took place, the results of the investigation and the identity of the person(s) involved will remain confidential.

The method in which Westernport Water will handle Public Interest disclosure activities is defined within the Public Interest Disclosure Standard Operating Procedure.

Corrupt or improper conduct is described within the PID Act as any of the following conduct by a public officer or public body in their capacity as a public officer or public body:

- criminal offence
- serious professional misconduct
- dishonest performance of public functions
- intentional or reckless breach of public trust
- an intentional or reckless misuse of information
- an intentional or reckless misuse of information or material acquired in the course of the performance of public functions
- a substantial mismanagement of public resources
- a substantial risk to health or safety of a person
- a substantial risk to the environment
- conduct by a third party that adversely affects the honest performance of a public officer or public body or is intended to adversely affect effective performance of a public officer or public body while obtaining an advantage for the third party, and/or
- conduct by a third party that could constitute a conspiracy or attempt to engage in any of the above.

Corrupt conduct includes:

- taking or offering bribes
- dishonestly using influence
- committing fraud, theft or embezzlement
- misusing information or material acquired at work
- conspiring or attempting to engage in the above corrupt activity.

Corruption can occur through:

- improper or unlawful actions by **public sector staff or agencies**
- failure of public sector staff or agencies to act
- actions of private individuals who try to improperly influence public sector functions or decisions.

A standing agenda item at the Audit & Risk Committee meetings is for Fraud & Corruption notifications.

Applicable legislation, regulation and standards

Westernport Water's Public Interest Disclosure Policy responds to the Corporation's governing bodies' requirements and the principles of good corporate governance.

The following WPW documents must be considered when editing this policy. Any changes made to this document are to be reflected in and/or aligned to:

- Public Interest Disclosures Act 2012(Vic)
- Public Interest Disclosure Standard Operating Procedure
- The Water Act 1989
- Fraud & Corruption Prevention Control Plan

- Gifts, Benefits and Hospitality Policy

Review Date

This policy is to be reviewed every three years and approved by the Board. The Policy will continue until replaced by a later version or rescinded.

RESPONSIBLE OFFICER

Policy Owner – General Manager, Corporate and Customer

Responsible Policy Officer – Manager Strategy, Performance and Governance