

# PUBLIC INTEREST DISCLOSURE AND WHISTLEBLOWER POLICY



## PURPOSE

In establishing and maintaining such a framework, Energy Queensland Limited and its subsidiaries (collectively “the **Group**”) are required to comply with the Whistleblower protection requirements under the *Public Interest Disclosure Act 2010* (Qld) (**PID Act**) and the *Corporations Act 2001* (Cth) (**Corporations Act**).

The purpose of this Policy is therefore to set out the details of this framework and in doing so:

- encourage the reporting of Public Interest Disclosures (PIDs) under the PID Act and disclosures under the Corporations Act (Whistleblower Disclosures) about the EQL Group's operations or an activity or incident that could adversely impact the EQL Group;
- ensure that PIDs and Whistleblower Disclosures are properly dealt with, assessed and appropriately investigated (where necessary) and managed; and
- provide protection to Disclosers from Reprisal and/or Victimisation.

### Scope

This Policy applies to all members of the EQL Group, their officers, employees, contractors and any other personnel notified that this Policy applies to them.

## POLICY STATEMENT

The EQL Group are committed to fostering high standards of conduct in its activities through the development of an ethical, lawful and transparent culture. Critical to this commitment is establishing and maintaining a framework to facilitate the reporting of wrongdoing and the protection of those who disclose wrongdoing.

## IMPLEMENTATION

### 1.1 What is a PID?

An Employee of the EQL Group can make a disclosure about:

- corrupt conduct by another person;
- the conduct of another person that could, if provided be a Reprisal that relates to a previous disclosure made by the Employee.

In addition, any person can make a public interest disclosure under the PID Act to the 'proper authority' about information that is:

- a substantial and specific danger to the health or safety of a person with a disability;
- a substantial and specific danger to the environment;
- reprisal because of a belief that a person has made or intends to make a disclosure.

### 1.2 What is a Whistleblower Disclosure?

A Whistleblower Disclosure under the Corporations Act is a particular disclosure that can be made:

- where the Discloser (Whistleblower) has reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances, about the EQL Group (including conduct that constitutes an offence against certain

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legislation such as the Corporations Act);

- by a present or past:
  - EQL Group Officer or Employee;
  - individual who supplies goods or services to the EQL Group (paid or unpaid);
  - employee of a person that supplies goods or services to the EQL Group (paid or unpaid);
  - individual who is an Associate of the regulated entity; or
  - relative or dependent of any of the above persons (or their spouse).

Disclosures made under either the PID Act or the Corporations Act can be made anonymously.

## 1.3 Who can receive PIDs and Whistleblower Disclosures?

There are a range of EQL Group officers and persons who can receive and deal with PIDs and Whistleblower Disclosures. The identity of these EQL Group officers and persons will depend on whether the disclosure is made under the PID Act or the Corporations Act and the facts and nature of the alleged wrongdoing but can include the following:

• PID and Whistleblower Coordinator	• Chief Executive Officer (CEO)
• Any person in a management position within the EQL Group	• EQL's Integrity Line (independently managed)
• An auditor, or member of an audit team conducting an audit of the EQL Group	• Company Secretary
• A member of the EQL Board	• Chairman (if not the subject of the complaint)

## Framework Principles

In dealing with and managing PIDs and Whistleblower Disclosure the EQL Group are committed to the following principles:

• The proper and robust assessment and management of disclosures	• Keeping the Discloser informed
• Protecting and appropriately managing confidentiality	• Taking appropriate action in response to the wrongdoing
• Support and protection of the Discloser	

## 2.1 Assessing a Disclosure

All disclosures are assessed and investigated where required on their merits based on the nature, extent and scope of conduct that has given rise to the complaint. This will be followed by appropriate disciplinary action, depending on the outcome of the investigation.

PIDs and Whistleblower Disclosures will be assessed in accordance with the EQL Group's Whistleblower Procedure. All suspected Corrupt Conduct matters are referred to the Crime and Corruption Commission.

For all investigations, the EQL Group will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

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## 2.2 Confidentiality

Under the PID Act and Corporations Act, the EQL Group and any person who obtains information, as part of a Disclosure, must keep the identity of a Discloser and the information provided confidential, except in certain circumstances including where it is necessary to discharge a function under any law or legal proceedings and/or when it is unlikely that Detriment may occur.

This obligation to maintain confidentiality permits the involvement of other individuals only in certain circumstances. An Employee who has made a PID / Whistleblower Disclosure in accordance with this Policy must maintain confidentiality to ensure the process is not compromised.

A Disclosure may, however, be made to other Employees who are authorised to know of the Disclosure, or who are involved in the investigation process (where this is otherwise permitted) under the PID Act. It could be a breach the PID Act and the Corporations Act and also this Policy and the Procedure if a person makes a record of, or intentionally or recklessly discloses information received in the administration of a PID or Whistleblower Disclosure investigation to anyone, except as authorised.

## 2.3 Support and Protection

The EQL Group will not tolerate any form of Detrimental Action and / or Reprisal being suffered by any Discloser and / or Employee and will act to protect Employees who are involved in good faith in a PID and / or Whistleblower Disclosure process. See EQL's Procedure for information on how the EQL Group protects Disclosers and Subject Officers.

A Subject Officer will be presumed to be innocent of any allegation until evidence is produced to the required standard of proof to show otherwise.

The PID Act and Corporations Act each contain offences in relation to Detrimental Action and Reprisal.

## 2.4 Public Interest Disclosure Management Program

This Policy and the Procedure forms part of the EQL Group's PID Management program as required under the PID Act. The CEO has overall responsibility for ensuring that the EQL Group develops, implements and maintains a PID management program which encompasses:

- commitment to encouraging the internal reporting of wrongdoing;
- senior management endorsement of the value to the EQL Group of PIDs and the proper management of PIDs;
- a communication strategy to raise awareness among employees about PIDs and the EQL Group's PID procedure;
- The EQL Group actively includes ethics and integrity training pursuant to its Code of Conduct;
- specialist training and awareness about PIDs for staff who may receive or manage PIDs, disclosers or workplace issues relating to PIDs;
- the appointment of a specialist officer / unit to be responsible for issues related to the management of PIDs;
- ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls;

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- regular review of the PID Procedure and evaluation of the effectiveness of the PID management program.

## 2.5 False or misleading Information

Deliberately providing false or misleading information is an offence under the PID Act. The EQL Group actively includes ethics and integrity training pursuant to its Code of Conduct.

## 2.6 Recordkeeping

The EQL Group has an obligation under the PID Act and the *Public Records Act 2002* (Qld) to keep accurate data about the receipt and management of PIDs.

## EXTERNAL REFERENCES

This Policy has been developed to align with the following relevant legislation, regulation, codes, agreements and guidelines:

*Corporations Act 2001* (Cth)

*Crime and Corruption Act 2001* (Qld)

*Disability Services Act 2006* (Qld)

*Ombudsman Act 2001* (Qld)

*Public Interest Disclosure Act 2010* (Qld)

*Public Records Act 2002* (Qld)

*Public Sector Ethics Act 1994* (Qld)

## REFERENCE DOCUMENTS

This Policy should be read in conjunction with the following documents:

Employee Code of Conduct Policy P004 - 691422

Employee Conflict of Interest Policy P005 - 682808

Fraud and Corruption Prevention Policy P017 - 690062

Public Interest Disclosure and Whistleblower Guidelines R123 - 691639

## DEFINITIONS

Term	Definition	Source
<b>Administrative action</b>	Means any action about a matter of administration, including, for example: <ul style="list-style-type: none"><li>(i) a decision and an act; and</li><li>(ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and</li><li>(iii) the formulation of a proposal or intention; and</li><li>(iv) the making of a recommendation, including a recommendation made to a Minister; and</li></ul>	

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Term	Definition	Source
	<p>(v) an action taken because of a recommendation made to a Minister; and</p> <p>(vi) does not include an operational action of a police officer or of an officer of the CCC.</p>	
<b>Associate</b>	Has the meaning given to it by sections 10 - 17 of the Corporations Act. For example, a director or secretary of the EQL Group.	Corporations Act ss 10 - 17
<b>CC Act</b>	Means the <i>Crime and Corruption Act 2001</i> (Qld).	
<b>Confidential information</b>	<p>(a) includes –</p> <p>(i) information about the identity, occupation, residential or work address or whereabouts of a person –</p> <p>(a) who makes a public interest disclosure; or</p> <p>(b) against whom a public interest disclosure has been made; and</p> <p>(ii) information disclosed by a public interest disclosure; and</p> <p>(iii) information about an individual's personal affairs; and</p> <p>(iv) information that, if disclosed, may cause detriment to a person; and</p> <p>(b) 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>	PID Act
<b>Conduct</b>	Includes any act or omission.	CC Act
<b>Contractor</b>	A contractor is any external third party contracted to provide services to the EQL Group under terms specified in a contract (for example, a consultancy agreement).	
<b>Corrupt conduct</b>	<p>Means conduct of a person, regardless of whether the person holds or held an appointment, that –</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of –</p> <ul style="list-style-type: none"> <li>▪ a unit of public administration; or</li> <li>▪ a person holding an appointment; and</li> </ul> <p>(a) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers</p>	Section 15 of the CC Act

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Term	Definition	Source
	<p>mentioned in paragraph a in a way that –</p> <ul style="list-style-type: none"> <li>(i) is not honest or is not impartial; or</li> <li>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</li> <li>(iii) 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; and</li> </ul> <p>(b) would, if proved, be –</p> <ul style="list-style-type: none"> <li>(i) a criminal offence; or</li> <li>(ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</li> </ul> <p>Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that –</p> <ul style="list-style-type: none"> <li>(a) impairs, or could impair, public confidence in public administration; and</li> <li>(b) involves, or could involve, any of the following: <ul style="list-style-type: none"> <li>(i) collusive tendering;</li> <li>(ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described) – <ul style="list-style-type: none"> <li>(a) protecting health or safety of persons;</li> <li>(b) protecting the environment;</li> <li>(c) protecting or managing the use of the State’s natural, cultural, mining or energy resources;</li> </ul> </li> <li>(iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</li> <li>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of</li> </ul> </li> </ul>	

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Term	Definition	Source
	<p>State revenue;</p> <p>(v) fraudulently obtaining or retaining an appointment; and</p> <p>(c) would, if proved, be –</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p>	
<b>CCC</b>	<p>Means the Crime and Corruption Commission established under the CC Act, and which must be informed of any allegation of corrupt conduct in relation to an Employee.</p>	
<b>Detrimental Action</b>	<p>Includes, but is not limited to, any of the following, including threats of the following:</p> <p>(a) dismissal, or changes in work conditions or position or duties;</p> <p>(b) discrimination;</p> <p>(c) injury or harm to a person or their property;</p> <p>(d) harassment, intimidation or psychological harm; and</p> <p>(e) damage to property, reputation, business or financial position.</p> <p>Detrimental Action does not include Reasonable Management Action.</p>	<p>Corporations Act; PID Act</p>
<b>Disability</b>	<p>(1) A disability is a person's condition that –</p> <p>(a) is attributable to –</p> <p>(i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</p> <p>(ii) a combination of impairments mentioned in subparagraph and</p> <p>(b) results in –</p> <p>(iii) a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self-care or management; and</p> <p>(iv) the person needing support.</p> <p>(2) For subsection (1), the impairment may result from an acquired brain injury.</p> <p>(3) The disability must be permanent or likely to</p>	<p><i>Disability Services Act 2006 s 11</i></p>

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Term	Definition	Source
	<p>be permanent.</p> <p>The disability may be, but need not be, of a chronic episodic nature.</p>	
<b>Discloser</b>	<p>A person who makes a disclosure in accordance with, as relevant:</p> <ul style="list-style-type: none"> <li>• the PID Act; or</li> <li>• the Corporations Act.</li> </ul>	
<b>Eligible Recipient</b>	See section 1.3 of Part A of the Procedure,	Corporations Act section 1317AAC
<b>Employee</b>	Means all employees of the EQL Group, whether permanent, temporary or casual, and includes a person engaged by the EQL Group under a contract of service.	
<b>Natural Justice</b>	<p>Refers to the concept of fairness. What Natural Justice requires will depend on the circumstances but common examples of how it can be provided include actions such as:</p> <ul style="list-style-type: none"> <li>• Specifying to the relevant parties the allegations that have been made against them and providing them with any adverse material and information.</li> <li>• Giving each party the opportunity to adequately state their case.</li> <li>• Ensuring that decision/s are made in good faith, without bias.</li> </ul> <p>Ensuring any decision/s made is supported by the facts or evidence in the matter.</p>	
<b>Officer</b>	Has the meaning given under section 9 of the Corporations Act.	Corporations Act section 9
<b>Public Interest Disclosure (PID)</b>	<p>A PID is a Disclosure made by an Employee where the Employee has a reasonable suspicion about:</p> <p>(a) the conduct of another employee that could, if proved, be corrupt conduct; or</p> <p>(b) the conduct of another employee that could, if proved, be a reprisal that relates to a previous disclosure made by the employee to GPC.</p> <p>In addition, an Employee, in a personal capacity, could make a PID about suspected wrongdoing in the public sector under s.12 of the PD Act in the form of:</p> <ul style="list-style-type: none"> <li>• substantial and specific danger to the health or</li> </ul>	PID Act sections 12 and 19



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Term	Definition	Source
	<p>safety of a person with a disability;</p> <ul style="list-style-type: none"> <li>substantial and specific danger to the environment;</li> <li>reprisal because of a belief that a person has made or intends to make a disclosure.</li> </ul>	
<b>PID and Whistleblower Coordinator</b>	Means the Company Secretary. In the event that a disclosure is about the Company Secretary, the PID and Whistleblower Coordinator for that disclosure will be the Chief Executive Officer.	
<b>Proper authority</b>	A person or organisation that is authorised under the PID Act to receive disclosures.	
<b>Whistleblower Disclosure Officers</b>	See Part A, section 1.3 of the Procedure.	
<b>Reprisal</b>	<p>Means causing, attempting or conspiring to cause, Detrimental Action to another person because, or in the belief that the other person or someone else:</p> <ul style="list-style-type: none"> <li>(a) has made, or intends to make, a public interest disclosure; or</li> <li>(b) is, has been, or intends to be, involved in a proceeding under the PID Act against any person.</li> </ul>	Adapted from the PID Act
<b>Subject Officer</b>	An Employee or officer of the EQL Group who is the subject of allegations of wrongdoing made in a disclosure.	
<b>Whistleblower Disclosure</b>	See Part A of the Procedure	Corporations Act section 1317AA
<b>EQL's Integrity Line</b>	<p>EQL's Integrity Line is administered externally by Deloitte and is private and confidential. When reporting, disclosers can choose to remain anonymous, or just anonymous to the EQL Group. The EQL Integrity Line is available on 1800 822 965, where disclosers can speak directly to a Deloitte operator 24 hours a day 365 days a year or via email.</p> <p>The Integrity Line is used to report serious misconduct when other avenues of reporting have been exhausted.</p>	

## ROLES AND RESPONSIBILITIES

The EQL Group's primary point of contact for all Whistleblower Disclosures and PIDs is the PID and Whistleblower Coordinator. The specific roles and responsibilities in respect of PIDs and Whistleblower Disclosures are set out in the EQL Group's Procedure.

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## ENFORCEMENT

If you are an Employee, a breach of this Policy should be reported to your line manager, the Company Secretary, or your Executive General Manager.

If you are a stakeholder of the EQL Group (including members of the public), any concerns regarding the application of the policy should be addressed to the Company Secretary.

## VARIATION

This policy is not intended to detract from, or add to, any rights held by a person covered by this policy under a contract of employment or enterprise agreement. Subject to any consultation obligations, the EQL Group may vary, add to, withdraw, or replace this Policy, at its discretion, at any time.

This Policy should be reviewed at least every two years. This Policy may only be varied by the EGM Finance (noted by Audit Committee).

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## ANNEXURE A - ROLES & RESPONSIBILITIES

The table below sets out specific roles and responsibilities for ensuring this Policy is implemented. These responsibilities are in addition to those that apply to everyone as set out in the Policy.

Role / Position	Responsibilities
Chief Executive Officer and ExCom	•
General Managers, Managers and Supervisors	•
Employees	•