

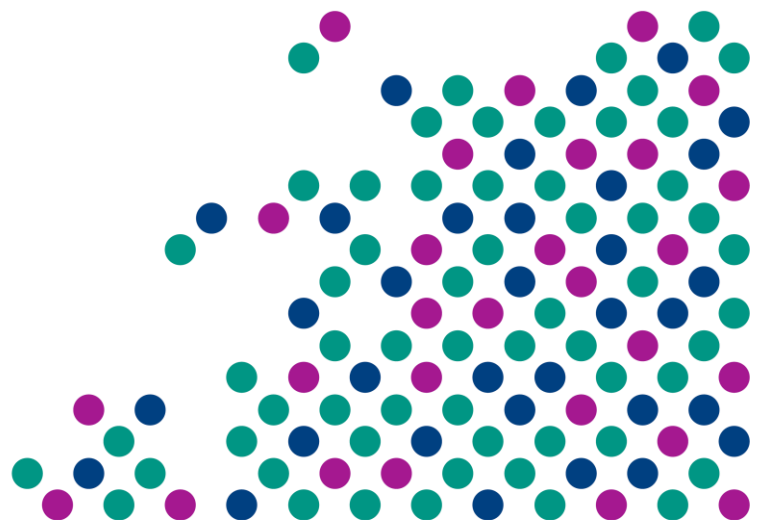
# Disclosure Policy

*Public Interest Disclosures Act 2002 (Tas)*

*Corporations Act 2001 (Cth)*

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Revised: August 2024





# Contents

<b>1.0</b>	<b>Introduction</b>	<b>4</b>
<b>2.0</b>	<b>Purpose of this Policy</b>	<b>4</b>
<b>3.0</b>	<b>Who does the Policy apply to?</b>	<b>5</b>
<b>4.0</b>	<b>Making a disclosure</b>	<b>5</b>
<b>4.1</b>	<b>Who can make a disclosure?</b>	<b>5</b>
<b>4.2</b>	<b>What can be disclosed?</b>	<b>6</b>
<b>4.3</b>	<b>Who do I contact?</b>	<b>7</b>
<b>4.4</b>	<b>Contact details</b>	<b>9</b>
<b>4.5</b>	<b>How do I make a disclosure?</b>	<b>10</b>
<b>4.6</b>	<b>Protecting your identity</b>	<b>10</b>
<b>5.0</b>	<b>How will I be protected?</b>	<b>10</b>
<b>5.1</b>	<b>Welfare Manager</b>	<b>10</b>
<b>5.2</b>	<b>Confidentiality</b>	<b>11</b>
<b>5.3</b>	<b>Protection from reprisal</b>	<b>11</b>
<b>5.4</b>	<b>Do I have immunity if I make a disclosure?</b>	<b>12</b>
<b>5.5</b>	<b>What do I do if I think I have been victimised?</b>	<b>12</b>
<b>6.0</b>	<b>What happens after I have made a disclosure?</b>	<b>12</b>
<b>6.1</b>	<b>Disclosure assessment</b>	<b>12</b>
<b>6.2</b>	<b>Who will conduct the investigation?</b>	<b>14</b>
<b>6.3</b>	<b>How will the investigation be managed?</b>	<b>14</b>
<b>6.4</b>	<b>Procedural fairness</b>	<b>15</b>
<b>6.5</b>	<b>Will I be kept informed?</b>	<b>15</b>
<b>7.0</b>	<b>More about this policy</b>	<b>15</b>
<b>7.1</b>	<b>Availability</b>	<b>15</b>
<b>7.2</b>	<b>Frequency of review</b>	<b>15</b>
<b>7.3</b>	<b>Related Procedures</b>	<b>15</b>



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*All Hydro Tasmania, Entura, Momentum Energy and AETV employees and contractors must comply with all relevant laws and regulations, policies, procedures and supporting resources.*



# 1.0 Introduction

Hydro Tasmania is committed to a culture that ensures our people and stakeholders feel:

- safe and supported in voicing concerns regarding improper conduct by Hydro Tasmania or any of its people; and
- confident that those concerns will be appropriately investigated and managed.

We encourage you to raise concerns directly with us by contacting one of Hydro Tasmania's Public Interest Disclosure Officers ('**PID Officers**') (see **section 4.3** below), however there are other avenues available for you to make a disclosure. These include Hydro Tasmania's independent reporting service "[Be Heard](#)", the Tasmanian Ombudsman and the Tasmanian Integrity Commission. This Policy provides further information about how you can raise a concern and the processes that will be followed when you do.

There are a range of statutory protections afforded to those who raise concerns regarding improper conduct outlined in the *Public Interest Disclosures Act 2002* (Tas) ('**PID Act**') and the *Corporations Act 2001* (Cth) ('**Corporations Act**').

We recognise that there are overlaps and differences between the two Acts that can be difficult to navigate. Regardless of who you are, how you choose to raise a concern, and the nature of the concern you raise, we are committed to a process that demonstrates procedural fairness to those involved, protects individuals against victimisation and reprisal, and ensures appropriate transparency in the investigation and management of complaints.

Hydro Tasmania is committed to protecting whistleblowers as part of the disclosure process.

Ombudsman Tasmania (**Ombudsman**) requires Hydro Tasmania to have a comprehensive procedure in place to meet the requirements of the PID Act in the managing of disclosures – Hydro Tasmania has adopted the Ombudsman's Model Procedures for this purpose, which are incorporated into our [Disclosure Procedures](#).

# 2.0 Purpose of this Policy

This Policy sets out how:

- you can make disclosures about improper conduct or detrimental action;
- disclosures are assessed;
- public interest disclosures are investigated; and
- Hydro Tasmania protects people making disclosures and affords procedural fairness or natural justice to those being investigated.

The Policy is designed to complement normal communication channels between managers and employees. Employees are encouraged to continue to raise concerns at any time with their manager if they feel comfortable to do so, and to discuss matters with their HR Business Partner as appropriate.



## 3.0 Who does the Policy apply to?

Hydro Tasmania means Hydro-Electric Corporation, a Government Business Enterprise established under the *Hydro-Electric Corporation Act 1995* (Tas) trading as Hydro Tasmania, and to its wholly owned subsidiaries. A reference to ‘Hydro Tasmania’ in this Policy should be read as Hydro Tasmania and its wholly owned subsidiaries and businesses, including Momentum, AETV Pty Ltd and Entura.

This Policy applies to all Hydro Tasmania officers and employees. It also applies more broadly to other persons able to make disclosures under the Corporations Act (for example, relatives of an employee, suppliers or Hydro Tasmania’s contractors.)

## 4.0 Making a disclosure

### 4.1 Who can make a disclosure?

At Hydro Tasmania, we are committed to the highest standards of professional behaviour and personal integrity and encourage you to raise any concern directly with us, regardless of whether you are an employee, contractor, supplier, stakeholder, family member or a member of the public. However, who you are, and the nature of your concern will determine which other bodies you could choose to raise your concern with and what statutory protections may be afforded to you.

For further information about who can make a disclosure, which other bodies you can raise your concern with and the statutory protections may apply to you, please see the [table](#) in **section 4.3** below.

We recognise that the processes and protections available may be difficult to navigate. Hydro Tasmania will support any potential discloser to navigate the disclosure process. If you have any concerns or are unclear about the process or the protections available, you are encouraged to contact :

- **Kate McKenzie**  
Executive General Manager  
Governance,  
General Counsel & Corporation  
Secretary  
[kate.mckenzie@hydro.com.au](mailto:kate.mckenzie@hydro.com.au)
- **Denita Gould**  
Assistant Corporation Secretary  
[denita.gould@hydro.com.au](mailto:denita.gould@hydro.com.au)
- **Sharlene Brown**  
Head of Legal Services  
[sharlene.brown@hydro.com.au](mailto:sharlene.brown@hydro.com.au)
- **Kate Bradshaw**  
Senior Legal Counsel  
[kate.bradshaw@hydro.com.au](mailto:kate.bradshaw@hydro.com.au)
- **Madeleine Farrar**  
Governance Counsel  
[madeleine.farrar@hydro.com.au](mailto:madeleine.farrar@hydro.com.au)

who are eligible recipients of disclosures under both the PID Act and the Corporations Act.



In some cases, Hydro Tasmania will not be the appropriate body to review or investigate the concern you have raised, so we may refer the matter to the Tasmanian Ombudsman or the Tasmanian Integrity Commission. You will be kept informed about who is managing the concern you have raised.

## 4.2 What can be disclosed?

We encourage anyone who has information about potential misconduct or wrongdoing regarding Hydro Tasmania or any of its people to speak up.

Only certain types of disclosures are categorised as “public interest disclosures” under the PID Act and attract the protections afforded by that legislation. As outlined in **section 1.0**, even if the concern you have raised does not satisfy the definition of a “public interest disclosure” and the statutory protections under the PID Act do not apply, Hydro Tasmania is committed to ensuring that you feel safe when making any disclosure and that you will be protected from victimisation or reprisal.

Under the PID Act, a disclosure that may be considered a public interest disclosure is one that is made about an officer or employee of Hydro Tasmania or Hydro Tasmania that includes concerns about:

- **Improper conduct** (such as illegal activity, maladministration, professional misconduct, waste of public resources, dangers to health, safety or the environment) that is [serious or significant \(see the Tasmanian Ombudsman website for guidance\)](#);
- **Corruption** (such as taking or offering bribes, or offering a job or contract or someone without merit or with an undisclosed conflict of interest); or
- **Detrimental action** (such as intimidation, harassment or discrimination against a discloser or someone who has participated in an investigation, adverse treatment in relation to employment or threats of detrimental action).

Under the Corporations Act, a disclosure made by an ‘eligible whistleblower’ (a Hydro Tasmania employee, officer, supplier or contractor and their relatives or dependants) that qualifies for protections includes disclosures about:

- Misconduct or improper state of affairs or circumstances, including fraud or negligence;
- Conduct that constitutes an offence against certain federal commerce and financial sector laws;
- Conduct that constitutes an offence against any other federal law that is punishable by imprisonment for a period of 12 months or more; or
- Conduct that represents a danger to the public or the financial system.



## 4.3 Who do I contact?

Generally, any concern you have regarding misconduct by our people can be raised directly with Hydro Tasmania. Disclosures under the Corporations Act can be made to a Hydro Tasmania officer or senior manager (including a director, company secretary or HLT member) or to a Hydro Tasmania PID Officer identified below.

Under the PID Act, disclosures can be made to the Ombudsman, the Integrity Commission or to Hydro Tasmania, via the Principal Officer (Hydro Tasmania CEO) or the PID Officers.

To ensure that you are afforded appropriate support and every statutory protection available, we encourage disclosures being made to one of Hydro Tasmania's PID Officers:

- **Kate McKenzie**  
Executive General Manager Governance,  
General Counsel & Corporation Secretary [kate.mckenzie@hydro.com.au](mailto:kate.mckenzie@hydro.com.au)
- **Denita Gould**  
Assistant Corporation Secretary [denita.gould@hydro.com.au](mailto:denita.gould@hydro.com.au)
- **Sharlene Brown**  
Head of Legal Services [sharlene.brown@hydro.com.au](mailto:sharlene.brown@hydro.com.au)
- **Kate Bradshaw**  
Senior Legal Counsel [kate.bradshaw@hydro.com.au](mailto:kate.bradshaw@hydro.com.au)
- **Madeleine Farrar**  
Governance Counsel [madeleine.farrar@hydro.com.au](mailto:madeleine.farrar@hydro.com.au)


If you wish to remain anonymous, you might prefer to use our independent reporting service, “[Be Heard](#),” which is operated by Deloitte (please refer so section 4.4 for contact details).

Your relationship with Hydro Tasmania and the nature of your disclosure is relevant to determining whether another body may also have jurisdiction to hear your concern, and which statutory protections may be applicable to you. **Table 1** below (on page 8) provides guidance on the most appropriate body to contact in different circumstances. **Section 4.4** provides contact details for each body.



# Table 1

Disclosure of serious/significant misconduct, corruption or detrimental action made by:	What statutory protections might apply?		Who could you disclose to?		
	PID Act	Corporations Act	Hydro Tasmania (directly or via Be Heard)	Tasmanian Ombudsman	Integrity Commission <sup>Δ</sup>
a. A current employee or officer of Hydro Tasmania or its related entities	✓	✓	✓	✓	✓
b. A former employee or officer of Hydro Tasmania or its related entities**	⚖️	✓	✓	⚖️	✓
c. A contractor, or an employee of a contractor, who has supplied goods or services to Hydro Tasmania*	✓	✓	✗	✓	✓
d. A current or former paid or unpaid supplier or employee thereof, of goods or services to Hydro Tasmania (where no contract was entered) <sup>○</sup>	⚖️	✓	✓	⚖️	✓
e. An associate of Hydro Tasmania (someone who acts in concert with Hydro Tasmania or one of its subsidiaries) <sup>○</sup>	⚖️	✓	✓	⚖️	✓
f. Spouse, relative or dependant or one of the people referred to above <sup>○</sup>	⚖️	✓	✓	⚖️	✓
g. A current public officer of a public body that is not part of Hydro Tasmania	✓	✗	✓	✓	✓
h. Member of the public**	⚖️	✗	⚖️	⚖️	⚖️

 = Subject to discretion / protections may not apply

\*A disclosure by a contractor is not necessarily protected under the PID Act if made to a public body, so referral should be made to the Ombudsman or the Integrity Commission.

\*\*Members of the public may make disclosures under the PID Act in circumstances when the Ombudsman or Integrity Commission deems this in the public interest under s 7A of the PID Act. Where such a disclosure is permitted, the PID Act will apply as though that person is a contractor.

<sup>○</sup>These categories of discloser can make disclosures under the Corporations Act. While not expressly covered by the PID Act, these categories of discloser would be considered members of the public under the PID Act.

<sup>Δ</sup>The Integrity Commission can deal with a protected disclosure about individuals under the *Integrity Commission Act 2009* (Tas) or refer it to a public body or the Ombudsman. A disclosure about Hydro Tasmania as an entity, or about the Principal Officer (CEO) of Hydro Tasmania should be made directly to the Ombudsman or the Integrity Commission





## 4.4 Contact details

Contact details for the various bodies to whom a disclosure may be made are set out below. (Refer to **section 4.3** above to determine who to contact.)

Entity	Contact Details	
<b>Hydro Tasmania</b>	Postal address	Attention: Public Interest Disclosure Officer GPO Box 355 HOBART TAS 7001
	Address	4 Elizabeth Street HOBART TAS 7000
	Website	<a href="http://www.hydro.com.au">www.hydro.com.au</a>
	Email	<a href="mailto:corporation.secretary@hydro.com.au">corporation.secretary@hydro.com.au</a>
	Phone	1300 360 441
<b>“Be Heard” Hydro Tasmania’s Independent Reporting Service (managed by Deloitte)</b>	Postal address	beheard@hydro Reply paid 12628 A'Beckett Street Victoria 8006
	Website	<a href="http://Be Heard (hydro.com.au)">Be Heard (hydro.com.au)</a>
	Email	<a href="mailto:beheard@deloitte.com.au">beheard@deloitte.com.au</a>
	Phone	1800 717 551
<b>Ombudsman Tasmania</b>	Postal address	GPO Box 960 HOBART TAS 7001
	Address	Level 6, 86 Collins Street HOBART TAS 7000
	Website	<a href="http://www.ombudsman.tas.gov.au">www.ombudsman.tas.gov.au</a>
	Email	<a href="mailto:ombudsman@ombudsman.tas.gov.au">ombudsman@ombudsman.tas.gov.au</a>
	Phone	1800 001 170
<b>Integrity Commission</b>	Postal address	GPO Box 822 HOBART TAS 7001
	Address	Surrey House Level 2 199 Macquarie Street HOBART TAS 7000
	Website	<a href="http://www.integrity.tas.gov.au">www.integrity.tas.gov.au</a>
	Email	<a href="mailto:contact@integrity.tas.gov.au">contact@integrity.tas.gov.au</a>
	Phone	1300 720 289



## 4.5 How do I make a disclosure?

You can make the disclosure in any of the following ways:

- Orally, either by phone or in person (you can request a private meeting away from the workplace);
- In writing sent by post or email;
- Hydro Tasmania’s “Be Heard” independent reporting service.

It is not necessary for you to refer to any legislation in your disclosure in order to afford yourself of the protections that may be relevant to your circumstances.

If you are making your disclosure in writing to Hydro Tasmania, please address it to the Principal Officer or Public Interest Disclosure Officer at the address outlined in **section 4.4**.

## 4.6 Protecting your identity

You can choose to remain anonymous when you make a disclosure.

When utilising our independent reporting service, “Be Heard”, if you tell the operator who you are, you can request that your name not be passed on to Hydro Tasmania. However, providing the operator with your name will make it easier for the operator to contact you if further information is required in connection with an investigation. Unless you authorise them to do so, the operator will not disclose your identity to Hydro Tasmania.

Sometimes you may not be able to remain anonymous if your identity is apparent from the information you give or the nature of the incident or concern. If you do choose to provide your details in connection with a disclosure, or if your identity is obvious from the nature of the disclosure it is important to remember that there are [protections](#) from reprisal available to you both under the law and under Hydro Tasmania’s policies.

If you report an issue anonymously and an investigation is carried out, it is possible that you may be independently identified as someone who could assist with the investigation. This does not mean that your personal details have been discovered or disclosed against your wishes. If you are a Hydro Tasmania employee, you may be asked to participate in the investigation if required under the Hydro Tasmania’s policies, but there is no obligation to reveal to the investigator that you made the initial disclosure if you do not wish to do so.

It is also important to remember that it is sometimes much harder to investigate where the source of a disclosure is anonymous, as it can be difficult to obtain further information necessary to properly assess the disclosure.

# 5.0 How will I be protected?

## 5.1 Welfare Manager

If you make a protected disclosure, Hydro Tasmania will appoint a Welfare Manager to act as your primary contact and support in relation to the disclosure and its investigation. This is a



requirement under the PID Act for any protected disclosure and you can expect to be provided with your Welfare Manager's contact details within 5 working days. The Welfare Manager may be from within Hydro Tasmania or an external consultant.

The Welfare Manager will develop a support plan and advise you of the legislative protections available to you assist in protecting your identity, provide you with appropriate updates, and listen and respond to any concerns you may have regarding the process. Importantly, your Welfare Manager can assist you to take appropriate action if you believe you are being subjected to any form of detrimental action in reprisal for having made a disclosure.

## 5.2 Confidentiality

Hydro Tasmania will take all reasonable steps to protect the identity of a discloser, as well as the privacy of any witnesses involved in an investigation and the individual against whom allegations have been made. However, certain information may need to be disclosed where it is necessary for the proper investigation of the disclosure, or to ensure procedural fairness.

Paper and electronic files related to a protected disclosure and investigations are kept securely and are only accessible by relevant personnel. For example, in the case of a public interest disclosure, the Principal Officer, the Public Interest Disclosure Officer/s and investigator and in some cases, the Welfare Manager (where needed to protect the welfare of a discloser).

There are requirements under the PID Act to report any public interest disclosures in Hydro Tasmania's Annual Report. The Annual Report will not identify either the discloser, or the person against whom the disclosure relates.

## 5.3 Protection from reprisal

It is an offence under both the PID Act and the Corporations Act to take detrimental action in reprisal against a discloser, or any person who assists during an investigation.

Hydro Tasmania does not tolerate detrimental action being taken in reprisal against any discloser, regardless of whether they are afforded statutory protections.

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.

Any Hydro Tasmania officer or employee found to have taken detrimental action against a discloser in reprisal for their disclosure will be subject to disciplinary action.



## 5.4 Do I have immunity if I make a disclosure?

You are entitled to be protected from detrimental action being taken in reprisal for having made a disclosure, but the act of making the disclosure is not a shield from the reasonable consequences that may flow from your own involvement in the disclosed misconduct or any other misconduct.

## 5.5 What do I do if I think I have been victimised?

If you believe you or anyone else has been victimised or subjected to any detrimental action in reprisal for making a disclosure, you can raise this with your Welfare Manager, the Principal Officer or a PID Officer. If you believe that the reprisal is not being effectively dealt with by Hydro Tasmania, you can report the matter to the Ombudsman.

# 6.0 What happens after I have made a disclosure?

The below diagram shows the flow of events that may occur once you've made a disclosure.



## 6.1 Disclosure assessment

After you have made a disclosure, we will undertake an assessment to help us to understand the nature of the issue you have raised, how the matter should be managed, and what other bodies we may need to liaise with.

The table below provides an overview of the steps involved in this process:

Step	Details	What can I expect?
1	Is the disclosure a "protected disclosure"?	This assessment is required under the PID Act. It helps to determine whether you may be entitled to protections afforded by that Act.
		This assessment will be done as quickly as possible, and if your disclosure is a <u>protected disclosure</u> under the PID Act, you can expect to be provided with information regarding the protections available you under that



Step	Details	What can I expect?
		<p>Act, and also for a <a href="#">Welfare Manager</a> to be appointed. A risk assessment will be undertaken, and any appropriate risk mitigation action required will be implemented.</p> <p>If your disclosure is <b><i>not a protected disclosure</i></b>, you will be notified about what that means and you will be appointed a <a href="#">Welfare Manager</a>.</p>
2	Is the disclosure a “public interest disclosure”?	<p>This assessment is a requirement under the PID Act and helps us determine the steps to take in managing the issue you have raised.</p> <p>Hydro Tasmania has 45 days from the date of receipt of your disclosure to determine whether the disclosure is a “public interest disclosure.”</p> <p>If the disclosure is <b><i>deemed to be a “public interest disclosure”</i></b>, we will notify you and the Ombudsman within 14 days of making the determination. The Ombudsman will then either conduct the investigation or may refer the matter to Hydro Tasmania (or another public body) to investigate if considered appropriate.</p> <p>If the disclosure is <b><i>not deemed to be a “public interest disclosure”</i></b>, we will notify you and the Ombudsman that the disclosure is not a public interest disclosure within 14 days of making the determination. The Ombudsman will then review our decision and you will be advised if the Ombudsman disagrees with our determination.</p>
3	Determine investigation plan	<p>Even if the disclosure is not a protected disclosure or a public interest disclosure, some form of internal investigation may be warranted.</p> <p>For Public Interest Disclosures, we are required to investigate unless certain circumstances exist that justify a decision not to do so. For example:</p> <p>The circumstances of the improper conduct disclosed will dictate whether you need to be involved in the investigation. If your involvement is needed, the investigator will communicate with you about any element of the investigation plan which may involve you.</p>



Step	Details	What can I expect?
Determine investigation plan (continued)	<ul style="list-style-type: none"><li>the matter may have already been raised by someone else and investigated;</li><li>it may already be under consideration by the Ombudsman or another body; or</li><li>the disclosure may be based on false or misleading information.</li></ul>	

## 6.2 Who will conduct the investigation?

Where the assessment process described in **section 6.1** has determined that a disclosure is a public interest disclosure, or where the Ombudsman has referred a disclosure to Hydro Tasmania for investigation, the Principal Officer will appoint an investigator. The investigator may be from within Hydro Tasmania or may be an external consultant.

## 6.3 How will the investigation be managed?

The investigator will be given formal terms of reference by the Principal Officer which will include details of the matters to be investigated, resources available to the investigator and period for the investigation (no longer than 6 months from the date of the assessment that the disclosure is a public interest disclosure).

The investigator will prepare an investigation plan which will list the issues which are to be investigated and the steps to be taken by the investigator. The risk assessment will be included, and steps taken to reduce identified risks during the investigation.

The investigator will make notes of discussions and phone calls and audio recordings of significant witnesses will be made where possible. All information gathered during the investigation will be securely stored.

Interviews will be conducted in private, and the investigator will take all reasonable steps to protect your identity. Your name or any particulars which might identify you will not be revealed unless necessary and then only with your prior knowledge.

If the Principal Officer determines that the investigation is being obstructed, they can refer the investigation to the Ombudsman. If evidence of criminal conduct is found, the matter can be referred to the Ombudsman for referral to Tasmania Police.

The investigator must submit a written report of their findings to the Principal Officer. If the investigation makes a finding that the public officer the subject of the disclosure has engaged, is engaging or proposes to engage in improper conduct, Hydro Tasmania must take all reasonable



steps to prevent the conduct from continuing or occurring in the future, and may take action to remedy any loss or harm arising from the conduct.

## 6.4 Procedural fairness

The principles of procedural fairness, also known as ‘natural justice’, will be accorded to all parties involved. This includes you, the person the subject of the disclosure and any witnesses.

## 6.5 Will I be kept informed?

You are entitled to request information about how your disclosure and any investigation is being handled. We are required to provide you with reasonable information in response to your request, unless that information has already been provided, or if giving you that information would endanger the safety of another or may prejudice the conduct of the investigation.

You will be told of the findings of the investigation and of any steps taken by Hydro Tasmania as a result of those findings having been made.

# 7.0 More about this policy

## 7.1 Availability

This Policy and our Disclosure Procedures are available to all employees on Hydro Tasmania’s intranet and to the public on our [website](#).

## 7.2 Frequency of review

Hydro Tasmania is required to have a Public Interest Disclosure Procedure under the PID Act, and to have in place a policy or similar document addressing disclosure processes under the Corporations Act.

This Policy is intended to satisfy the requirements of both the PID Act and the Corporations Act. In accordance with requirements under the PID Act, this Policy will be reviewed by the Tasmanian Ombudsman every 3 years.

## 7.3 Related Procedures

[Disclosure Procedures](#)