



Whistleblower Policy

Policy Name: Whistleblower Policy

Policy Description:

ORGANISATION NAME is committed to ensuring the highest standards of integrity and promoting a culture of honest and ethical behaviour, corporate compliance and good corporate governance.

This policy provides procedures to ensure people can report instances of suspected unethical, illegal, fraudulent or undesirable conduct by ORGANISATION NAME, its directors, employees, committee members or consultants, and to ensure that anyone who does report such behaviour can do so without fear of reprisal, discrimination, intimidation or victimisation.

Applies to:

This policy applies to Directors, employees, committee members or consultants.

Definitions

ABBREVIATED ORGANISATION NAME	ORGANISATION NAME
Whistleblower	A person making a disclosure under this whistleblower policy. This includes those defined as an eligible whistleblower for the purposes of Corporations Law and the Tax Act.
Improper Conduct	Behaviours that are unethical, illegal, fraudulent or undesirable including: <ul style="list-style-type: none">• Behaviours that constitute forms of abuse or neglect• Conduct or actions that constitute a criminal offence• Mismanagement of ORGANISATION NAME's resources• Conduct involving substantial risk to public health or safety, or Conduct involving substantial risk to the environment

Reasonable grounds	An objective test and relates to whether a reasonable person in possession of the information would form the belief that the Improper Conduct occurred
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Relevant policy statements and/or principles

On 1 January 2020, new legislation came into effect that changes Victoria's integrity system.

The changes support people who disclose improper or corrupt conduct and help agencies that investigate disclosures.

Under the new legislation:

- A 'protected disclosure' is now called a 'public interest disclosure'
- There is a lower threshold for making a public interest disclosure to the Independent Broad-based Anti-corruption Commission (IBAC)
- There is an expanded definition of 'improper conduct'
- There is a 'no wrong doer' principle. This principle means if a person discloses to the wrong entity, that entity can send it to the right entity and the person won't lose their protection, so long as:
 - It is an entity that can receive disclosures; **and**
 - The person believes the entity they disclosed to was the right one.

ORGANISATION NAME commits to, under this policy, to enabling the reporting of improper conduct within the organisation without reporters being subject to victimisation, harassment or discriminatory treatment.

ORGANISATION NAME will appoint a Whistleblower Disclosure and Protection Officer who will be responsible for managing report response actions.

ORGANISATION NAME will take all reasonable steps to protect and respect the rights of a person who reports alleged improper conduct in good faith.

ORGANISATION NAME will not tolerate any threats of retaliatory action against any person who has made or who is believed to have made a report of Improper Conduct in good faith.

Any such retaliatory action or victimisation in reprisal for a report being made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal.

A Whistleblower may elect to make a disclosure anonymously. As far as possible, ORGANISATION NAME will respect the Whistleblower's request to not identify them. However, ORGANISATION NAME may not be able to investigate certain disclosures without the identity of the Whistleblower becoming known.

Where criminal matters are involved, or mandatory reporting is necessary, ORGANISATION NAME may be required to report certain allegations to the police (or other relevant agency) and provide the identity of the Whistleblower.

If the identity of the Whistleblower does become known, ORGANISATION NAME will continue to ensure that all reasonable steps are taken to protect the Whistleblower from reprisal.

ORGANISATION NAME members who breach confidentiality in relation to a known or suspected disclosure will be subjected to disciplinary proceedings, which may include summary dismissal.

Procedure

Where an individual believes in good faith and on reasonable grounds that there has been a breach of any provision of the general law, that individual must report their concern to:

- their supervisor; or if they feel their supervisor may be complicit in the breach, the CEO; or if they feel that the CEO may be complicit in the breach, the organisation's nominated Whistleblower Disclosure and Protection Officer;
- or if they feel this to be necessary, a person or office independent of the organisation nominated by the organisation to receive such information,
- or
- the duly constituted authorities responsible for the enforcement of the law in the relevant area.

The person making their concern known shall not suffer any sanctions from the organisation on account of their actions, provided that their actions are in good faith, are based on reasonable grounds and conform to the designated procedures.

Where possible and assuming the identity of the Whistleblower is known, the Whistleblower will be kept informed of the progress and outcome of the investigation of their disclosure, subject to privacy and confidentiality considerations. All Whistleblowers must maintain confidentiality of any information provided to them by ORGANISATION NAME in relation to, or as a consequence or outcome of their disclosure.

Disclosures

Disclosures may be made in person, by mail or email.

Step 1: The Whistleblower Disclosure and Protection Officer will receive the report and determine if it is a Whistleblower Disclosure. If they are satisfied that an employee, or officer or other person representing ORGANISATION NAME has engaged in Improper Conduct, ORGANISATION NAME will commence an investigation. Matters involving potential criminal offending may be referred immediately to the police.

Step 2: Where a disclosure is assessed not to be a Whistleblower Disclosure, the Whistleblower Disclosure and Protection Officer will decide how the matter

should be responded to in consultation with the CEO. The person who made the disclosure will be advised of the correct reporting procedure.

Step 3: The appointed Whistleblower Disclosure and Protection Officer will refer a Whistleblower Disclosure to the CEO with the view to commence an investigation which will be conducted as follows:

- review all claims made, in conjunction with any evidence provided by the Whistleblower
- investigate and locate any evidence that may substantiate or refute the claims of the Whistleblower (this may include interviewing other parties)
- the person/s against which the allegation has been made will have the opportunity to respond and explain their behaviour and to provide any material in support of their response and explanation
- a conclusion shall not be reached, and a recommendation will not be made until reasonable and appropriate enquires have been made and submitted material considered, and the appointed officer may also refer the matter for investigation to an external body or the police if criminal conduct appears to have occurred, and the Board of Management and CEO will be advised of any such referral

Step 4: At the conclusion of an investigation a report will be prepared by the Whistleblower Disclosure and Protection Officer. The report will outline the following:

- the details of the Whistleblower Disclosure
- the information and evidence collected during the investigation that either supports or refutes the allegation of Improper Conduct
- the conclusions reached by the appointed officer and the reasoning behind each conclusion
- the recommendation of the Whistleblower Disclosure and Protection Officer as to any action to be taken and as to who should be the appropriate decision maker in respect of any such action

Step 5: Authority as to taking any action in response to a recommendation made by the Whistleblower Disclosure and Protection Officer shall be determined by the seriousness of any substantiated allegations.

Step 6: Reporting to the Board of Whistleblower Disclosures will be commensurate with the seriousness of any allegations made in relation to Improper Conduct including:

- All matters resulting in referral to the Police or other external agencies will be reported to the Board.
- The Whistleblower Disclosure and Protection Officer will prepare a general report on Whistleblower Disclosures to the Audit and Risk Committee of the Board on an annual basis.

Step 7: The Whistleblower Disclosure and Protection Officer will maintain a register of Whistleblower Disclosures, a copy of the reports and actions taken in response to the report.

Outcome of Investigations

- The Whistleblower Disclosure and Protection Officer will ensure that, unless the circumstances require otherwise, the employee who is subject of any Whistleblower Disclosure investigated by or on behalf of ORGANISATION NAME is:
- informed in writing as to the substance of the allegations
- given the opportunity (and sufficient time) to respond to the allegations, be afforded the opportunity to bring a representative of their choosing to any meeting and be heard in relation to the matter under investigation
- informed as to the substance of any adverse finding against them included in any report arising from the investigation, and
- offered the opportunity to utilise an employee assistance program or other supports as approved.

Related Legislation, ORGANISATION NAME Documents and Other Documents

Legislation:	Privacy Act 1988 Occupational Health and Safety Act 2004 Corporations Act 2001 The Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (C'wth) Independent Broad-based Anti-Corruption Commission Victoria (IBAC) ASIC - Whistleblowers
Organisational Documents:	
Other Documents:	

Policy Management

Policy owner (role title):	Board
Role responsible for implementing:	
Review arrangements:	
Next Review Date:	

Document History

Date	Amendments
July 2021	Policy created and endorsed by Board