



# WHISTLEBLOWER Policy & Procedure

<b>QA REFERENCE</b>	HRM P&P No 23
<b>IMPLEMENTATION DATE</b>	29 <sup>th</sup> January 2018
<b>REVIEWED DATE</b>	15 <sup>th</sup> September 2019
<b>NEXT REVIEW DATE</b>	15 <sup>th</sup> September 2022
<b>PREPARED BY</b>	Manager, People and Culture
<b>REVIEW RESPONSIBILITY</b> <i>This policy is valid from the date of implementation and remains in force, as amended from time to time, until such time as formally revoked by resolution of the Board of Directors.</i>	Board of Directors
<b>SIGNATURE OF APPROVAL</b>	<p>.....</p> <p>Chair, Board of Directors</p>
<b>ENDORSEMENT</b>	Endorsed by the Board of Directors under resolution at a meeting of the Board of Directors on
<b>REFERENCES –</b>	
<b>LEGISLATIVE ACTS AND OTHER SOURCES OF AUTHORITY</b>	<ul style="list-style-type: none"> <li>• Corporations Act 2001</li> <li>• Relevant Legislation: Fair Work Act 2009 (Cth)</li> <li>• Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019</li> </ul>
<b>RELATED MASP POLICIES and PROCEDURES</b>	<ul style="list-style-type: none"> <li>• Reporting and Investigating Incidents, Hazards and System Failures – M't P&amp;P No 26</li> <li>• Incident Reporting – M't P&amp;P No 25</li> </ul>
<b>RELATED FORMS</b>	<ul style="list-style-type: none"> <li>• MASP Incident Report</li> </ul>
<b>ACRONYMS/DEFINITIONS</b>	
MASP	<ul style="list-style-type: none"> <li>• Mallee Accommodation and Support Program Ltd</li> </ul>
INVESTIGATION	<ul style="list-style-type: none"> <li>• A search of evidence connecting or tending to connect a person with conduct that infringes the criminal law or the policies set by MASP</li> </ul>
MISCONDUCT	<ul style="list-style-type: none"> <li>• Matters which should be reported under this Policy, whether actual or suspected may include: <ul style="list-style-type: none"> <li>• Dishonest, fraudulent, corrupt or unlawful conduct or practices.</li> <li>• Misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting or financial reporting practices.</li> </ul> </li> </ul>

## 1. PURPOSE

Mallee Accommodation & Support Program (MASP) is committed to creating and maintaining an open working environment in which employees, directors (whether they are full-time, part-time or casual), contractors, students, volunteers and consultants are able to raise concerns regarding actual or suspected unethical, unlawful or undesirable conduct.

The Board of MASP recognises that any genuine commitment to detecting and preventing illegal and other undesirable conduct must include a mechanism whereby employees and others can report their concerns freely and without fear of reprisal or intimidation. The 'Whistleblower Policy' provides a mechanism and encourages the reporting of such conduct.

Unethical, unlawful or undesirable conduct is referred to in this Policy as 'misconduct.' Misconduct and other terminology used in this Policy are defined in Section 4.

The purpose of this Policy is to

- Encourage employees, directors, contractors, students, volunteers and consultants to report an issue if they genuinely believe a person or persons has breached MASPs' policies or the law.
- Demonstrate MASP's commitment to a fair workplace and outline the process for managing matters of misconduct.
- Protects individuals, who in good faith, report misconduct which they reasonably believe to be corrupt, illegal or unethical on a confidential basis, without fear of reprisal, dismissal or discriminatory treatment.
- Assist in ensuring that matters of misconduct and/or unethical behaviour are identified and dealt with appropriately.

## 2. SCOPE

This Policy applies to all employees, directors, contractors, students, volunteers and consultants of MASP.

## 3. REPORTING MISCONDUCT AND INVESTIGATION

The following reporting mechanisms are available:

- 3.1 If you believe the actions of anyone (or a group of people) working or volunteering for MASP constitute misconduct, this should be raised with your direct line manager. Where this is not appropriate because the line manager may be involved in the alleged misconduct, the matter should be raised with the next level of management and brought to the attention of the Human Resources Manager.
- 3.2 You may raise your concerns verbally or in writing and should include full details and, if possible, supporting evidence of the misconduct. It must be stated that you are using the 'Whistle-blower Policy' and specify whether you wish your identity to remain confidential.
- 3.3 In circumstances where it would be inappropriate to approach your line manager, their manager, or the HR Manager, you may raise the matter directly with the CEO.
- 3.4 In exceptional circumstances where it would be inappropriate to approach your line manager, their manager, or the HR Manager and CEO, you may raise the matter directly with the Board.
- 3.5 MASP discourages anonymous reporting as they are difficult to investigate and corroborate with evidence to substantiate the allegations. Proper investigations may

prove impossible if the investigator cannot obtain further information from you, give you feedback or ascertain whether your disclosure was made in good faith.

- 3.6 Where the Whistle-blower feels distressed or anxious about reporting an incident of misconduct, the MASP EAP services remain a consideration for the Whistle-blower.

#### **4. HOW A DISCLOSURE WILL BE HANDLED**

All disclosures will be taken seriously and the following procedure will be used:

- 5.1 If you have a personal interest in the matter you have raised, you must disclose this at the outset. Note: This procedure is not intended to replace the 'Staff Grievance', which continues to be the appropriate mechanism to raise issues relating to your job or employment.
- 5.2 Your disclosure under this Policy will be acknowledged in writing confirming that the matter will be investigated and that MASP will get back to you in due course.
- 5.3 A suitable person will be identified to manage the disclosure. This will be someone who is in a position to take any necessary action as an outcome and where he/she has had no previous involvement in the matter. We aim to commence the investigation within 14 [fourteen] days of the disclosure. The length and scope of the investigation will depend on the complexity of the disclosure. In most instances, there will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.
- 5.4 You may be asked to provide further information during the investigation.
- 5.5 The investigation report will be reviewed by the person managing the disclosure.
- 5.6 You will receive written notification of the outcome of the investigation, though not all the details or a copy of the report. Possible outcomes of the investigation could be that:
- The allegation/s could not be substantiated; or
  - Action has been taken to ensure that the problem does not arise again. You will not, however, be given details about the action taken.
- 5.7 MASP will treat all disclosures seriously and protect staff that raises concerns in good faith. However, appropriate disciplinary action will be taken in accordance with the Company's 'Disciplinary Procedure' against any employee or volunteer who is found to have made a disclosure maliciously that they know to be untrue or without reasonable grounds for believing that the information supplied was accurate. This may result in dismissal