

# WHISTLEBLOWER POLICY

## 1. Introduction

ANZICS is committed to fostering a culture of legal, ethical, and moral behaviour and exemplary corporate governance. ANZICS recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct.

This Whistleblower Policy and Procedure has been developed so that people can raise concerns regarding situations where they believe that ANZICS or anybody connected with ANZICS has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt, or other inappropriate conduct, as set out below. This policy does not replace relevant laws; it is intended to complement relevant legislative acts and government policies.

## 2. Purpose

This Policy aims to:

- Ensure that any reportable conduct is identified and dealt with appropriately
- provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation
- ensure that concerns about actual or suspected contravention of our ethical and legal standards can be raised without fear of reprisal, threats, or victimisation by doing so
- enable ANZICS to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information
- help to ensure that ANZICS maintains the highest standards of ethical behaviour and integrity.

## 3. Scope

This policy applies to all current and former ANZICS personnel, representatives, directors and officers, and key stakeholders involved in ANZICS projects or programs, including volunteers, contractors, sub-contractors, consultants, and partner staff.

Within this policy all people are represented by the term “**Workers.**”

- 3.1 Although they are under no obligation to do so, any associate, family member or dependant of any person in the above groups of people may also speak up. If they do choose to speak up in line with this Policy, ANZICS will extend to them the relevant rights and protections under this Policy.

## 4. Principles

- 4.1 This Policy is designed to comply with ANZICS legal obligations. If anything in this Policy is inconsistent with any law imposed on ANZICS, that legal obligation or the “higher standard” will prevail over this Policy.
- 4.2 Speak up and report it! Workers at ANZICS are encouraged to report any concerns in line with relevant policies and procedures.
- 4.3 ANZICS expects Workers to act honestly and ethically, and to make any report on reasonable grounds.
- 4.4 ANZICS obligations to Workers specified in section 6 ‘Protection’.
- 4.5 ANZICS will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While ANZICS encourages Whistleblowers to identify themselves to the General Manager, concerns may also be reported anonymously.

## 5. Reportable Conduct

### 5.1 Who can make a report?

- 5.1.1 A Whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with ANZICS, and wishes to avail themselves of protection against reprisal for having made the report.
- 5.1.2 A Whistleblower may be a current or former Worker with ANZICS.
- 5.1.3 A person may disclose any information that the person has reasonable grounds to suspect concerning illegal or unethical conduct, or an improper state of affairs or circumstances in relation to:
  - a) ANZICS; or
  - b) A related body of ANZICS

### 5.2 What is Reportable Conduct?

- 5.2.1 Reportable Conduct is any past, present or future activity, behaviour or state of affairs considered to be:
  - a) Dishonest or unethical
  - b) Corrupt (including soliciting, accepting, or offering a bribe, or facilitating payments or other such benefits),
  - c) Fraudulent,
  - d) Illegal (including theft, drug sale or use, violence or threatened violence, or property damage),
  - e) In breach of law, regulation, internal policy, or code (such as the ANZICS Code of Conduct),
  - f) Improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower,
  - g) a serious impropriety or an improper state of affairs or circumstances,
  - h) endangering health or safety,
  - i) damaging or substantially risking damage to the environment,
  - j) a serious mismanagement of ANZICS resources,

- k) detrimental to ANZICS financial position or reputation,
- l) maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives),
- m) concealing reportable conduct.

5.2.2 Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier, or service provider.

### 5.3 What is *not* Reportable Conduct?

5.3.1 While everybody is encouraged to speak up and report any concerns to ANZICS, not all types of conduct are intended to be covered by this Policy or by the protections under the *Corporations Act 2001* (Cth). This Policy does not apply to personal work-related grievances (see 5.3.2, 5.3.3 and 5.3.4), unless the grievance includes victimisation due to whistleblowing. Those matters are dealt with under other policies.

5.3.2 Personal work-related grievances are those that relate to the discloser's current or former employment with ANZICS that might have implications for the discloser personally but do not:

- a) Have any other significant implications for ANZICS (or another entity); or
- b) Relate to any conduct or alleged conduct about a disclosable matter (as set out in 5.2.2).

5.3.3 Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

5.3.4 However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

### 5.4 What information do I need to make a report?

5.4.1 To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct.

5.4.2 For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:

- a) date
- b) time
- c) location
- d) name of person(s) involved
- e) witnesses to the events; and
- f) evidence of the events (e.g. documents, emails).

5.4.3 In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

## 5.5 How can I make a report?

5.5.1 A report must be made in writing to any or all of the following:

- a) General Manager
- b) The organisation's auditor, or a member of the audit team
- c) A member of the Executive

Name	Title	Contact details:
Susan Huckson	General Manager	sue.huckson@anzics.org
John. A Phillips	ANZICS Auditor	johnp@cwstirling.com.au)
Phyllis Toparlanis	Executive Assistant	phyllis.toparlanis@anzics.org

5.5.2 While ANZICS encourages individuals to identify themselves to the General Manager, individuals may opt to report their concerns anonymously such as by adopting a pseudonym.

## 6. Handling and Investigating a Disclosure

6.1 Upon receiving a Protected Disclosure, ANZICS will endeavour to assess the disclosure to determine whether:

- a) It qualifies for protection; and
- b) A formal, in-depth investigation is required.

6.2 ANZICS will endeavour provide the discloser with regular updates.

6.3 ANZICS may not be able to investigate a disclosure if it is unable to contact the discloser.

6.4 ANZICS will handle and investigate Protected Disclosures in accordance with the Whistleblowing Procedure below:

- An investigation will be undertaken by an independent investigator. Depending on the nature of the allegation, the investigator may be someone internal to the Company or an external party such as an external lawyer or accountant or another investigator as appropriate.
- The investigator will usually follow the procedure set out in the **ANZICS Complaints Handling Policy** which provides for fact finding undertaken in a timely, confidential, fair and objective manner resulting in a report to the appropriate decision maker. The decision maker will then consider the report and decide what, if any, action is required.
- Either the recipient of the disclosure or another appropriate person will keep the whistleblower informed of the progress of the investigation and outcome. The detail provided to the whistleblower will reflect the nature of the allegations and the rights of others involved and therefore may be limited.

## 7. Protection

7.1 How will I be protected if I speak up about Reportable Conduct?

7.1.1 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, ANZICS will support and protect you and anyone else assisting in the investigation.

- 7.1.2 ANZICS will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:
- retaliation, dismissal, suspension, demotion, or termination of your role
  - bullying, harassment, threats, or intimidation
  - discrimination, subject to current or future bias, or derogatory treatment
  - harm or injury
  - damage or threats to your property, business, financial position, or reputation; or
  - revealing your identity as a Whistleblower without your consent or contrary to law
  - threatening to carry out any of the above actions.
- 7.1.3 ANZICS is committed to doing what it reasonably can to protect whistleblowers making a protected disclosure report in accordance with this policy from reprisal or victimisation. Depending on the nature of the allegation and the people involved, in order to protect a whistleblower ANZICS may:
- monitor or manage the behaviour of employees;
  - offer the whistleblower a leave of absence or flexible work during the investigation;
  - rectify any detriment that the whistleblower may have suffered.
- 7.1.4 This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.
- 7.1.5 This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.
- 7.1.6 Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.
- 7.1.7 If you believe you have suffered a detriment in violation of this Policy, ANZICS encourages you to report this immediately to General Manager or an external body under this Policy. Your concerns of being disadvantaged as a result of alerting to Reportable Conduct under this policy will be treated as a report of Reportable Conduct in line with this Policy.
- 7.1.8 Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.
- 7.1.9 You may be entitled to the following legal protections for making a report:
- protection from civil, criminal, or administrative legal action
  - protection from having to give evidence in legal proceedings, and/or
  - compensation or other legal remedy.
- 7.1.10 ANZICS will also protect individuals who have made a report in connection with ANZICS:



- To the Australian Securities and Investments Commission (**ASIC**) or the Australian Prudential Regulation Authority (**APRA**) or another Commonwealth regulatory body prescribed in legislation
- To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections; or
- That qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that you understand the criteria for making a public interest or emergency disclosure and you may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

## 7.2 Confidentiality

- 7.2.1 A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. ANZICS will take all reasonable steps in its endeavours to protect confidentiality.
- 7.2.2 ANZICS encourages all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. ANZICS will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures.
- 7.2.3 You may choose to report your concerns anonymously, if you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:
- a) you consent in writing to the disclosure.
  - b) the disclosure is made to ASIC, AHPRA or the Australian Federal Police (AFP).
  - c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice.
  - d) the disclosure is authorised under the *Corporations Act 2001*(Cth); and/or
  - e) disclosure is necessary to prevent or lessen a threat to a person's health, safety, or welfare.
- 7.2.4 If confidentiality has been breached, a complaint can be lodged with the regulator including ASIC, APRA or the ATO for investigation. ANZICS may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.
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## 7.3 False reports or disclosures

- 7.3.1 Protected Disclosures must be made on reasonable grounds. Where there are no reasonable grounds, the report may be considered a false report. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

7.3.2 Any disciplinary action will depend on the severity, nature, and circumstance of the false disclosure.

## 8. Monitoring and assurance

8.1 This Policy will be available to all Workers via Employment Hero.

8.2 To ensure effective protection under the Policy, ANZICS will monitor and review this Policy every five years.

## 9. Related Documents

- PSEAH Policy
- Child Safeguarding Policy
- Complaints Handling Policy
- Financial Wrongdoing and Anti-Corruption Policy
- Conflict of Interest Policy
- ANZICS HR Manual

## 10. Legislation & Industrial Instruments

- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Insurance Act 1973
- Life Insurance Act 1995
- Public Interest Disclosure Act 2013
- Superannuation Industry (Supervision) Act 1993
- Taxation Administration Act 1953
- ASIC Corporations (Whistleblower Policies) Instrument 2019

## 11. Other Resources

In relation to rights and protections for whistleblowers, see Information Sheet 238 Whistleblower rights and protections: <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/>

*This policy & procedure is not intended to override any industrial instrument, contract, award, or legislation.*

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