

PRINCIPAL 1 LEGISLATIVE & ORGANISATIONAL PARAMETERS

Governance, within Local, State and Commonwealth government legislation and regulations, and the organisation's constitutional and strategic parameters (including its Vision, Mission, Values, Philosophy and Core Business) provides a framework within which the board should act in the best interests of the organisation and the best interests of its internal and key external stakeholders.

POL: 2.11	Whistleblowers

POLICY STATEMENT

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

This Whistle-blower Policy and Procedure has been developed so that people can raise concerns regarding situations where they believe that SWCT or anybody connected with SWCT has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below.

PROCEDURES

2.1.11.1 Whistleblower

A Whistle-blower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with SWCT, and wishes to avail themselves of protection against reprisal for having made the report. A Whistle-blower may be a current or former Worker with SWCT. A client, sub-contractor or anyone else with an association with SWCT.

A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to:

- a) SWCT; or
- b) A related body corporate of SWCT

Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:

- a) dishonest;
- 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 regulation, internal policy or code (such as our Code of Conduct);
- f) improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistle-blower;
- 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 SWCT's resources;
- k) detrimental to SWCT's 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.

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.

While everybody is encouraged to speak up and report any concerns to SWCT, 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 complaints by clients or other users of the service or personal work-related grievances, unless the grievance includes victimisation due to whistleblowing. Those matters are dealt with under other policies.

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

- a) Have any other significant implications for SWCT (or another entity); or
- b) Relate to any conduct or alleged conduct about a disclosable matter

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.

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.

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

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) possible witnesses to the events; and
- f) Evidence of the events (e.g. documents, emails).

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

A report must be made to:

- a) The Executive Officer or Board of Management Members.
- b) The organisation's auditor.

SWCT will also protect individuals who have made a report in connection with SWCT:

- a) To the Australian Securities and Investments Commission (**ASIC**) or the Australian Prudential Regulation Authority (**APRA**) or another Commonwealth regulatory body prescribed in legislation;
- b) To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistle-blower protections; or
- c) 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.

While SWCT encourages you to identify yourself to an authorised reporting person, you may opt to report your concerns anonymously such as by adopting a pseudonym.

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

SWCT 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:

- a) retaliation, dismissal, suspension, demotion, or termination of your role;
- b) bullying, harassment, threats or intimidation;
- c) discrimination, subject to current or future bias, or derogatory treatment;
- d) harm or injury;
- e) damage or threats to your property, business, financial position or reputation;
- or
- f) revealing your identity as a Whistle-blower without your consent or contrary to law;
- g) Threatening to carry out any of the above actions.

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.

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.

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.

If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to a member of the Board or the Executive Officer, or an external body under this Policy. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.

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.

You may also be entitled to the following legal protections for making a report:

- a) protection from civil, criminal or administrative legal action;
- b) protection from having to give evidence in legal proceedings; and/or
- c) Compensation or other legal remedy.

A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. SWCT will do all it can to protect confidentiality.

However, we encourage 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. SWCT 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.

You may choose to report your concerns anonymously. However, 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, APRA 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.

We encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.

It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. SWCT may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

False reports or disclosures

Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

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

2.1.11.2 Key Performance Indicators

The Whistle-blower Program Team (WP Team), comprised of the Executive Officer and the Board of Management Chairperson;

- a) Providing advice and support to reporters
- b) Maintaining a secure and restricted record of all reports made under this Policy and Procedure
- c) Arranging role-specific training as and when required.

The **Executive Officer** is responsible for ensuring that:

- a) Workers are made aware of their rights and responsibilities in relation to whistleblowing at induction
- b) Workers are regularly encouraged to speak up about concerns of Reportable Conduct.

Whistleblowing Protection Officer(s) are responsible for:

- a) Receiving whistle-blower reports and protecting the interests of reporters
- b) Determining whether the report falls within the scope of the Policy
- c) Determining whether and how a report should be investigated
- d) Appointing a Whistleblowing Investigator where an investigation is deemed appropriate
- e) Ensuring investigations are conducted in accordance with this Policy
- f) Ensuring any reports involving a Board member or the Executive Officer are reported to the Chairperson of the Board.
- g) Updating reporters on progress and details of outcomes to the fullest extent possible
- h) Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters
- i) Immediately reporting concerns in relation to any detrimental conduct to the Executive Officer] or Chairperson of the Board (provided that the concerns do not relate to them)
- j) Determining the appropriate courses of action to remediate or act on the investigation
- k) Reporting matters to relevant authorities
- l) Making recommendations to prevent future instances of reportable misconduct
- m) Completing any training mandated by the Whistle-blower Program Team
- n) Seeking to ensure the integrity of the Whistle-blower Program is maintained.

Whistle-blower Investigators are responsible for:

- a) Investigating reports in accordance with this Policy and Procedure

- b) Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters
- c) Gathering evidence and taking steps to protect or preserve evidence
- d) Making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report
- e) Keeping comprehensive records about the investigation
- f) Making recommendations to the Whistleblowing Protection Officer about how to implement the strategy in relation to how reported misconduct can be stopped, prevented and/or mitigated in future
- g) Reporting back to the Whistle-blower Protection Officer on the progress of their investigation 7 days after the report and every 14 days thereafter. The Protection Officer may be requested to present their report to the Board.
- h) Complying with the directions of the Whistle-blower Protection Officer in relation to any further follow up, and reporting action and requirements, including the implementation of any recommendations.

Workers are responsible for reporting misconduct or dishonest or illegal activity that has occurred or is suspected within SWCT as quickly as possible, whether anonymously or otherwise.

Identification of **Independent WP Officers** and **WP Investigators** to perform the following additional roles;

- a) Notify the Board as soon as possible when it is deemed that a report to be investigated under this policy
- b) Provide timeframes and milestones status updates for WP Officer tasks a) to n)
- c) Present information received from the Whistleblower investigator and supplementary recommendations by the Whistleblower officer to the Board and Executive Officer.