

# POLICY

## 4.14 WHISTLEBLOWER



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|----------------------------|---|------------|
| Supporting Procedure:      | Induction Procedure   |            |
| Other Related Documents:   | Fraud Control Plan<br>Policy 1.6 Grievance Resolution<br>Policy 4.1 Code of Ethics<br>Policy 4.11 Privacy<br>Privacy Act 1988 (Cth) |            |
| Category:                  | Organisation  |            |
| Type:                      | Strategic   | Dates:     |
| 1 <sup>st</sup> Review By: | Jane O'Malley and Patricia Sutton   | 05/02/2019 |
| 2 <sup>nd</sup> Review By: | Jane O'Malley and Patricia Sutton   | 04/06/2020 |
| Approved By:               | Board of Management   | 18/06/2020 |
| Issued By:                 | Chief Executive Officer   | 16/06/2020 |

### Introduction

This Policy relates to the commitment of Peel-Harvey Catchment Council (PHCC) to provide an environment in which Representatives are able to report, without fear of retaliation, concerns about any serious instances or suspicions of Wrongdoing that they believe may be occurring in the name of, or in relation to, PHCC.

This Policy is not intended to replace other reporting mechanisms such as those for grievances, equal opportunity, discrimination, harassment or bullying, however, it does provide an alternative way of reporting alleged or suspected Wrongdoing when the normal reporting and communication channels within PHCC appear to have failed or may be inappropriate. This Policy is intended to apply to reports of alleged or suspected Wrongdoing which are serious in nature and generally as being in the public interest.

Representatives who breach this Policy may be subject to disciplinary action.

### Definitions

For the purposes of this Policy:

**'Board Member'** means a member of the PHCC Board of Management

**'Board of Management'** or **'Board'** means the Association Members of PHCC and has the same meaning as the word 'Council' in the Constitution

**'Other Related Parties'** means an individual organisation involved in PHCC other than Representatives, that would include a Member or partner

**'Procedure'** is a documented process

**'Representative'** means any Board Member, Employee, Volunteer, Contractor or any other person working for or representing PHCC

**'Supervisor'** is an employee who is the direct report of another employee

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**'Whistleblower'** means the person performing the Whistleblowing

**'Whistleblower Protection Officer'** see Clause 1.2 for responsibilities

**'Whistleblowing'** means the deliberate, voluntary disclosure of individual or organisational Wrongdoing by a person who has or had privileged access to data, events or information about an actual, suspected or anticipated Wrongdoing, within or by, PHCC or Other Related Parties

**'Wrongdoing'** means any conduct that:

- is dishonest, fraudulent or corrupt; or
- is illegal, such as theft, drug sale or use, violence, harassment, criminal damage to property or other breaches of State or Australian legislation; or
- is unethical, such as dishonestly altering organisational records or engaging in questionable accounting practices or willfully breaching PHCC's Code of Ethics or other ethical statements; or
- is potentially damaging to PHCC or its personnel, such as unsafe work practices or substantial wasting of resources; or
- may cause financial loss to PHCC or damage its reputation or be otherwise detrimental to PHCC's interests; or
- involves any other kind of serious impropriety.

### Policy Statement

#### 1 Responsibilities

- 1.1 Representatives who detect or have reasonable grounds for suspecting Wrongdoing are encouraged to initially raise any concerns with their immediate Supervisor, with the exception where:
  - 1.1.1 The Supervisor is involved in the suspected Wrongdoing, the Representative can then approach the next Supervisor; or
  - 1.1.2 The Supervisor is the Chief Executive Officer who is suspected of Wrongdoing, the Representative can then approach the Chairperson of the Board of Management; or
  - 1.1.3 The Representative is the Chief Executive Officer and the Chairperson is the person suspected of Wrongdoing, the Representative can then approach the Deputy Chairperson;
  - 1.1.4 The Representative is a Board Member, the Representative can then approach the Chairperson or Deputy Chairperson; or
  - 1.1.5 The Representative is an independent Chair of a standing committee, the Representative can then approach the Chairperson of the Board of Management.
- 1.2 The Chief Executive Officer or Chairperson will be allocated the Whistleblower Protection Officer role and will be responsible for:
  - 1.2.1 Safeguarding the interests of the Whistleblower
  - 1.2.2 Appointing an investigator to enquire into the substance of reports if appropriate
  - 1.2.3 Determining whether to refer reports for further action or to refute them
  - 1.2.4 Keeping the Whistleblower informed of the outcomes of the enquiry or investigation, subject to the considerations of privacy of those against whom the allegations are made; and
  - 1.2.5 Formally recording the report of Wrongdoing.

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- 1.3 The Representative is encouraged and is required to provide a written report of the alleged or suspected Wrongdoing to enable a full investigation.
- 1.4 If a person makes a written report of alleged or suspected Wrongdoing, PHCC will endeavor to protect the person's identity from disclosure. Generally a person's identity will not be disclosed unless:
  - 1.4.1 The person consents to the disclosure
  - 1.4.2 The disclosure is required or authorised by law; or
  - 1.4.3 The disclosure is necessary to further the investigation.
- 1.5 Written reports of Wrongdoing should be formally recorded by a Supervisor, the Chief Executive Officer or Chairperson whom receives the report.
- 1.6 If a report concerns alleged or suspected breach of legislation, the Board of Management will be made aware and may seek legal advice in managing the process.
- 1.7 Generally, reports will be treated with confidentiality. When the allegations are investigated it may be necessary to reveal the report's substance to various parties. It may be necessary to disclose the fact and the substance of the report to the person who is the subject of the report. Although confidentiality is maintained, the source of the reported issue may be obvious to a person who is the subject of a report.
- 1.8 All reports of alleged or suspected Wrongdoing made under this Policy will be properly assessed, and if appropriate, independently investigated with the objective of locating evidence that either substantiates or refutes the claims made by the Whistleblower. Investigations should be independent from the business area concerned, the Whistleblower and any person who is the subject of the report.
- 1.9 The person carrying out any investigation is responsible for ensuring that the person who is subject of any report that is investigated:
  - 1.9.1 Is informed as to the substance of the allegations
  - 1.9.2 Is given the opportunity to answer allegations before any investigation is finalised
  - 1.9.3 Is informed about the substance of any adverse comments that may be included in any report arising from the investigation before it is finalised; and
  - 1.9.4 Is formally advised of the outcome of the investigation.They are also responsible for keeping the designated Whistleblower Protection Officer informed of the progress of the investigation.
- 1.10 Where it is shown that a person purporting to be a Whistleblower has knowingly made a false report of Wrongdoing, then that conduct itself will be considered a serious matter and that person may be subject to dismissal or other disciplinary action.
- 1.11 PHCC will take reasonable precautions to store any records relating to a report of Wrongdoing securely and to permit access to records to authorised personnel only.
- 1.12 Unauthorised disclosure of information relating to a report, the identity of a person who has made a report of Wrongdoing or information from which the identity of the reporting person could be inferred will be regarded seriously and may result in disciplinary action.

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- 1.13 PHCC is committed to protecting and respecting the rights of a person who reports Wrongdoing in good faith. PHCC will not tolerate any retaliatory action or threats of retaliatory action to such a person, or to that person's colleagues, employer (if a contractor) or relatives. Any such retaliatory action or victimisation in reprisal for a report being made under this Policy may be treated as serious misconduct and may result in dismissal or other disciplinary action. If the person who has made a report believes retaliatory action or victimisation has occurred or been threatened, the person who made the report has the right to make a submission to the Chief Executive Officer or to the Board of Management, or otherwise to apply the grievance process.
- 1.14 PHCC recognises that individuals against whom a report is made must also be supported during the handling and investigations of a report and will take reasonable steps to treat the person fairly. It will give its full support to a person who is the subject of a report where allegations contained in a report are clearly wrong.
- 1.15 If preliminary enquiries determine that a suspected Wrongdoing is baseless or unfounded and that no formal investigation is warranted then the Chief Executive Officer or Chairperson will decide whether or not the person named in the suspicion should be informed that a suspicion had been raised and found to be baseless upon preliminary review. This decision will be based on a desire to preserve the integrity of the person so named, to enable workplace harmony to continue unfettered and to protect the Whistleblower if it was a bona fide disclosure.

### 2 Responsible Officers

- 2.1 The Chief Executive Officer is responsible for the operational compliance of this Policy.