# WHISTLEBLOWER POLICY & PROCEDURE

## PURPOSE

The purpose of the Australian Centre for the Prevention of Cervical Cancer (ACPCC) Whistleblower Policy and Procedure (‘Policy’) is to set out the principles which:

* Provide a mechanism to encourage the identification, disclosure and reporting of Disclosable Matters that include matters concerning suspected fraud, corrupt conduct or other inappropriate, illegal or unethical behaviour
* Enable ACPCC to effectively deal with reports of Disclosable Matters from Eligible Whistleblowers in a way that wherever possible will be timely and protects the identity of the Eligible Whistleblower, and provide for the secure storage of the information provided
* Establish policy and procedures at ACPCC for protecting Eligible Whistleblowers against reprisal by any person, whilst providing a safe and secure method for disclosure and reporting
* Provide for appropriate infrastructure for encouraging and protecting Eligible Whistleblowers, including the appointment of Whistleblower Protection Officers and Whistleblower Investigation Officers, and
* Provide transparency around the process of managing the disclosure and reporting of Disclosable Matters in accordance with ACPCC's legal and regulatory obligations.

## SCOPE

The ACPCC is committed to the highest standards of legal, ethical and moral behaviour across all programs, services and business operations. The organisation seeks to maintain an environment where concerns in relation to Disclosable Matters are encouraged to be reported without fear of retaliatory actions or retribution, and are managed expeditiously, confidentially and appropriately.

This Policy is not intended to replace other ACPCC reporting structures such as those for unsatisfactory performance, dispute resolution, grievances, equal opportunity, discrimination, bullying, harassment, or other personal work related grievances, and does not cover matters of this nature. However, it may be used in addition to those structures where the issue also concerns conduct which amounts to a Disclosable Matter.

**2.1 Applicable legislation**

This Policy has been prepared in relation to the Whistleblower protections available under section 9.4AAA *Corporations Act 2001 (Cth)* (**the Act**). However, there are also Whistleblower protections available under the *Taxation Administration Act 1953 (Cth)* (**the** **Tax Act**) which may also relevant to ACPCC and its stakeholders from time to time.

The content of this Policy relates exclusively to the Act and the whistleblower regime established under that Act. Similar protections exist under the Tax Act. However, if you have a matter of concern that you wish to raise that you believe would be a protected disclosure under the Tax Act, you are encouraged to speak to the Chair of the Audit and Finance Committee.

The ACPCC is not required to comply with the *Public Interest Disclosures Act 2012* because it is not a ‘public body’ for the purposes of that Act. Therefore, disclosures made under this Policy are not protected under the *Public Interest Disclosures Act 2012.*

**2.2 Qualifying for protection**

A person qualifies for protection under this Policy if:

### they are an Eligible Whistleblower; and

### they have made a report of Disclosable Matters directly to:

#### an Eligible Recipient which includes internal senior management, internal and external Whistleblower Protection Officer/s or external authorised bodies;

#### the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA), or another Commonwealth body prescribed by regulation;

#### a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower protections in the Act; or

#### a parliamentarian or journalist in accordance with the emergency and public interest disclosure provisions (set out at section 6.1.4 of this Policy).

## 2.3 Personal work-related grievances

Disclosures that relate solely to personal work-related grievances, and do not involve detriment or the threat of detriment under the Act do not qualify for protection under this Policy in accordance with the Act.

Personal work-related grievances concern a grievance about any matter in relation to the person's employment, or former employment which may have implications for the discloser personally, but which does not have significant implications for ACPCC (or another entity), or relates to any Disclosable Matters.

Personal work-related grievances include:

### interpersonal conflicts with other employees;

### decisions relating to engagement, transfer or promotion of the Eligible Whistleblower;

### decisions about the terms and conditions of employment of the Eligible Whistleblower; or

### suspension, termination or disciplinary decisions in relation to the Eligible Whistleblower.

This Policy is not intended to replace the ACPCC’s Grievance and Dispute Resolution Policy and Procedure (Corp-HR-PP-2 and Corp-HR-PP-15), which is available to all staff to raise any matter they may have in relation to their work or their work environment, another ACPCC Person, or any decision which affects their employment.

Any ACPCC Person who believes they have a personal work-related grievance should raise the matter in accordance with the processes outlined in the ACPCC’s Grievance and Dispute Resolution Policy and Procedure (Corp-HR-PP-2 and Corp-HR-PP-15).

A disclosure involving a personal work-related grievance may still qualify for protection if:

1. the disclosure also includes information about misconduct or an improper state of affairs described in this Policy;
2. the Eligible Whistleblower suffers from or is threatened with detriment for making the report; or
3. the Eligible Whistleblower seeks legal advice or legal representation about the operation of the whistleblower protections under the Act.

## AUTHORITY & RESPONSIBILITY

This Policy is issued under the authority of the ACPCC Board of Directors.

The Director Corporate Services is responsible for content and review of this Policy.

Every ACPCC Person is responsible for complying with this Policy and procedure.

An ACPCC Person who breaches this Policy may be subject to disciplinary, or other, action.

All ACPCC Persons are encouraged to report any genuine concerns they have about any possible or suspected Disclosable Matters and about any suspected breach of ACPCC’s Code of Conduct, its various policies or the law.

## DEFINITIONS

## For the purposes of this Policy, the definitions described below apply.

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| ACPCC | Australian Centre for the Prevention of Cervical Cancer, the trading name of VCS Foundation Limited, a company limited by guarantee under the Corporations Act 2001 (Cth), responsible for the management and administration of services and registry solutions, trading under the names VCS Pathology, Digital Health and Population Health. |
| ACPCC Person | All current and former Employees, students on placement, visiting practitioners, volunteers, Board and Board Committee Members and contractors of ACPCC. |
| Employee | Any person employed by ACPCC whether on a permanent, temporary (contractual) or casual basis. |
| Investigation | An inquiry into allegations made or issues raised, including a search of evidence connecting or tending to connect a person (either a natural person or a body corporate) with conduct that infringes the law, policies and/or standards set by ACPCC |
| Disclosable Matter | Disclosable Matters means information that the Eligible Whistleblower has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to ACPCC.  This includes conduct which: represents a danger to the public or financial system;constitutes an offence against, or contravention of, a provision of any of the following:the [Act](https://www.legislation.gov.au/Details/C2019C00216);the [*Australian Securities and Investments Commission Act 2001*](https://www.legislation.gov.au/Details/C2019C00207);the [*Banking Act 1959*](https://www.legislation.gov.au/Details/C2019C00218);the [*Financial Sector (Collection of Data) Act 2001*](https://www.legislation.gov.au/Details/C2019C00171);the [*Insurance Act 1973*](https://www.legislation.gov.au/Details/C2019C00220);the [*Life Insurance Act 1995*](https://www.legislation.gov.au/Details/C2019C00217);the [*National Consumer Credit Protection Act 2009*](https://www.legislation.gov.au/Details/C2019C00154);the [*Superannuation Industry (Supervision) Act 1993*](https://www.legislation.gov.au/Details/C2019C00307); oran instrument made under an Act referred to at b)(i)-(viii) above;constitutes an offence against any other law of the Commonwealth, State or Territory;is prescribed by regulation;is dishonest, fraudulent, negligent, corrupt, default or a breach of trust or duty;is illegal or a breach of any regulations, including theft, drug sale or use, violence, harassment, criminal damage to property or other breaches of state or federal legislation;amounts to improper financial practice, such as misleading accounting or financial reporting;breaches ACPCC policies, including a breach of the ACPCC Code of Conduct, this Policy and confidentiality undertakings or agreements;endangers the health and safety of any person or persons, including the public, which has been reported to management but not acted upon;amounts to gross mismanagement of resources and other serious improper conduct;may cause financial loss to ACPCC ,damage its reputation or be otherwise detrimental to ACPCC’s interests;is unethical or improper;is detrimental conduct or threatens to engage in detrimental conduct against someone who has made a report under this Policy. Disclosable Matters may include conduct that does not involve a contravention of a particular law.  An Eligible Whistleblower can still qualify for protection under this Policy even if their report of Disclosable Matters turns out to be incorrect provided the Eligible Whistleblower has reasonable grounds to suspect their concerns at the time of making the disclosure. |
| Eligible Whistleblower | For the purposes of this Policy, an Eligible Whistleblower means anyone who is, or has been:   1. an employee or officer (whether full time, part time, casual, temporary) of ACPCC; 2. a supplier of goods or services to ACPCC, or an employee (whether paid or unpaid) of such a person; 3. an associate of ACPCC, such as a person with whom ACPCC acts in concert; 4. a relative, dependent or spouse of an individual who otherwise constitutes an Eligible Whistleblower under this section; and 5. any other person who is an eligible whistleblower in accordance with applicable legislation, including the Act, from time to time. |
| Whistleblower Protection Officer (WPO) | A designated ACPCC representative tasked with the responsibility of protecting and safeguarding the rights and interests of Eligible Whistleblowers and to ensure the integrity of reporting mechanisms under this Policy. The WPO has direct, unfettered access to independent financial, legal and operational advisers as required, and a direct line of reporting to the Executive Director, and Board, as may be required.  The WPO is responsible for receiving and appointing the WIO to inquire into the substance of reports of alleged Disclosable Matters. Based on sufficient evidence in support of matters raised in a report, the WPO determines whether to refer reports for further action or refute these where necessary. The WPO is to ensure that the Eligible Whistleblower is kept informed of the outcomes of the inquiry or investigation, subject to the considerations of privacy of those against whom the allegations are made.  The ACPCC aims to ensure all Eligible Whistleblowers are continuously aware of whom the WPOs are, and the alternative ways in which ACPCC Persons can contact them. |
| Whistleblower Investigations Officer (WIO) | A designated ACPCC representative tasked with the responsibility of conducting investigations into disclosures or reports received from a Whistleblower. The role of the Whistleblower Investigation Officer (WIO) is, where required, to investigate the substance of the disclosure or report to determine whether there is evidence in support of the matters raised or, alternatively, to refute the disclosure or report made.The WIO will be appointed to perform investigations by the WPO on a case-by-case basis, depending on the nature of the disclosure or report. The WIO will be an independent party who is not associated with and does not have internal line management within the area under investigation. The WIO may be a ACPCC staff member or a person who is external to ACPCC Where an investigation is required, the WIO must investigate in a fair and independent manner. This means investigations must be independent from the business unit concerned, the Eligible Whistleblower and any person who is the subject of the report or disclosure.  The WIO may conduct an investigation in the manner the WIO deems appropriate, subject to the principles set out in this Policy. The WIO may, subject to the approval of the Director Corporate Services, seek external legal or other advice in relation to the matters being investigated and in relation to the investigation process generally. At the conclusion of the investigation, the WIO will prepare a confidential report (‘Investigation Report’). |

## POLICY

The Board of the ACPCC is committed to ensuring the organisation, and all its officers and employees, act always in compliance with all laws, and in compliance with the organisation’s ethical standards, as set out in the ACPCC Code of Conduct, as well as its various policies and values.

The Board recognises that any genuine commitment to detecting and preventing illegal and other undesirable conduct must include, as a fundamental cornerstone, a mechanism whereby ACPCC Persons can report their concerns freely and without fear of repercussion. This Policy provides such a mechanism and encourages the reporting of allegations of such conduct.

This Policy has been designed to comply with applicable laws and has been prepared in accordance with Australian Standard AS 8004-2003 (Whistleblower Protection Program for Entities).

A copy of this Policy will be made available on ACPCC's document control system QPulse for internal staff, and will also be made publicly available for the reference of other stakeholders at ACPCC's website – [**https://acpcc.org.au/whistleblower**](https://acpcc.org.au/whistleblower)**.** ACPCC will periodically provide training and support to employees about this Policy and new staff inductions will include education about this Policy.

ACPCC will also provide training and support to Whistleblower Protection Officers and other Eligible Recipients who may receive disclosures of Disclosable Matters and how to respond to them in accordance with this Policy

## PROCEDURE

* 1. **Reporting of Disclosable Matters to Eligible Recipients**

For the purposes of this Policy, the following people are Eligible Recipients under the Act who can receive disclosures of Disclosable Matters that qualify for protection:

1. the Eligible Whistleblower's senior manager;
2. Internal Whistleblower Protection Officer (see 6.1.2);
3. External Whistleblower Protection Officer (see 6.1.3); or
4. nominated External Authorities or Bodies (see 6.1.4)

ACPCC appreciates the opportunity to resolve any issue arising from disclosure internally as a first step and therefore an Eligible Whistleblower is encouraged to report Disclosable Matters internally to their direct senior manager or to the Whistleblower Protection Officer as Eligible Recipients.

If an Eligible Whistleblower is not comfortable disclosing Disclosable Matters internally, then the disclosure can be made to an external Eligible Recipient as outlined below.

6.1.2 ***Internal Whistleblower Protection Officer***

The Eligible Whistleblower may report a Disclosable Matter to the following designated internal WPO:

* Director Corporate Services.

6.1.3 ***External Whistleblower Protection Officers***

An Eligible Whistleblower may report a Disclosable Matter to one of the designated external WPOs below.

This reporting avenue could be used where the Eligible Whistleblower feels uncomfortable making a disclosure internally, or feels it is inappropriate to do so (i.e.: because they are no longer an employee). The external WPOs designated to receive disclosures or reports of alleged or suspected Misconduct are:

* Chairman, Board of Directors, ACPCC
* Chairman ACPCC Audit and Finance Committee, or
* External Auditor.

Disclosures can be made in person or by post marked Confidential and addressed to the Eligible Receipt by name and/or title and posted to: ACPCC, 265 Faraday Street Carton VIC 3054.

6.1.4 ***External Authorities or Bodies***

An Eligible Whistleblower may report a Disclosable Matter to:

* a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Act (even in the event the legal practitioner concludes that a disclosure does not constitute a Disclosable Matter’);
* ASIC or APRA (or another Commonwealth body prescribed by the Act);

*https://asic.gov.au/about‐asic/asic‐investigations‐and‐enforcement/whistleblowing/whistleblower‐rights‐and‐ protections/*

* a journalist (as defined by the Act) or federal or state/territory parliamentarian under certain circumstances known as public interest disclosures and/or emergency disclosures:
  + A **‘public interest disclosure’** is the disclosure of information to a journalist or a parliamentarian, where:
    - at least 90 days have passed since the Eligible Whistleblower made a disclosure to ASIC or APRA (or another Commonwealth body prescribed by the Act);
    - the Eligible Whistleblower does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure;
    - the Eligible Whistleblower has reasonable grounds to believe that making a further disclosure of the information is in the public interest; and
    - before making the public interest disclosure, the Eligible Whistleblower has given written notice to the body to which the previous disclosure was made that:
      * includes sufficient information to identify the previous disclosure, and
      * states the Eligible Whistleblower intends to make a public interest disclosure; and
    - the disclosure is no greater than necessary to inform the recipient of the Disclosable Matter.
  + An **‘emergency disclosure’** is the disclosure of information to a journalist or parliamentarian, where:
    - the Eligible Whistleblower has previously made a disclosure of the information to ASIC or APRA (or another Commonwealth body prescribed by the Act);
    - the Eligible Whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
    - before making the emergency disclosure, the Eligible Whistleblower has given written notice to the body to which the previous disclosure was made that:
      * includes sufficient information to identify the previous disclosure, and
      * states the Eligible Whistleblower intends to make an emergency disclosure, and
    - the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent

It is important for the Eligible Whistleblower to understand the criteria for making a public interest or emergency disclosure. A disclosure must have previously been made to ASIC, APRA or a prescribed body and written notice provided to the body to which the disclosure was made. In the case of a public interest disclosure, at least 90 days must have passed since the previous disclosure.

Eligible Whistleblowers who make disclosures to parliamentarians or journalists that do not meet the conditions of an emergency or public interest disclosure do not qualify for the protections set out in this Policy in respect of those disclosures.

An Eligible Whistleblower is encouraged to contact an independent legal adviser before making a public interest disclosure or an emergency disclosure.

**6.3 Confidentiality of the Identity of a Whistleblower & Whistleblowing Reports**

An Eligible Whistleblower may elect to make a report anonymously and still be protected under the Act. The Eligible Whistleblower can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. ACPCC will protect anonymity of Eligible Whistleblowers by:

### allowing Eligible Whistleblowers to use anonymised email addresses and communicate anonymously via telephone;

### allowing Eligible Whistleblowers to refuse to answer any question that the Eligible Whistleblower believes could reveal their identity;

### referring to the Eligible Whistleblower in a gender-neutral context and/or allowing Eligible Whistleblowers to adopt a pseudonym for the purpose of their disclosure (for example, where the Eligible Whistleblower's identity is known by the Eligible Recipient who received the report, but they do not wish to disclose their identity to others);

1. where possible, contacting the Eligible Whistleblower to help identify certain aspects of their disclosure that could inadvertently identify them;
2. redacting, where possible and balancing this against the substance of the disclosure, all personal information or reference to the Eligible Whistleblower witnessing an event; and
3. ensuring all disclosures be handled and investigated by qualified staff.

Whilst ACPCC will endeavour to ensure that an Eligible Whistleblower who makes an anonymous disclosure or report of alleged or suspected Disclosable Matters under this Policy has their identity protected from disclosure, in some cases, the identity of the Eligible Whistleblower may be apparent to the person who is alleged to have engaged in Disclosable Matters or to others because of the nature or circumstances of the disclosure.

The anonymity of the discloser may limit ACPCC's ability to perform a complete an appropriate inquiry or investigation into the Disclosable Matters under this Policy (for example if the Eligible Whistleblower has not provided a means of contacting them).

Subject to the above considerations, the ACPCC will not disclose a Eligible Whistleblower’s identity unless:

* The person making the report consents to the disclosure of their identity
* The disclosure is required or authorised by law (i.e.: is made to ASIC, APRA or the Australian Federal Police);
* The disclosure is made to a legal practitioner for the purposes of obtaining advice or representation; or
* The disclosure of their identity is reasonably necessary to further the investigation.

It is illegal under the Act for a person to identify an Eligible Whistleblower, or to disclose information that is likely to lead to the identification of an Eligible Whistleblower to any person who is not connected with the investigation into the Disclosable Matters, except in limited circumstances prescribed under the Act described above.

Generally, the details of a report of Disclosable Matters made under this Policy will be treated confidentially. However, when a disclosure or report is investigated it may be necessary to reveal its substance to people such as the ACPCC’s Board, ACPCC personnel, external persons involved in the investigation process, external legal and other advisers and, in appropriate circumstances, law enforcement agencies.

It may also be necessary to disclose the fact and the substance of a disclosure or report of alleged Disclosable Matters to the person who is the subject of the disclosure or report. Although the management and investigation of a report of Disclosable Matters will be treated confidentially, in some circumstances, the details and source of the reported issue may be obvious to a person who is the subject of a report or to others within ACPCC.

The ACPCC will take reasonable precautions to store any records relating to a report of Disclosable Matters confidentially and securely, and permit access to them by authorised persons only. If any ACPCC Person causes or permits the unauthorised disclosure of information relating to a disclosure or report, the identity of an Eligible Whistleblower or information from which the identity of the Eligible Whistleblower could be inferred, this will be regarded seriously and may result in disciplinary or other action (which may include dismissal) against the person.

**6.4 Protection of Whistleblowers**

The ACPCC is committed to protecting and respecting the rights of a person who reports or discloses allegations of Disclosable Matters based on reasonable grounds and who believe it is true. A disclosure will not be based on reasonable grounds if the discloser knows it to be false.

An Eligible Whistleblower who reports or discloses alleged Disclosable Matters to an Eligible Recipient in accordance with this Policy will have the benefit of the protections set out in this Policy. It is illegal under the Act for a person to engage in, or threaten to engage in, conduct which causes detriment to any Eligible Whistleblower because that person proposes to, has or is suspected to have made, a report of Disclosable Matters.

ACPCC will not tolerate any retaliatory action or threats of retaliatory action against any Eligible Whistleblower who has made or who is believed to have made a report of Disclosable Matters, or against an Eligible Whistleblower’s colleagues, employer (if a contractor) or relatives. Without limiting the above, an Eligible Whistleblower must not be disadvantaged or victimised by having made the report or disclosure by being subject to any of the following actions:

* Dismissal.
* Alteration of their position or duties to their disadvantage.
* Any form of harassment or intimidation.
* Discrimination.
* Injury to the person in their employment.
* Harm or injury including psychological harm.
* Loss or damage to the person or their property, reputation, business or financial position.
* Current or future bias.
* Threats of any of the above.

Any retaliatory action or victimisation in reprisal for an Eligible Whistleblower making a disclosure or report under this Policy will be treated as serious misconduct in the workplace and may result in disciplinary action (including termination) against any person engaging or participating in such action. For the avoidance of doubt, reasonable management action (i.e.: engaging in a performance improvement process) will generally not be considered retaliatory action under this Policy. ACPCC will take proactive steps to protect Eligible Whistleblowers from retaliatory conduct arising from making a report of Disclosable Matters by:

1. conducting a risk assessment of every disclosure to manage the risk of detriment to the Eligible Whistleblower; and
2. where applicable, making such reasonable adjustments as required to allow the Eligible Whistleblower to perform their duties at work without being potentially exposed to detriment (eg by changing reporting lines or moving the Eligible Whistleblower's desk to another location).

If an Eligible Whistleblower believes retaliatory action or victimisation has occurred or been threatened because of having made a report or disclosure, the Eligible Whistleblower may make a submission to the Chairman of the Board or the Chair of the Audit and Finance Committee regarding the matter. As such victimisation potentially amounts to a Disclosable Matter, it will be managed in accordance with this Policy.

However, if the conduct is causing or might cause any threat to a person’s health or safety or the ability of the ACPCC to provide a safe working environment or to efficiently perform its functions, the Chairman of the Board or the Chair of the Audit and Finance Committee may recommend actions to be taken immediately to mitigate the relevant harm.

The ACPCC will make available support services to the Eligible Whistleblower, which might include but is not limited to counselling.

**6.5 Compensation and other remedies**

An Eligible Whistleblower can seek compensation and other remedies through the courts if:

1. they suffer loss, damage or injury because of making a disclosure of Disclosable Matters; and
2. ACPCC or its employees, officers or other personnel failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct

**6.6 Civil, criminal and administrative liability protection**

Any Eligible Whistleblower who makes a report of Disclosable Matters in accordance with this Policy has protection under the Act from:

1. civil liability (eg legal action against the Eligible Whistleblower for breach of a contractual obligation or duty of confidentiality);
2. criminal liability (eg attempted prosecution for releasing information); and
3. administrative liability (eg disciplinary action for making the disclosure),

in relation to making the disclosure.

These protections do not grant the Eligible Whistleblower immunity for any misconduct the Eligible Whistleblower has engaged in that may be revealed in their report of Disclosable Matters.

**6.7 Eligible Whistleblowers Implicated in Misconduct**

In some cases, a Whistleblower may be implicated in the alleged Disclosable Matters. For example, the Eligible Whistleblower may have participated in the alleged Misconduct or may have knowingly benefitted from it. An Eligible Whistleblower who may be implicated in the alleged Misconduct they have reported or disclosed must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this Policy. However, making a report will not necessarily exonerate a Whistleblower from the consequences flowing from their involvement in the Disclosable Matters. An Eligible Whistleblower’s liability for their own conduct is not affected by their disclosing or reporting of that conduct under this Policy. However, in some circumstances, an admission may be a mitigating factor when ACPCC is considering disciplinary or other action in relation to such person.

**6.8 False Reporting by a Person Purporting to be a Whistleblower**

An Eligible Whistleblower who makes a report under this Policy must do so only if they have reasonable grounds to suspect that a Disclosable Matter has occurred.

All Eligible Whistleblowers will be protected from reprisal for making the disclosure, as outlined in this Policy and the Act (even if those reports turn out to be incorrect). Further, all investigations into any reports made under this Policy (and in accordance with the Act) will be conducted in accordance with principles of fairness and natural justice.

Having limited information which leads to suspicion of a Disclosable Matter is not deliberate false reporting. All reporting which is based on reasonable suspicion is welcome in accordance with this Policy.

While ACPCC acknowledges that Eligible Whistleblowers may not have absolute proof or evidence of Disclosable Matters, a report should, where possible, include the reasons for their concerns and make full disclosure of the relevant details of the conduct or incident and supporting documentation.

An ACPCC Person should avoid deliberate false reporting (i.e.: making a report or disclosure of a matter they know to be untrue) as such reports will not be eligible for protection under this Policy.

If any ACPCC Person purporting to be a Whistleblower knowingly or deliberately makes a false or misleading report of a Disclosable Matter, or makes a report where the person knows, or ought to know, the report has no substance, then that conduct itself will be considered a serious matter and that person may be subject to disciplinary action, which may include dismissal, and other appropriate action.

**6.10 Investigation of the Report**

All reports of alleged or suspected Disclosable Matters made under this Policy will be properly assessed to determine if they qualify for protection under this Policy, and if appropriate, investigated with the objective of locating evidence that either substantiates or refutes the claims made by the Eligible Whistleblower. The process may vary depending on the nature of the disclosure.

The WIO will be responsible for ensuring the proper conduct of any investigation. The investigation will not be conducted by a person who may be the subject of the investigation or has a conflict (actual or perceived) relating to the person(s) or practice(s) under investigation.

Any investigation into alleged Disclosable Matters will be conducted expeditiously and thoroughly and will ensure all relevant issues are examined and addressed. The investigation will be conducted confidentially. The timing, nature, method and scale of the investigation will have regard to the nature and seriousness of the allegations. ACPCC will allocate sufficient resources to the investigation.

The investigation may involve the review of documents and records, witness interviews and any other appropriate methods of inquiry. ACPCC will record all relevant information collected in the course of the investigation. The investigation process will be conducted in accordance with the principles of procedural fairness and natural justice.

The WIO will be responsible for conducting any investigation objectively and subsequently preparing a confidential Investigation Report of the findings.

***6.10.2 Finding of investigation***

The Eligible Whistleblower will be provided with regular updates, if they can be contacted (including through anonymous channels). The frequency and timeframe may vary depending on the nature of the disclosure.

Subject to paragraph 6.10.4, the findings of the investigation will be reported to **the WPO, Executive Director and the Chairman of the Board** while preserving confidentiality. The Eligible Whistleblower will be notified of the outcome of the investigation.

This process may vary depending on the nature of the disclosure, including that in some circumstances it may not be appropriate to provide details of the outcome of the investigation to the Eligible Whistleblower.

**6.10.3** ***Management of a Person Against Whom a Report is Made***

The ACPCC recognises that individuals against whom a report is made must also be supported during the handling and investigation of the report. ACPCC takes reasonable steps to treat fairly the person who is the subject of a report, particularly during the assessment and investigation process.

Where a person is named by an Eligible Whistleblower as being suspected of possible Disclosable Matters, but preliminary inquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted, then the Eligible Whistleblower will be informed of this outcome and the matter laid to rest. The Executive Director 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 a person so named so as to enable workplace harmony to continue unfettered and to protect the Eligible Whistleblower assuming the disclosure was made on reasonable suspicion in accordance with this Policy.

Subject to the above, generally the WIO must ensure that the person who is the subject of any disclosure that is investigated:

## Is informed as to the substance of the allegations

## Is given the opportunity to answer the allegations before any investigation is finalised

## Is informed about the substance of any adverse comments that may be included in any Investigation Report arising from the investigation before it is finalised, and

## Has his/her defence set out fairly in any Investigation Report.

***6.10.4 Reporting of the Investigation Findings***

At the end of the investigation, the WIO prepares an Investigation Report and forwards the Investigation Report to the WPO the Executive Director and the Chairman of the Board of Directors.

The Investigation Report will generally include (as appropriate in the circumstances):

## A summary of the allegations of Disclosable Matters

## The relevant evidence

## A statement of findings, and

## The conclusion and recommendations regarding the Disclosable Matters.

Where the allegations in a disclosure of alleged Disclosable Matters have been investigated and the person who is the subject of the disclosure is aware of the allegations or the fact of the investigation, the Executive Director may formally advise the person who is the subject of the disclosure of the outcome of the investigation, subject to the nature of the disclosure.

Where the investigation delivers a finding that the person against whom the allegations of Disclosable Matters were made has engaged in conduct constituting a Disclosable Matter, the Executive Director will determine the appropriate response and the actions to be taken. The response and actions might include addressing any unacceptable conduct, including disciplinary action (as detailed in the ACPCC’s Disciplinary Policy and Procedure), taking remedial action required to prevent any future occurrences of the same or similar Disclosable Matters and taking or implementing any other reasonable action considered appropriate. If the Executive Director is the subject of an investigation or allegation, only the Chairman of the Board of Directors will receive the Investigation Report and will determine the appropriate corrective measures and actions.

Where issues of discipline arise, the response will be in line with the ACPCC’s Disciplinary Policy and Procedure (Corp HR-PP-47). Where allegations of unacceptable conduct made against another person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

***6.10.5 No Right of Review***

A decision made by the WPO, the Director Corporate Services, the Executive Director or any other decision maker under this Policy is final and there is no review process under this policy. The Eligible Whistleblower, the person whose conduct was investigated and any other person whose interests may be affected by a decision made under this Policy has no right to seek a review of that decision under this Policy.

## ATTACHMENTS

Nil.

## REFERENCES

* Corp-HR-PP-2 Grievance and Dispute Resolution Policy
* Corp-HR-PP-15 Grievance and Dispute Resolution Procedure
* Corp HR-PP-47 Disciplinary Policy and Procedure
* AS 8004–2003 Whistleblower Protection Programs for Entities
* AS 8001–2008 Fraud and Corruption Control.
* External independent whistleblower investigation service - <https://www.stopline.com.au/>

Application of this Policy will also be used for any Protected Disclosures in accordance with the *Corporations Act 2001*, Part 9.4AAA (Protection for Whistleblowers).