

# WHISTLEBLOWER POLICY

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## POLICY STATEMENT

Kath Dickson Family Centre Limited committed to the highest standards of conduct and ethical behaviour and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance. We encourage reporting of wrongdoing that is of legitimate concern.

## RATIONALE

This Policy applies to all Kath Dickson Family Centre Limited services regardless of entity name or type. It encompasses all Directors and personnel including executives, managers, staff, contractors, consultants, volunteers and interns. It extends to clients and suppliers.

## DEFINITIONS

**Eligible Recipient** - a nominated person who can receive a disclosure. Disclosure must be made directly to an eligible recipient for the discloser to be able to qualify for protection as a whistleblower under the Corporations Act. These include:

- a) an officer or senior manager of the entity or related body corporate;
- b) the internal or external auditor (including a member of an audit team conducting an audit) or actuary of the entity or related body corporate;
- c) a person authorised by the entity to receive disclosures that may qualify for protection
- d) legal practitioners, regulatory bodies (in the case of Public Interest Disclosure)
- e) journalists, members of parliament (in the case of Emergency Disclosure)

**Emergency Disclosure** - the disclosure of information to a journalist or parliamentarian, where:

- a) the discloser has previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation
- b) the discloser 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
- c) before making the emergency disclosure, the discloser has given written notice to the body to which the previous disclosure was made that:
- d) includes sufficient information to identify the previous disclosure; and
- e) states that the discloser intends to make an emergency disclosure; and
- f) 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 danger.

**Public Interest Disclosure** - the disclosure of information to a journalist or a parliamentarian, where:

- a) at least 90 days have passed since the discloser made the disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation
- b) the discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure
- c) the discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest; and
- d) before making the public interest disclosure, the discloser has given written notice to the body to which the previous disclosure was made that:
  - I. includes sufficient information to identify the previous disclosure; and
  - II. states that the discloser intends to make a public interest disclosure

**Whistleblower** – a person with inside knowledge of an organisation who reports misconduct or dishonest or illegal activity that may have occurred within that organisation.

**Wrongdoing** - Conduct that includes but is not limited to:

- Breaches legislation, regulations or local government by-laws or is otherwise illegal (including whistleblower laws, corporations law, theft, drug sale/use, violence or threatened violence or criminal damage against property)
- Is an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more
- Is corrupt or is an abuse of public trust or position as a public official
- Is dishonest or fraudulent
- Perverts the course of justice
- Unreasonably endangers health and safety or the environment
- Is maladministration (e.g. unjust, based on improper motives, is unreasonable, oppressive or negligent)
- Is serious or substantial waste (including public money or public property)
- Is gross mismanagement or repeated breaches of administrative procedures
- Has financial or non-financial loss detrimental to the interests of Kath Dickson Family Centre Limited
- Is an unethical breach of the Code of Conduct
- Is serious improper conduct or an improper state of affairs

## MAKING A DISCLOSURE

In order to qualify for protection as a whistleblower under the Corporations Act, disclosure must be made directly to an Eligible Recipient. Disclosures will be handled confidentially, where practical and appropriate. Each disclosure will be assessed and may be investigated. The object of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported. The investigation will be objective, fair and independent.

Kath Dickson Family Centre Limited has nominated the Chief Executive Officer, Board Chair, Company Secretary, and the Board Treasurer as Eligible Recipients. If more information is required before making a disclosure, contact your manager, Chief Financial Officer, or Chief Executive Officer.

In making disclosures under this policy, employees and stakeholders must act in good faith on a genuine belief that there has been wrongdoing, and not for any malicious purpose. Employees and stakeholders disclosing wrongdoing will be protected and the investigation will be conducted in accordance with the principles of fairness and natural justice. Where it is determined that a disclosure has been made by an employee falsely, or for a malicious purpose, Kath Dickson Family Centre Limited reserves the right to take disciplinary action against the disclosing employee, up to and including termination of employment.

## CONFIDENTIALITY

Disclosure may be made anonymously but, ideally, will allow for an investigator to contact the discloser again for any follow up action. A discloser may use a pseudonym, as well as an anonymised email address and/or phone number.

In order to protect the confidentiality of the discloser, Kath Dickson Family Centre Limited will:

- Redact all personal information or reference to the discloser witnessing an event
- refer to the discloser in a gender-neutral context
- where possible, contact the discloser to help identify certain aspects of their disclosure that could inadvertently identify them; and
- designate qualified staff to handle and investigate disclosures

Kath Dickson Family Centre Limited will maintain secure record-keeping and information-sharing processes by:

- securely storing all paper and electronic documents and other materials relating to disclosures
- limiting access to all information relating to a disclosure to those directly involved in managing and investigating the disclosure
- restricting the number of people who will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser to those who are directly involved in handling and investigating a disclosure
- not sending communications and documents relating to the investigation of a disclosure to an email address or to a printer that can be accessed by other staff; and
- training each person who is involved in handling and investigating a disclosure about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence.

A person can disclose the information contained in a disclosure with or without the discloser's consent if:

- the information does not include the discloser's identity;
- the entity has taken all reasonable steps to reduce the risk that the discloser will be identified from the information; and
- it is reasonably necessary for investigating the issues raised in the disclosure.

It is illegal for a person to identify a discloser or disclose information that is likely to lead to the identification of the discloser, outside the exceptions listed above.

## RETALIATION

Kath Dickson Family Centre Limited will not tolerate any retaliatory action or threats of retaliatory action against a Whistleblower, or against a Whistleblower's colleagues, employer (if a contractor, consultant or supplier) or relatives.

For example, a Whistleblower must not be disadvantaged or victimised for having made the report by:

- Dismissal or termination of services or supply
- Demotion
- Discrimination, victimisation or harassment
- Current or future bias
- Threats of any of the above

Any such retaliatory action or victimisation in reprisal for a disclosure made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. In some circumstance it may be illegal; in which case Kath Dickson Family Centre Limited will notify Police.

## INVESTIGATION

All reports of alleged or suspected wrongdoing made under this policy to an Eligible Recipient will be properly assessed, and if appropriate, inquired into or independently investigated - with an objective of gathering evidence relating to the claims made by the Whistleblower. That evidence may substantiate or refute the claims made. Investigations must be conducted in a fair and independent manner.

If an internal investigator determines that there is activity or conduct within Kath Dickson Family Centre Limited which is potentially illegal, the CEO may decide to engage an external investigator.

## DISCLOSURE MANAGEMENT

The discloser will always be informed of the outcome at the conclusion of the investigation. Kath Dickson Family Centre Limited will not tolerate any reprisals against employees or stakeholders who have made a disclosure of any matter under this policy where the discloser has acted in good faith and on a genuine belief or perception of wrongdoing and on reasonable grounds.

Kath Dickson Family Centre Limited will act in the best interests of a discloser to protect them from any victimisation, adverse reaction or intimidation and commits to ensure confidentiality (to the extent permitted by law) and fairness in all matters raised under this policy. Kath Dickson Family Centre Limited may refer a discloser to counselling, or other support, if required. Whistleblowers may also seek additional support through the employee assistance program.

In the event of a drawn-out investigation, the investigator will notify the discloser and provide a status update or an indication that the investigation is ongoing. At the conclusion of the investigation, the discloser will be notified of the outcome and, if appropriate, any remedial action taken.

## FAILURE TO COMPLY

Any breach of this Policy may result in disciplinary action that could result in severance from the organisation.

## DOCUMENT HISTORY

Policy Reviewed	Modifications	Next Review Date
February 2020	New Procedure	February 2021

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