

Whistleblower Policy



www.awardsvic.org.au

1. INTRODUCTION

- 1.1 Awards Victoria is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.
- 1.2 Awards Victoria recognises the value of transparency and accountability in its administrative and management practices.
- 1.3 This Policy is designed to comply with Awards Victoria's legal obligations, including its obligation to protect whistleblowers under the *Corporations Act 2001 (Cth)*. If anything in this Policy is inconsistent with any law imposed on Awards Victoria, that legal obligation will prevail over this Policy.
- 1.4 Key terms used in this Policy:
 - a) "Whistleblowing" refers to the act of raising concerns about suspected or actual Reportable Conduct to an Eligible Recipient
 - b) "Reportable Conduct" is any suspected or actual misconduct or an improper state of affairs or circumstances has occurred or is occurring within or against Awards Victoria that is described in section 4.2
 - c) a "Whistleblower" is a person described in section 3 who discloses or attempts to disclose Reportable Conduct to an Eligible Recipient under this Policy
 - d) an Eligible Recipient is one of the Awards Victoria or external contacts described in section 4.5 to whom a Whistleblower may make a Whistleblower Report

2. PURPOSE

The purpose of this Policy is to:

- a) help to deter wrongdoing within Awards Victoria;
- b) encourage the disclosure of any wrongdoing that does occur;
- c) ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- d) ensure that disclosures are dealt with appropriately and in a timely way;
- e) provide transparency around our framework for receiving, handling and investigating disclosures;
- f) support our values and Code of Conduct;
- g) support our long term sustainability and reputation; and
- h) meet our legal and regulatory obligations, including our obligation to protect whistleblowers under the Corporations Act 2001 (Cth).

3. PEOPLE WHO THIS POLICY APPLIES TO

This Policy applies to:

- a) all current and former Awards Victoria directors, officers, employees, contractors and volunteers of Awards Victoria;
- b) suppliers of goods or services to Awards Victoria (whether paid or unpaid), including their current and former employees, contractors, consultants, service providers and business partners;
- c) any associates of Awards Victoria such as Duke of Ed Award Centres, AOAs, NAO, IAF as well as Compass Licenced Operators; and
- d) any relative, dependent or spouse of an individual referred to in paragraphs a) to c) above.

All of the people listed above are referred to as "Workers" in this Policy.



4. MAKING A DISCLOSURE OF REPORTABLE CONDUCT

4.1 Who can make a disclosure?

Any person described in section 3 of this Policy, may make a disclosure of information that they have reasonable grounds to suspect is Reportable Conduct under this Policy, either anonymously or not, to the Eligible Recipients identified in section 4.

4.2 What is Reportable Conduct?

4.2.1 "Reportable Conduct" is conduct of an Awards Victoria director, manager, employee, contractor, volunteer, supplier (or any of their directors, managers, employees and contractors) or other person who has business dealings with Awards Victoria which is of a sufficiently serious nature to constitute:

- a) misconduct, or an improper state of affairs, in relation to Awards Victoria or the tax affairs of Awards Victoria;
- b) an offence against, or contravention of, a provision of any of the following: the Corporations Act 2001; the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2018; the Australian Securities and Investments Commission Act 2001; the Banking Act 1959; the Financial Sector (Collection of Data) Act 2001; the Insurance Act 1973; the Life Insurance Act 1995; the National Consumer Credit Protection Act 2009; the Superannuation Industry (Supervision) Act 1993; or an instrument made under any of the Acts referred to in this paragraph;
- c) an offence against any other Commonwealth law that is punishable by imprisonment for 12 months or more;
- d) a danger to the public or the financial system; or
- e) is prescribed by regulation.

4.2.2 Examples of Reportable Conduct include:

- a) Illegal conduct, such as theft, dealing in or use of illegal drugs, violence or threatened violence and damage against property;
- b) Fraud, money laundering or misappropriation of funds;
- c) Offering or accepting a bribe or other corrupt conduct;
- d) financial irregularities;
- e) failure to comply with a legal or regulatory obligation;
- f) engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure; and
- g) unethical or other serious improper conduct that could warrant serious disciplinary or other consequences if proven, including breaches of the Awards Victoria Code of Conduct or other policies (other than workplace grievances described in sections 4.3.3 and 4.3.4).

4.3 What is not Reportable Conduct?

4.3.1 While all people protected under this Policy are encouraged to speak up and disclose any concerns to Awards Victoria, only disclosures about Reportable Conduct are protected under this Policy or by the whistleblower protections under the Corporations Act 2001 (Cth).

4.3.2 This Policy does not apply to:

- a) complaints made by people protected under this Policy about services;
- b) personal work-related grievances (see below), unless the grievance includes victimisation due to whistleblowing;
- c) disclosures which are trivial or vexatious in nature; or
- d) unsubstantiated allegations which are found to have been made maliciously or when they are known to be false.



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

- a) have significant implications for Awards Victoria; or
- b) relate to any conduct or alleged conduct that is Reportable Conduct.

4.3.4 Personal work-related grievances could include grievances such as:

- a) interpersonal conflicts between the discloser and another Worker;
- b) a decision that does not involve a breach of workplace law;
- c) a decision about the engagement or promotion of the discloser;
- d) a decision about the terms of engagement of the discloser; or
- e) a decision to suspend or terminate the engagement of the discloser or otherwise discipline them.

Any concerns about these matters should be raised using Award Victoria's Grievance and Dispute Resolution Policy.

4.4 **What information do I need to make a Whistleblower Report?**

4.4.1 Before making a Whistleblower Report, you should consider whether the complaint could be appropriately handled by raising it with your manager or another senior leader within Awards Victoria. Making a Whistleblower Report is a serious step that should not be taken lightly and should generally only be made after you have tried to address your concern through ordinary reporting channels.

4.4.2 To make a Whistleblower Report you must know or have reasonable grounds to suspect the Reportable Conduct has occurred.

4.4.3 For a Whistleblower Report to be investigated, it must contain enough information to enable the person considering it 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 disclosure such as the:

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

4.4.4 In your Whistleblower Report, it is also helpful to include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

4.5 **Who can I make a Whistleblower Report to?**

4.5.1 Awards Victoria encourages Workers to make Whistleblower Reports under this Policy to any of the Awards Victoria Eligible Recipients listed below in the first instance as we would like to identify and address wrongdoing as early as possible:

- a) the CEO on [03 8412 9333] (or if the Reportable Conduct relates to the CEO), to the Chair of the Board of Awards Victoria as listed in the Awards Victoria contact list.
- b) the Chair of the Awards Victoria Board's Governance Sub-Committee as listed in the Awards Victoria contact list, or
- c) Awards Victoria's external auditor, or a member of the audit team on [03 9894 2500].

4.5.2 In addition, a Whistleblower Report may also be made to one of the external Eligible Recipients listed below:

- a) to the Australian Securities and Investments Commission (ASIC) at www.asic.gov.au, the Australian Prudential Regulation Authority (APRA) on 1300 558 849 or another Commonwealth regulatory body prescribed in legislation;



- b) to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower protections in the Corporations Act; or
- c) that qualifies as an emergency or public interest disclosure under the Corporations Act. 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.

4.5.3 Whistleblower reports made to either an Awards Victoria or external Eligible Recipient will qualify for the whistleblower protections contained in the Corporations Act.

4.5.4 To ensure due process, Awards Victoria requires that a Whistleblower not discuss the details of their Whistleblower Report with any person, except with Eligible Recipients, authorised whistleblower investigators or as required by law.

5. CONFIDENTIALITY AND PROTECTION

5.1 How will Awards Victoria protect my identity and confidentiality?

5.1.1 You can choose to remain anonymous while making a Whistleblower Report, over the course of the investigation and after the investigation is finalised. Awards Victoria will do all it can to protect the identity of anonymous Whistleblowers. Anonymous Whistleblower Reports are also protected under the Corporations Act.

5.1.2 However, if you feel able to, we encourage you to disclose your identity when making a Whistleblower Report under this Policy. This will assist us to address your concerns. For example, the context in which you may have observed Reportable Conduct is likely to be useful information and we may seek further information from you to assist an investigation. If you choose not to disclose your identity, the investigation will be conducted as well as possible in the circumstances and you will still be protected under this Policy however please be aware that an investigation may not be possible unless enough information is provided in your Whistleblower Report and it may be difficult for us to offer practical support if we do not know your identity.

5.1.3 If you choose to disclose your identity, your identity (and any information we have because of your disclosure that someone could use to work out your identity) will be treated confidentially to the fullest extent possible in connection with the investigation.

5.1.4 Awards Victoria will take measures to protect the confidentiality of your identity including by:

- a) redacting your personal information;
- b) referring to you in a gender-neutral context;
- c) storing all information about your Whistleblower Report confidentially and securely;
- d) ensuring that all information relating to a disclosure is limited to those directly involved in managing and investigating the disclosure; and
- e) only allowing suitably qualified staff or independent investigators to investigate your concerns.

5.1.5 It is illegal for a person to identify a Whistleblower, or disclose information that is likely to lead to the identification of the Whistleblower unless the person discloses the identity of the discloser:

- a) to ASIC, APRA or a member of the Australian Federal Police;
- b) to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower protections in the Corporations Act;
- c) to a person prescribed by regulation; or
- d) with the consent of the discloser.

5.1.6 If you feel that your confidentiality has been breached, you can lodge a complaint with Awards Victoria or any of the external Eligible Recipients listed in section 4 of this Policy. Awards Victoria may also take disciplinary action against individuals that breach the confidentiality of a Whistleblower, including summary dismissal.



5.2 How will I be protected if I make a Whistleblower Report?

- 5.2.1 Awards Victoria is committed to protecting and respecting the rights of people who make Whistleblower Reports under this Policy.
- 5.2.2 If you have reasonable grounds to suspect Reportable Conduct, and you are acting honestly and ethically, Awards Victoria will support and protect you and anyone else assisting in the investigation of your Whistleblower Report even if it turns out your concerns are mistaken.
- 5.2.3 Awards Victoria will not tolerate any detriment being inflicted on you because you or somebody else has made, or might make, a Whistleblower Report. Examples of a detriment include:
- a) retaliation, dismissal, suspension, demotion, or termination of your role;
 - b) bullying, harassment, threats or intimidation;
 - c) discrimination, being 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;
 - f) revealing your identity as a Whistleblower without your consent or contrary to law; or
 - g) any person threatening to carry out any of the above actions.

This protection also applies to individuals conducting, assisting or participating in an investigation.

- 5.2.4 Anyone found to have engaged in detrimental conduct may also be subject to serious consequences, will be disciplined and may be dismissed or subject to criminal or civil penalties.
- 5.2.5 If you believe you have suffered a detriment in violation of this Policy, we encourage you to disclose this immediately to an Awards Victoria or external Eligible Recipient listed in this Policy. Your concerns about being disadvantaged will be treated as a Whistleblower Report under this Policy.
- 5.2.6 Anyone found to be discouraging another individual from speaking up or making a Whistleblower Report under this policy or victimising or disadvantaging them for making such a disclosure will be disciplined and may be dismissed or subject to criminal or civil penalties.
- 5.2.7 You may be entitled to compensation and other remedies through the courts if you suffer loss, damage or injury because of a disclosure and Awards Victoria failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.
- 5.2.8 You are protected from civil, criminal or administrative legal action in relation to your Whistleblower Report but this protection does not grant immunity in relation to any misconduct you may have engaged in which is revealed in your disclosure.
- 5.3 **How will Awards Victoria ensure that Workers referred to in a Whistleblower Report are treated fairly?**

Awards Victoria will ensure fair treatment of Workers mentioned in a disclosure by:

- a) ensuring that disclosures are handled confidentially, when it is practical and appropriate in the circumstances;
- b) when an investigation needs to be undertaken, the process will be objective, fair and independent; and
- c) ensuring that the Worker referred to in the disclosure is advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and prior to any actions being taken.



5.4 **False reports or disclosures**

In order to be protected under this Policy, a Whistleblower Report must be made on reasonable grounds. Awards Victoria will treat the making of a false, malicious or vexatious Whistleblower Report as serious misconduct and the individual making the disclosure may be subject to disciplinary action, including dismissal. The disciplinary action taken will depend on the severity, nature and circumstances of the false disclosure.

6. **HANDLING AND INVESTIGATING A WHISTLEBLOWER REPORT**

6.1 Upon receiving a Whistleblower Report, Awards Victoria will use its best endeavours to assess the disclosure within 14 days to determine whether:

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

6.2 Awards Victoria will handle and investigate Whistleblower Reports in accordance with the Whistleblower Investigation Procedure as prescribes in section 7.

7. **WHISTLEBLOWER INVESTIGATION PROCEDURE**

7.1 **Investigations must comply with principles of procedural fairness**

7.1.1 A Whistleblower Report that qualifies for protection will be the subject of an investigation with the objective of locating evidence that either substantiates or refutes the Whistleblower's claims.

7.1.2 The appointed investigator will be required to:

- a) Take all reasonable steps to ensure that the investigation is fair and unbiased and that the rules of procedural fairness are applied;
- b) Carry out the investigation consistently with this Policy and any other requirements of Awards Victoria;
- c) Carry out the investigation as soon as practical, taking into account the nature of the disclosure.'
- d) Prepare a report of the investigation which summarises the conduct of the investigation and the evidence collected, draws conclusions about the occurrence and extent of any serious misconduct and recommends any actions to remedy the serious misconduct to prevent it recurring; and
- e) Provide a report to the CEO of Awards Victoria, or if the Whistleblower Report relates to conduct of the CEO, to the Chair of the Board of Awards Victoria.

7.1.3 An appointed investigator may not be able to investigate a Whistleblower Report if they are unable to contact the Whistleblower.

7.2 **Feedback during investigations**

7.2.1 If the Whistleblower Report is made to an Awards Victoria Eligible Recipient, the Eligible Recipient will provide regular and timely feedback on the status of an investigation and the outcome of the investigation to the Whistleblower. However, there may be circumstances where it is not appropriate to provide details of the findings/outcome of an investigation to the Whistleblower.

7.2.2 The investigator will provide regular and timely feedback to Workers directly affected by a disclosure of Reportable Conduct, where this is appropriate.

7.2.3 An investigator may recommend to Awards Victoria that an investigation not continue if the Whistleblower is not co-operating with the investigation or is causing undue or prejudicial delay to the investigation.



8. REMEDIAL ACTION

8.1 Awards Victoria will undertake any remedial action required by the findings of a Whistleblower investigation such as:

- a) Changing policies and procedures;
- b) Introducing new policies and procedures;
- c) Reporting to relevant regulatory or investigating authorities; and
- d) Taking appropriate disciplinary or other action against Workers.

8.2 Remedial action will be taken as appropriate after or during the investigation.

8.3 In the event of a breach of the confidentiality and/or victimisation protections in this Policy, a Whistleblower (or another Worker) may seek compensation or other remedies if they suffer loss or injury because of the breach. Any Worker who considers there has been a breach of this Policy, or thinks they have been victimised or suffered a loss, is encouraged to report this to an Eligible Recipient contact and/or seek independent advice (including from ASIC or APRA).

9. MONITORING AND ASSURANCE

9.1 This Policy will be distributed and available to all Workers via the Awards Victoria intranet and in all commencement packs. A copy of this Policy will also be made available to Awards Victoria's auditors and published on the Awards Victoria external website.

9.2 To ensure effective protection under the Policy, the Board will monitor and review this Policy at least every two years or from time to time as necessitated by changes to legislation or regulation affecting this policy.

10. RELATED DOCUMENTS

- Code of Conduct
- Child Safety Policy
- Grievance and Dispute Resolution Policy
- Equal Opportunity Policy
- Drug & Alcohol Policy
- Bullying, Sexual Misconduct, Discrimination & Harassment Policy

11. LEGISLATION & INDUSTRIAL INSTRUMENTS

- Banking Act 1959
- 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
- The Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019
- Treasury Laws Amendment (Strengthening Corporate and Financial Sector Penalties) Act 2019 (Cth)

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