

WHISTLEBLOWER POLICY

Policy number	GEN119	Version	1.0
Drafted by	Secretary	Approved by Committee on	09/02/2022
Responsible person	Chairperson	Scheduled review date	Jan-2024

1. INTRODUCTION

- 1.1 Goonawarra Neighbourhood House Inc. is committed to fostering a culture of legal, ethical, and moral behaviour and exemplary corporate governance.
- 1.2 Goonawarra Neighbourhood House Inc. recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct.
- 1.3 This Whistleblower Policy and Procedure has been developed so that people can raise concerns regarding situations where they believe that Goonawarra Neighbourhood House Inc. or anybody connected with Goonawarra Neighbourhood House Inc. has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt, or other inappropriate conduct, as set out below.

2. PURPOSE

- 2.1 This Policy aims to:
 - a) Encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct
 - b) Provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation
 - c) Enable Goonawarra Neighbourhood House Inc. to deal with reports from a whistleblower in a way that will protect the identity of the whistleblower and provide for secure storage of the information
 - d) Ensure that any Reportable Conduct is identified and dealt with appropriately
 - e) Ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported, and
 - f) Help to ensure that Goonawarra Neighbourhood House Inc. maintains the highest standards of ethical behaviour and integrity.



3. SCOPE

3.1 This policy applies to All Employees, Directors, Public Officers, Volunteers, Suppliers and Contractors of Goonawarra Neighbourhood House Inc.

Within this policy, all these people are represented by the term “**Employees & Associates**”.

3.2 Although they are under no obligation to do so, any associate, family member or dependant of any person in the above groups of people may also speak up. If they do choose to speak up in line with this Policy, we will extend to them the relevant rights and protections under this Policy.

4. PRINCIPLES

4.1 **Higher standard** – This Policy is designed to comply with Goonawarra Neighbourhood House Inc. legal obligations. If anything in this Policy is inconsistent with any law imposed on Goonawarra Neighbourhood House Inc., that legal obligation or the “higher standard” will prevail over this Policy.

4.2 **Speak up and report it!** – We encourage Employees & Associates at Goonawarra Neighbourhood House Inc. to report any concerns in line with our policies and procedures.

4.3 **Our expectations of Employees & Associates** – Goonawarra Neighbourhood House Inc. expects Employees & Associates to act honestly and ethically, and to make any report on reasonable grounds.

4.4 **Our responsibility to Whistleblower** – Our obligations to Employees & Associates are outlined in this policy in section 6 ‘Protection’.

4.5 **Confidentiality and consent** - Goonawarra Neighbourhood House Inc. will maintain the confidentiality of all reports and fully protect the identity of reporters possible. While Goonawarra Neighbourhood House Inc. encourages Whistleblower to identify themselves to the Secretary of Goonawarra Neighbourhood House Inc., you may opt to report your concerns anonymously.

5. REPORTABLE CONDUCT

5.1 **Who can make a report?**

5.1.1 A Whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with and wishes to avail themselves of protection against reprisal for having made the report.

- 5.1.2 A Whistleblower may be a current or former Employee, Director, Supplier, Volunteer or Public Officer of Goonawarra Neighbourhood House Inc.

5.2 What is Reportable Conduct?

- 5.2.1 A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct or an improper situation or circumstances concerning:
- Goonawarra Neighbourhood House Inc.; or
 - The Committee of Management for Goonawarra Neighbourhood House Inc.

(Reportable Conduct).

- 5.2.2 Reportable Conduct is any past, present, or likely future activity, behaviour or situation considered to be:
- Dishonest.
 - Corrupt (including soliciting, accepting, or offering a bribe, or facilitating payments or other such benefits).
 - Fraudulent.
 - Illegal (including theft, drug sale or use, violence or threatened violence, or property damage).
 - In breach of regulation, internal policy, or code (such as our Code of Conduct).
 - improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower.
 - A serious impropriety or an improper situation or circumstances.
 - Endangering health or safety.
 - Damaging or substantially risking damage to the environment.
 - Serious mismanagement of Goonawarra Neighbourhood House Inc.'s resources.
 - Detrimental to Goonawarra Neighbourhood House Inc.'s financial position or reputation.
 - Maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives).
 - Wilful concealment of reportable conduct.
- 5.2.3 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.

5.3 What is *not* Reportable Conduct?

- 5.3.1 While everybody is encouraged to speak up and report any concerns to Goonawarra Neighbourhood House Inc., 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 service/clients/users about a service or personal work-related grievances (see



5.3.2, 5.3.3 and 5.3.4) unless the grievance includes victimisation due to whistleblowing. Those matters are dealt with under other policies.

- 5.3.2 Personal work-related grievances are those that relate to the discloser's current or former employment with Goonawarra Neighbourhood House Inc. that might have implications for the discloser personally but do not:
- Have any other significant implications for Goonawarra Neighbourhood House Inc. (Or another entity); or
 - Relate to any conduct or alleged conduct about a disclosable matter (as set out in 5.2.2).
- 5.3.3 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.
- 5.3.4 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.

5.4 What information do I need to make a report?

- 5.4.1 To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct.
- 5.4.2 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:
- Date.
 - Time.
 - Location.
 - Name of person(s) involved.
 - Possible witnesses to the events; and
 - Evidence of the events (e.g., documents, emails).
- 5.4.3 In your report, include any steps, you may have already taken to report the matter elsewhere or to resolve the concern.

5.5 How can I make a report?

- 5.5.1 A report must be made to:
- The Secretary or Chairperson for Goonawarra Neighbourhood House Inc.
 - If the report pertains to members of the Committee of Management, this report should be raised with the Australian Charities & Not-For-Profit Commission.



- 5.5.2 Goonawarra Neighbourhood House Inc. will also protect individuals who have made a report in connection with Goonawarra Neighbourhood House Inc.:
- To the Australian Securities and Investments Commission (**ASIC**) or the Australian Prudential Regulation Authority (**APRA**), Australian Charities & Not-For-Profit Commission (**ACNC**) or another Commonwealth or Victorian regulatory body prescribed in legislation.
 - To a legal practitioner to obtain legal advice or legal representation about whistleblower protections; or
 - 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.
- 5.5.3 While Goonawarra Neighbourhood House Inc. encourages you to identify yourself to the organisations' Secretary you may opt to report your concerns anonymously such as by adopting a pseudonym.

6. PROTECTION

6.1 How will I be protected if I speak up about Reportable Conduct?

- 6.1.1 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, Goonawarra Neighbourhood House Inc. will support and protect you and anyone else assisting in the investigation.
- 6.1.2 Goonawarra Neighbourhood House Inc. 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:
- Retaliation, dismissal, suspension, demotion, or termination of your role.
 - Bullying, harassment, threats, or intimidation.
 - Discrimination, subject to current or future bias, or derogatory treatment.
 - Harm or injury.
 - Damage or threats to your property, business, financial position, or reputation; or
 - Revealing your identity as a Whistleblower without your consent or contrary to law.
 - Threatening to carry out any of the above actions.
- 6.1.3 This protection applies regardless of whether any concerns raised in a report are found to be true if you are acting honestly and ethically and made the report on reasonable grounds.
- 6.1.4 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.



- 6.1.5 Anyone found to be victimising or disadvantaging another individual for disclosing this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties as defined in legislation.
- 6.1.6 If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to the Australian Charities & Not-For-Profit Commission. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.
- 6.1.7 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.
- 6.1.8 You may also be entitled to the following legal protections for making a report:
- Protection from civil, criminal, or administrative legal action.
 - Protection from having to give evidence in legal proceedings; and/or
 - Compensation or other legal remedies.
- 6.2 How will Goonawarra Neighbourhood House Inc. ensure confidentiality?**
- 6.2.1 A discloser can choose to remain anonymous while making a disclosure, throughout the investigation and after the investigation is finalised. Goonawarra Neighbourhood House Inc. will do all it can to protect confidentiality.
- 6.2.2 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 fully treated confidentially as possible in connection with the investigation. Goonawarra Neighbourhood House Inc. 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.
- 6.2.3 You may choose to report your concerns anonymously. However, if you choose to disclose your identity, your details will be fully treated confidentially possible in connection with the investigation, and your identity will not be disclosed unless:
- You consent in writing to the disclosure.
 - The disclosure is made to ASIC, APRA, ACNC or the Australian Federal Police (AFP).
 - The disclosure is made to a Legal Practitioner to obtain advice.
 - The disclosure is authorised under the *Corporations Act 2001* (Cth); and/or
 - Disclosure is necessary to prevent or lessen a threat to a person's health, safety, or welfare.



- 6.2.4 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, marked as restricted materials under GEN104 Confidentiality Policy and access will be limited to authorised Committee of Management members only.
- 6.2.5 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, ACNC or the ATO, for investigation. Goonawarra Neighbourhood House Inc. may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal as outlined in GEN103 Misconduct Policy.

6.3 False reports or disclosures

- 6.3.1 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 as outlined in GEN103 Misconduct Policy
- 6.3.2 The disciplinary action will depend on the severity, nature, and circumstance of the false disclosure.

7. HANDLING AND INVESTIGATING A DISCLOSURE

- 7.1.1 Upon receiving a Protected Disclosure, within 7 days, Goonawarra Neighbourhood House Inc. will endeavour to assess the disclosure to determine whether:
- a) It qualifies for protection; and
 - b) A formal, in-depth investigation is required.
- 7.1.2 Goonawarra Neighbourhood House Inc. will endeavour to provide the discloser with regular updates.
- 7.1.3 Goonawarra Neighbourhood House Inc. may not be able to investigate a disclosure if it is unable to contact the discloser.
- 7.1.4 Goonawarra Neighbourhood House Inc. will handle and investigate Protected Disclosures per the Whistleblowing Procedure below.



8. MONITORING AND ASSURANCE

- 8.1 This Policy will be available to all Employees, Volunteers and Committee Members via Microsoft SharePoint (The Organisation's intranet), with a physical copy available at the organisation registered office.
- 8.2 To ensure effective protection under the Policy, The Committee of Management in conjunction with the House Manager will monitor and review this Policy annually.

9. NOTES

- 9.1 ASIC has announced that public companies that are small not-for-profits or registered charities with annual revenue of less than \$1 million will be exempt from the new requirement.
- 9.2 Even if organisations are exempt from the Corporations Act requirement to adopt a whistleblower policy:

it may still be appropriate to adopt a whistleblower policy:

- a) for registered charities - as part of their implementation of the Australian Charities and Not-for-Profits Commission (ACNC) External Conduct Standards in respect of their overseas operations; and
- b) for all registered charities and not-for-profit organisations - as part of steps taken to protect vulnerable persons and ensure accountability in their general operations.

10. RELATED DOCUMENTS

- GEN101 Anti-Discrimination
- GEN102 Bullying
- GEN103 Misconduct Policy
- GEN104 Confidentiality Policy
- GEN107 Financial Control Policy
- GEN110 Authority to Sign Policy
- GEN111 Equal Opportunity Policy
- GEN113 Reimbursement Policy
- GEN114 Sexual Harassment Policy
- GEN121 Fundraising Policy
- GEN123 Child Protection & Safety Policy
- GEN127 Fraud Control Policy

11. LEGISLATION & INDUSTRIAL INSTRUMENTS

- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Insurance Act 1973 (Cth)
- Life Insurance Act 1995 (Cth)
- Public Interest Disclosure Act 2013 (Cth)
- Superannuation Industry (Supervision) Act 1993(Cth)
- Taxation Administration Act 1953
- Whistleblower Protection Act 2014 (Vic)
- Equal Opportunity Act 2010 (Vic)
- Children Youth & Families Act 2005 (Vic)
- Family Violence Protection Act 2008 (Vic)
- Associations Incorporation Reform Act 2012 (Vic)

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

WHISTLEBLOWING PROCEDURE

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1. RESPONSIBILITIES

- 1.1 **The Whistleblower Program Team (WP Team)**, comprised of the Secretary & Chairperson are responsible for:
- a) Assessment and oversight of whistleblower reports
 - b) Providing advice and support to reporters
 - c) Maintaining a secure and restricted record of all reports made under this Policy and Procedure
 - d) Arranging role-specific training as and when required.
- 1.2 The **Committee of Management** is responsible for ensuring that:
- a) Employees & Associates are made aware of their rights and responsibilities concerning whistleblowing at induction
 - b) Employees & Associates are regularly encouraged to speak up about concerns of Reportable Conduct.
- 1.3 **The Organisation's Secretary** is responsible for:
- a) Receiving whistleblower 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 an external Whistleblowing Investigator where an investigation is deemed appropriate
 - e) Ensuring investigations are conducted per this Policy
 - f) Ensuring any reports involving a Director, Public Officer is reported to the Chairperson of the Committee of Management or where appropriate the Australian Charities & Not-For-Profits Commission.
 - g) Fully updating reporters on progress and details of outcomes possible
 - h) Fully Maintaining possible confidentiality of the identity of and reports received by reporters
 - i) Immediately reporting concerns concerning any detrimental conduct to the Chairperson of the Committee of Management or where appropriate the Australian Charities & Not-For-Profits Commission.
 - 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 an external legislative body, such as **ASIC** or **ACNC**.
- n) Seeking to ensure the integrity of the Whistleblower Program is maintained.

1.4 **External Whistleblower Investigators** are responsible for:

- a) Investigating reports per this Policy and Procedure
- b) Maintaining 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 organisations' Secretary about how to implement the strategy concerning how reported misconduct can be stopped, prevented and/or mitigated in future
- g) Reporting back to the organisations' Secretary on the progress of their investigation 7 days after the report and every 14 days thereafter

1.5 **Employees & Associates** are responsible for reporting misconduct or dishonest or illegal activity that has occurred or is suspected within Goonawarra Neighbourhood House Inc.

2. PROCEDURE

2.1 How do I make a report?

2.1.1 Whistleblowing protections will only apply to reports of Reportable Conduct made per this Policy and Procedure.

2.1.2 Where you have reasonable grounds to suspect that an individual has engaged in Reportable Conduct, you should report the matter to any person authorised by Goonawarra Neighbourhood House Inc. to receive Whistleblower disclosures. Authorised people are:

- a) The Organisations Secretary
- b) The Organisations Chairperson

2.1.3 If you are not comfortable or able to report Reportable Conduct internally, you may report it to ASIC or ACNC.



2.2 How are reports investigated?

- 2.2.1 After receiving your report Goonawarra Neighbourhood House Inc. will:
- a) Assess the report of Reportable Conduct.
 - b) Consider whether there are any conflicts of interest before investigating.
 - c) Determine whether external authorities need to be notified.
 - d) Determine whether and how to investigate; and
 - e) Appoint an External Whistleblowing Investigator if appropriate.
- 2.2.2 If an investigation is deemed necessary, it will be conducted fairly, objectively, and promptly. The investigation process will vary depending on the nature of the Reportable Conduct and the amount of information provided.
- 2.2.3 Any individuals who are accused of misconduct in a report (a Respondent) will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken.
- 2.2.4 Goonawarra Neighbourhood House Inc. may need to speak with a Whistleblower as part of an investigation. If the identity of the Whistleblower is known, Goonawarra Neighbourhood House Inc. will endeavour to keep them informed about the status of an investigation.
- 2.2.5 If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, the individual who reported the Reportable Conduct will be notified at the earliest possible opportunity.

2.3 The outcome of an investigation

- 2.3.1 After the investigation, a report will be prepared to outline:
- a) A finding of all relevant facts.
 - b) A determination as to whether the allegation(s) have been substantiated or otherwise.
 - c) The action that will be taken, may include disciplinary action and dismissal.
- 2.3.2 The disciplinary action will be dependent on the severity, nature, and circumstances of the Reportable Conduct.
- 2.3.3 Where possible and appropriate, having regard to Goonawarra Neighbourhood House Inc. privacy and confidentiality obligations, the Whistleblower will be informed of the outcome of any investigation into their concerns.



AUTHORISATION

A handwritten signature in black ink, appearing to read "Andrew Gould".

Andrew Gould
Chairperson
Goonawarra Neighbourhood House Inc.

Laura Mackey
Deputy Chair
Goonawarra Neighbourhood House Inc.

A handwritten signature in black ink, appearing to read "Lockie Flenley".

Lockie Flenley
Secretary
Goonawarra Neighbourhood House Inc.

K. Plieger

Kate Plieger
Treasurer
Goonawarra Neighbourhood House Inc.