

## Organisational Policy

### Whistleblower Protection Policy

#### Purpose

The purpose of this policy is to demonstrate The Benevolent Society's commitment to high standards of ethical and accountable conduct and encourage a culture of speaking up without fear of reprisal. We acknowledge this policy is aligned to our organisational values of integrity, respect, collaboration, effectiveness and optimism.

#### Scope

This policy applies to former and present Directors, Board Committee members, staff, volunteers and contractors (and their employees) of The Benevolent Society and extends to all the entities that The Benevolent Society owns. This policy also applies to the relatives and dependents of each of these people.

#### Policy Statements

1. The Benevolent Society encourages a culture of speaking up and coming forward if they are aware of, or suspect, a Disclosable Matter. The Board acknowledges that people who report Disclosable Matters are helping to promote integrity, accountability and good management of The Benevolent Society.

"Disclosable Matters" are matters where individuals have reasonable grounds to suspect:

- any misconduct or improper state of affairs or circumstances;
- a suspected breach of certain Commonwealth laws e.g. a breach of the Corporations Act 2001 (Cth), or a breach that constitutes an offence under a Commonwealth law punishable with imprisonment of 12 months or more;
- conduct that represents a danger to the public or financial system.

2. A Disclosable Matter is **not**:

- a. inter-personal disputes between staff;
- b. decisions relating to the engagement, transfer or promotion of staff;
- c. unsafe work practices;
- d. personal grievances including harassment, discrimination or disciplinary matters
- e. unjust or unfair staff behaviour; or
- f. acts of workplace discrimination or bullying,

unless such behaviour reasonably appears to have arisen from a Disclosable Matter.

Such matters, which do not fall within the scope of this policy, will be sent directly to the Executive Director, People, Learning and Engagement.

The Group General Counsel is the designated Whistleblower Protection Officer (**WPO**). A disclosure may be made by calling, writing to or e-mailing the WPO at [whistleblowing@benevolent.org.au](mailto:whistleblowing@benevolent.org.au). When the Group General Counsel is acting in the WPO role, they will refrain from providing legal advice on the matter.

3. A Disclosable Matter may also be made to the:
  - a. Board
  - b. Individual director
  - c. Chief Executive Officer
  - d. Executive Director, or
  - e. TBS external auditor.

Such disclosures will be forwarded to the WPO (which will be the Group General Counsel unless the subject matter of the disclosure is the Group General Counsel, in which case it will be another person appointed by the Board). However, at all times, the whistleblower's identity or information that is likely to identify them will not be disclosed unless their express consent has been sought or otherwise where permitted by law. For example, when TBS seeks legal advice or is disclosing to the federal police.

4. Depending on the severity of the disclosure, the WPO will escalate a disclosure to the CEO and/or Chair (unless the Disclosable Matter relates to the CEO or Chair, as applicable) and they will assess the allegation together.
5. If an investigation is deemed necessary, the WPO will appoint a Whistleblower Investigations Officer (**WIO**) and they will be charged with the responsibility for conducting an investigation in a manner that is confidential, fair and objective.
6. A whistleblower will be kept informed of what action is being taken in response to their report. This includes the progress and the outcome of any investigation. In cases where the WIO has not substantiated the allegations, an appropriate explanation will be made to the whistleblower, subject to any privacy and confidentiality rights. Due regard to the reputation of persons involved as well as procedural fairness will be the cornerstones of such an investigation. To this end, The Benevolent Society is committed to ensuring fair treatment, including protecting the identities and reputation, of whistleblowers and every individual who is subject of a Disclosable Matter.
7. Reports are submitted to the Board on Disclosable Matters.
8. Several protections are available to individuals reporting a Disclosable Matter. Any person who relies on this policy to report a Disclosable Matter will be protected from reprisals of any form, and will not be disadvantaged by dismissal, demotion, harassment, discrimination, current or future bias or face any other detriment, on account of or as a consequence of the report. Other protections at law are:
  - a. Protection from civil, criminal or administrative liability for reporting the Disclosable Matter;
  - b. No enforcement of any contractual or other remedy against the whistleblower on the basis of reporting the Disclosable Matter;
  - c. Compensation or such other orders from the courts where the whistleblower has experienced any detriment or victimising conduct, including threat of such conduct, as a consequence of reporting the Disclosable Matter.

9. False reporting is a serious matter and any person found to be making false or vexatious complaint will be subject of disciplinary proceedings.
10. Training will be provided to staff and managers.
11. This policy will be made available via the TBS intranet policy page and on the TBS website. This policy will be periodically reviewed to check that it is operating effectively and whether any changes are required to the policy.

#### **Responsibilities and policy owner**

- The policy owner is the Group General Counsel.

#### **Consultation and approval**

The amendments made following a change in law. The CEO and Executive Directors and Risk, Quality and Compliance Committee were consulted in the update of this policy. This policy has been approved by the TBS Board.