

## WMR Whistleblower Policy

<b>Policy Number:</b>	RES07	<b>Version Number:</b>	1.0
<b>Date Approved:</b>	1/04/2020	<b>Approved By:</b>	WMR Board
<b>Date For Review:</b>	1/04/2021	<b>Ownership:</b>	SENIOR RESEARCH MANAGER

This Policy must be accessible at all times on WMR's website, as well as provided to employees via training and in induction packages.

### 1. POLICY

Wesley Medical Research (WMR) is committed to fostering a culture of integrity and accountability where our people observe high standards of good governance and ethical behaviour, and feel supported to disclose matters of concern.

WMR recognises that the people who have a work, service or client relationship with WMR or one of our business units or functional areas are often the first to realise there may be something wrong.

This Policy encourages and supports individuals to disclose concerns of suspected wrongdoing including any unethical, illegal, fraudulent or undesirable conduct involving WMR and is committed to protecting the health and safety, dignity and reputation of those persons who make a Disclosure.

### 2. PURPOSE

The purpose of this Policy is to:

- encourage individuals to report matters of concern and feel safe in expressing concerns;
- provide information for individuals in reporting a matter of concern;
- outline the process and protections for Whistleblowers in disclosing suspected wrongdoing;
- outline safeguards for Whistleblowers against reprisal by any person as a result of making a Disclosure, and in protecting an individual's identity; and
- ensure that WMR maintains the highest standards of ethical behaviour and integrity.

### 3. SCOPE

- This Policy applies to any Whistleblower who is an Eligible Person making a Disclosure of Reportable Conduct. Whistleblowers can be current or former WMR Board Members, Directors, officers, employees, students, contractors, suppliers, tenderers or other person, paid or unpaid, who has business dealings with WMR such as contractors, consultants, suppliers and auditors or a relative or dependent of these individuals or their spouse.
- This Policy does not apply to Personal Work-Related grievances and does not replace other reporting structures such as those for child protection, dispute resolution, discrimination or

matters relating to workplace bullying or harassment or contractors and suppliers exercising their contractual rights under their contract.

#### **4. REPORTABLE CONDUCT**

- 4.1. Reportable Conduct includes any conduct in relation to WMR that is dishonest, fraudulent, corrupt, unethical or illegal. This includes activity that is potentially damaging to WMR's interests, both financial and non-financial.

#### **5. WHO CAN RECEIVE A DISCLOSURE OF REPORTABLE CONDUCT**

- 5.1. Reportable conduct must be reported to one of the following Eligible Recipients:
- a. a senior manager of WMR;
  - b. a Board member of WMR;
  - c. a member of an audit team conducting an audit of WMR;
  - d. a Whistleblower Protection Officer with authority to receive protected disclosures;
  - e. the Institute's external Whistleblower service: Charles Sweeney, Cooper Grace Ward Lawyers (charles.sweeney@cgw.com.au);
  - f. a legal practitioner;
  - g. a relevant regulatory body; or
  - h. the authorities responsible for the enforcement of the law in the relevant area.

#### **6. HOW WMR WILL INVESTIGATE A DISCLOSURE**

- 6.1. Investigations of alleged Reportable Conduct will be undertaken within a reasonable timeframe by the Whistleblower Protection Officer (or delegate) in accordance with the WMR Whistleblowing Procedure.
- 6.2. Investigations will be conducted according to the rules of natural justice, and will be carried out independent of the person(s) about whom an allegation has been made.

#### **7. ANONYMOUS REPORTING**

- 7.1. Anonymous Disclosures of Reportable Conduct will be accepted. However, this reporting method places significant limitations on the ability of WMR to undertake a proper and appropriate investigation, gather additional information to assist the investigation or provide feedback on the outcome.
- 7.2. In addition, where a matter is reported anonymously, specific protection mechanisms may not be able to be provided by the Whistleblower Protection Officer.

#### **8. PROTECTIONS FOR WHISTLEBLOWERS**

8.1. In investigating a Disclosure of Reportable Conduct, WMR will ensure that the following protections are in place for Whistleblowers:

8.1.1 **Confidentiality:** all information received will be treated confidentially and sensitively.

The identity or any information which would be likely to identify the Whistleblower will only be shared if:

- a. the Whistleblower has provided consent to share that information; or
- b. the disclosure of confidential information is allowed or required by law (for example, where a Whistleblower makes a Disclosure to a legal practitioner for the purpose of seeking advice on Whistleblower laws or if a regulator requires the information).

During the course of an investigation, if disclosure of information which is likely to identify the Whistleblower is necessary for the purposes of the investigation, all reasonable steps must be taken to reduce the risk that the Whistleblower will be identified as a result of that disclosure.

8.2.1 **Anonymity:** Disclosures may be made anonymously.

8.3.1 **Liability:** subject to clause 8.2, a Whistleblower, with reasonable grounds to suspect Reportable Conduct, will not be subject to civil, contractual, criminal or administrative liability (including disciplinary action) in making a Disclosure.

8.4.1 **Immunity:** subject to clause 8.2, Whistleblowers are not subject to civil or criminal liability for making a Disclosure and the information is not admissible as evidence in criminal proceedings against the discloser.

8.5.1 **Detriment:** conduct which could cause Detriment against a Whistleblower is prohibited. As a result of making a Disclosure, a Whistleblower must not be subject to detrimental treatment.

8.2. This Policy does not provide for immunity to be granted to a person 'blowing the whistle' when they are involved in a wrongdoing or improper conduct themselves. The person's liability for their own conduct is not mitigated by the same person's Disclosure of this conduct, and WMR cannot provide protections for the person from external prosecution.

8.3. If a Whistleblower believes they or their family are or have been subject to Detriment, they should immediately report the matter to the nominated Whistleblower Protection Officer.

## 9. SUPPORT FOR WHISTLEBLOWERS

9.1. Once Reportable Conduct has been disclosed, Whistleblowers will be protected and supported, in accordance with the terms of this Policy and the Whistleblowing Procedure, by an appointed Whistleblower Protection Officer throughout the process.

## 10. ESCALATIONS AVAILABLE TO WHISTLEBLOWERS

- 10.1. In adhering to this Policy, Whistleblowers will not be restricted from disclosing, providing information to or communicating with a government regulator, law enforcement body or agency regarding Reportable Conduct.

## 11. RESPONSIBILITIES AND REQUIREMENTS

- 11.1. **General Manager** is responsible for: ensuring systems and processes are in place to support the Whistleblowing Policy; appointing the Whistleblower Protection Officer; delegating responsibilities for application of this Policy to nominated personnel within WMR
- 11.2. **Whistleblower Protection Officer** is responsible for: providing general advice to anyone seeking information about the Whistleblowing Policy and Procedure prior to making a disclosure; reporting the disclosure to the General Manager and Audit and Risk Committee within two business days; determining whether Disclosure received is Reportable Conduct within two business days; conducting preliminary investigation into a reported matter; seconding the expertise of others to assist in an investigation; seeking the advice of internal or external experts as required; providing a formal report to the General Manager and Audit and Risk Committee at the completion of the investigation; protecting and supporting the Whistleblower and keeping them informed of the progress and outcomes of the investigation subject to considerations of privacy of others involved in the alleged Reportable Conduct.
- 11.3. **Whistleblower** is responsible for: making a Disclosure of Reportable Conduct based on reasonable grounds to suspect that the information being provided is true; cooperating with the investigative process and providing information to assist any investigation into the matter disclosed (unless disclosed anonymously); maintaining confidentiality of any reported matters.
- 11.4. **Senior Leaders/Managers/Supervisors** are responsible for: ensuring staff within their area of control are aware of and understand this Policy, its purpose and intent and supporting the appointed business unit or functional area Whistleblower Protection Officer in performing their role where required.
- 11.5. **Eligible Recipient** is responsible for: ensuring that Disclosure of suspected Reportable Conduct is referred to the Whistleblower Protection Officer within one business day, ensuring protections are maintained in line with this Policy.
- 11.6. **Employees** are responsible for: being aware of and understanding the intent of this Policy; adhering with the requirements of the Policy and 'blowing the whistle' on Reportable Conduct by making a Disclosure to an Eligible Recipient.

## 12. DEFINITIONS

- 12.1. **Detriment:** means the following actual or threatened conduct against a Whistleblower as a result of making a Disclosure:

- a. dismissal from employment or termination of supply or service;
  - b. injury to employment or position or duties altered to a disadvantage;
  - c. unlawful discrimination;
  - d. harassment, bullying or intimidation;
  - e. harm or injury, including psychological harm;
  - f. damage to personal property; or
  - g. reputational, financial or any other damage.
- 12.2. **Disclosure:** means a Disclosure of Reportable Conduct made to an Eligible Recipient in accordance with this Policy.
- 12.3. **Eligible Person:** means an individual who is, or has been, any of the following: current or former WMR Board Members, Directors, officers, employees, students, contractors, suppliers, tenderers or other person, paid or unpaid, who has business dealings with WMR such as contractors, consultants, suppliers and auditors; or relative or dependent of these individuals or their spouse.
- 12.4. **Eligible Recipient:** means a WMR employee (or other external authorities in special circumstances) to whom a Disclosure of Reportable Conduct can be made, as outlined in clause 5.1.
- 12.5. **External Prescribed Body:** means an external authority eligible to receive a Disclosure of Reportable Conduct as prescribed by the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth).
- 12.6. **Personal Work-Related grievance:** are grievances where the information concerns a personal work-related grievance of the discloser and the information concern any matter in relation to the discloser's employment or former employment having (or tending to have) implications for the discloser personally and does not include Reportable Conduct.
- 12.7. **Reportable Conduct:** means any activity in relation to WMR where there are reasonable grounds to suspect the conduct:
- a. is dishonest, fraudulent or corrupt;
  - b. is illegal, such as theft, drug sale or use, violence, harassment, criminal damage to property or other breaches of legislation;
  - c. is unethical, misleading or deceptive in any way such as acting dishonestly, altering company records; wilfully making false entries in the books and records;
  - d. engaging in questionable accounting practices; or wilfully breaching WMR policies;
  - e. is potentially damaging to WMR such as maladministration or substantial waste of resources;
  - f. is a danger, or represents a danger, to the public or a WMR person such as deliberate unsafe work practices, or wilful disregard to the safety or others in the workplace; or
  - g. may cause serious financial or non-financial loss; or damage WMR's reputation, or be otherwise seriously contrary to WMR's interests.
- 12.8. **Whistleblower:** means an Eligible Person who makes a Disclosure of Reportable Conduct in the manner described in this Policy.

12.9. **Whistleblowing or 'blow the whistle'**: the term used to describe making a Disclosure, whether anonymous or otherwise, of alleged Reportable Conduct in accordance with this Policy.

12.10. **Whistleblower Protection Officer**: a designated WMR representative (director, manager, employee or contractor of WMR) who has responsibility for protecting a Whistleblower within the intent of this Policy.

### 13. CONTEXT AND REFERENCES

13.1. Corporations Act 2001 (Cth).

13.2. Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth).

13.3. Standards Australia AS 8001 – 2008, Fraud and Corruption Control.

13.4. Standards Australia AS 8004 – 2003, Whistleblower Protection Programs for Entities.

### 14. RELATED DOCUMENTS

14.1. WMR Whistleblowing Procedure RES07A

14.2. WMR Research Governance Policy RES01

14.3. WMR Research Misconduct Policy RES06

14.4. WMR Research Misconduct Procedure RES06A

14.5. UnitingCare Disciplinary and Performance Management Procedure V1

14.6. UnitingCare Health Grievance Resolution and Management Policy V7