



# Whistleblower Policy

Revision 1 – Date – August 2018

Australian Wildlife Conservancy

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## 1. Overview

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Australian Wildlife Conservancy (**AWC**) is committed to ensuring that everyone working with AWC:

- is empowered and encouraged to make a complaint about suspected or actual misconduct, illegal or dangerous activity relating to AWC; and
- may elect to do so anonymously, with protections from victimisation or unfair reprisals.

Where the protections under this policy are applied, the person making the complaint is known as a “whistleblower”.

As an alternative to making a complaint under this policy, a person may elect to make a complaint under AWC’s Grievance Handling Procedure. Together, these policies aim to promote and facilitate a culture of honesty, fairness and integrity where everyone working with AWC feels confident and comfortable about reporting wrongdoing.

The Board of AWC has established the Conduct Standards Committee (**Committee**) which, together with the Chair of the Board, has oversight for ensuring that appropriate whistleblower policies and processes are in place, and that individuals have reporting options to raise concerns and make complaints.

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## 2. Key elements of this policy

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The key elements of this Whistleblower Policy are:

- **Options for reporting** – Whistleblower reports can be made to any of the following: AWC’s Human Resources Manager, the Chief Executive, the Chair of the Committee, the Chair of the Board, or the Whistleblower Hotline.
- **Impartiality** – Complaints made in good faith will be investigated in a manner that is fair and impartial to the parties involved.
- **No victimisation** – We do not tolerate victimisation or retaliation by anyone working with AWC.
- **Confidentiality** – Where requested, complaints will be treated confidentially, subject to any legal reporting obligations, and you may choose to remain anonymous.

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## 3. Application

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This policy applies to everyone who performs work at AWC or is engaged by AWC in an AWC approved activity, including directors, employees, contractors, consultants, interns, volunteers, students and other researchers.

The ability to make a complaint under this policy also applies to:

- anyone who has performed work at AWC or been engaged in an AWC approved activity in the five years prior to the complaint; and
- partners or immediate family members of those who are working with, or have previously worked with AWC, who are entitled to make complaints under the policy.

The whistleblower protections under this policy apply to the person who is making the complaint. In addition, where complaints are made by partners or immediate family members on behalf of someone who is or was working with AWC, the protections also apply to the person who is or was working with AWC.

Whistleblower complaints must be made in accordance with this policy for the protections under this policy to apply.

This policy does not form part of any contract and may be reviewed and updated by AWC as required. The most recent version of this policy will be made available to all those on site as part of their induction to site. The policy will be located on the AWC Intranet and in hard copy at AWC workplaces.

In this policy, any reference to 'ensure' means to ensure so far as is reasonably practicable.

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## 4. Matters about which a complaint may be made

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A whistleblower may make a complaint in relation to any suspected or actual activities that AWC or anyone working with AWC is involved in, that may:

- constitute misconduct, including any suspected or actual breaches of AWC's Code of Conduct, Harassment, Bullying and Discrimination Policy, or Equal Employment Opportunity Policy;
- constitute unethical conduct, or other conduct that may damage the reputation of AWC in breach of AWC's Code of Conduct;
- involve a criminal offence or a breach the Corporations Act; and/or
- represent a danger to people or the environment.

For example, a whistleblowing complaint may relate to:

- fraud, theft, drug trafficking or use, and other illegal activities;
- misuse or appropriation of AWC funds, property or data;
- fabrication, fraudulent reporting or unethical representation of data;
- unlawful harassment, bullying, discrimination or victimisation in breach of AWC's Harassment, Bullying and Discrimination Policy or AWC's Equal Employment Opportunity Policy;
- unsafe work practices, or conduct that may result in environmental damage;

- victimisation or retributive acts including after a whistleblower makes a complaint under this policy; or
- mistreatment or actions that display a serious level of disrespect towards others.

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## 5. Conduct Standards Committee

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The Committee will have oversight for ensuring that appropriate policies and processes are in place so that whistleblower complaints can be properly addressed, and individuals have reporting options to raise concerns and make complaints.

Where complaints are made directly to the Chair of the Committee, the Chair will determine the best way for the matter to be handled, which may include investigation by members of the Committee, or referral to the Human Resources Manager, the Chief Executive, the Chair of the Board, or an external investigator.

The Committee will report to the Chair of the Board, and the Chair of the Board will decide if the matter is further referred to the Board generally, having regard to the nature of the matter, the parties involved and confidentiality considerations. If the complaint involves the Chair of the Board, the Committee will report to the Board in the absence of the Chair of the Board.

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## 6. Whistleblower Hotline

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AWC has entered into an arrangement with Stoptline to provide an external hotline available to all employees (**Whistleblower Hotline**). This is an independent service provided by Stoptline.

Stoptline can be contacted by:

- Phone – 1300 30 45 50
- Email – [awc@stoptline.com.au](mailto:awc@stoptline.com.au)
- Post – c/- Stoptline, Locked Bag, 8 Hawthorn, VIC 3122
- On-line - <http://awc.stoptlinereport.com/>

Stoptline, in consultation with the person making the complaint, will form a view as to the most appropriate person within AWC to notify of any issues that are raised through the Whistleblower Hotline, which may be the Human Resources Manager, the Chief Executive, the Chair of the Committee, or the Chair of the Board. The person within AWC that is notified will then deal with the complaint in accordance with this policy. Stoptline will generally not be involved in the investigation of the complaint.

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## 7. Process and outcomes

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### 7.1 How to make a complaint

Whistleblower complaints may be made to:

- any of the Human Resources Manager, the Chief Executive, the Chair of the Committee or the Chair of the Board; or
- the Whistleblower Hotline.

Where a complaint is made under this policy, the whistleblower must confirm that they want the Whistleblower Policy to apply to ensure the complaint is dealt with under this policy.

### 7.2 Complaints may be made anonymously

A whistleblower may decide whether or not to make a complaint on an anonymous basis. If a complaint is made anonymously, then the person who receives the report or the Hotline (as applicable), will have no knowledge of the whistleblower's identity and will be unable to contact them to participate in the investigation of the complaint. If they choose to disclose their identity, the investigator is able to contact the whistleblower but will not release the name of the whistleblower without the whistleblower's permission unless required to do so by law.

### 7.3 Investigation

Investigation into complaints made under the policy will be allocated to an appropriate investigator or investigators, either within AWC management, within the Committee, or by appointing an external investigator (depending on the nature of the complaint). Any investigator who is a member of management or the Committee may seek external assistance.

### 7.4 Conducting the investigation

In most cases, the investigator will progress the matter by interviewing relevant witnesses and the person the complaint relates to. Sometimes this will not be possible or appropriate, and the relevant investigator will complete the investigation on limited material available to them.

The investigator may seek expert third-party advice where necessary or desirable for the investigation of a whistleblower complaint.

Where the whistleblower has revealed their identity, the investigator may notify any witness (including the person the complaint relates to) of the whistleblower's identity where it is considered necessary for the purpose of the investigation and with the whistleblower's permission. The investigator will advise all witnesses of their obligations under this policy (see sections 8 and 9 below) in specific terms before commencing any interview.

Where appropriate, a person may be relocated or put on special leave while a complaint is being investigated. This does not indicate any pre-judgement of the

outcome and may be done for operational, safety or other reasons associated with the reasonable conduct of the investigation.

Complaints made in good faith will be investigated in a manner that is fair and impartial to the parties involved.

## 7.5 Completing the investigation

The investigator will complete the investigation, make factual findings in respect of the complaint and report to the person reviewing the complaint. Serious matters may be referred to other members of AWC management, the Committee or the Board, as appropriate, and subject to confidentiality considerations.

Once the investigation has been completed, the whistleblower will be advised of the findings, along with the likely outcome, subject to privacy considerations. The person responsible for determining the outcome of the investigation is responsible for ensuring it is implemented, and will monitor the effectiveness of the outcome.

Any person found to be committing any form of misconduct covered by this policy is likely to face disciplinary action up to and including termination of employment, contractor or other agreement, and removal from site (as applicable), and could be subject to external legal proceedings if their behaviour breaches any relevant legislation.

## 7.6 Appeals

If you are not satisfied with the outcome of a complaint under this policy, or believe an appropriate procedure has not been followed, you may make a further complaint either through the Whistleblower Hotline, or to an alternate officer of AWC, such as the Chair of the Committee or the Chair of the Board.

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## 8. Victimisation

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Victimisation is a serious matter. It is against the law for anyone to harass or victimise you directly or indirectly, or subject you to termination of employment, disciplinary action, discrimination or other adverse consequences, because you have:

- made a complaint, or intend to make a complaint, in good faith;
- asserted your rights under this policy or relevant legislation;
- alleged that another person has breached this policy or the relevant legislation;
- assisted someone in raising an issue; or
- exercised a workplace right.

AWC will not tolerate victimisation or retaliation by anyone working with AWC. Any person who is found to have victimised any other person in connection with their work with AWC will be subject to disciplinary action, which may include termination of their employment, contractor or other agreement, and removal from site (as applicable).

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## 9. Importance of Confidentiality

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Whistleblower reports are serious matters and may reflect adversely on the reputation of the person the complaint is made against. Accordingly, complaints must be dealt with in the utmost professional and confidential manner.

Information concerning a complaint that is made in good faith must only be discussed with other authorised people involved in the particular case on a strictly “need to know” basis for the purposes of conducting the investigation, except where disclosure is required by law. The person responsible for coordinating the investigation will determine who is to be involved, in consultation with the person who has made the complaint where appropriate.

All witnesses interviewed in connection with an investigation will be notified to keep the matter strictly confidential. Any person attempting to reveal any information about the investigation (including its existence) to any other person may be subject to disciplinary action.

High level reporting of the number and type of whistleblower complaints will be made to the Committee and the AWC Board, on a “no names” basis. Serious or material matters may be investigated by, or referred in more detail to the Committee and the Board, as appropriate. Certain information may also be required to be disclosed to auditors, advisers and insurers of AWC.

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## 10. Procedures for dealing with disclosure required by law

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Some forms of conduct that may be reported under this policy may constitute criminal conduct or require investigation by regulatory authorities. While AWC is committed to treat most complaints at an organisational level so far as reasonably possible, this type of conduct is not usually suited to internal process. Often, such complaints should be referred to the police or regulatory bodies, and this option may be discussed with the person making the complaint. In some cases, AWC will be obliged by law to report matters to the police or other regulatory bodies.

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## 11. Responsibilities of Managers

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If you have a role in the supervision or management of others, you may become involved in a whistleblower investigation. Managers have a responsibility to:

- ensure your teams are aware of this Whistleblower Policy, and the options for reporting under it;
- maintain confidentiality when involved in any whistleblower complaint investigations; and
- monitor the workplace so you become aware of any intimidation or victimisation that may occur following a whistleblower complaint.

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## 12. Breach of policy

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Everyone engaged with AWC is expected to conduct themselves in a manner that reflects AWC's policies.

Any person found to be acting in breach of this policy through the disclosure of confidential information, victimisation, or otherwise, is likely to face disciplinary action up to and including termination of their employment, contractor or other agreement, and removal from site (as applicable). You should also be aware that you could be subject to external legal proceedings including significant penalties should your behaviour breach any relevant legislation.

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## 13. Vexatious Complaint

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While rare, occasionally complaints are made that are vexatious in that they do not have any legitimate foundation and are made for other reasons. Where a complaint is found to be vexatious AWC may take disciplinary action against that person. This concept is not to be confused with a complaint made in good faith that is found to be without merit, or unable to be substantiated.

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## 14. What to do if you need support?

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**Do:**

- speak to your Manager, the Human Resources Manager, the Chief Executive, the Chair of the Committee, the Chair of the Board, or the Whistleblower Hotline; and
- for employees and their immediate family members, make an appointment with the Employee Assistance Provider at AWC's cost if you would like further support (Converge International – 1300 687 327).

**Do Not:**

- do nothing - the situation will not improve unless the issue is addressed - a failure to address the situation may encourage those involved, or allow the issue to continue; or
- seek a move to another work area, or resign without first seeking to resolve the issue.

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## 15. Other relevant policies

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- Code of Conduct
- Grievance Handling Procedure
- Harassment, Bullying and Discrimination Policy



- Equal Employment Opportunity Policy
- Occupational Health and Safety Policy

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## 16. Contact details

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Human Resources Manager	Meaghan Tarrant (08) 9380 9633 <a href="mailto:meaghan.tarrant@australianwildlife.org">meaghan.tarrant@australianwildlife.org</a>
Acting Chief Executive	Tim Allard (08) 9380 9633 <a href="mailto:tim.allard@australianwildlife.org">tim.allard@australianwildlife.org</a>
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Board Chair	Graeme Morgan <a href="mailto:graeme.morgan@deckchair.com.au">graeme.morgan@deckchair.com.au</a>
Whistleblower Hotline	Phone 1300 30 45 50  Email <a href="mailto:awc@stoline.com.au">awc@stoline.com.au</a>  Post c/- Stoline, Locked Bag, 8 Hawthorn, VIC 3122  On-line <a href="http://awc.stolinereport.com/">http://awc.stolinereport.com/</a>
Employee Assistance Program (EAP)	Converge International 1300 687 327

## Revision History (show last 3 revisions only)

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1	August 2018		Issued for use		AWC Board, Senior Management, Gilbert + Tobin	Graeme Morgan/Malcolm McCusker