

# AUSTRALIAN WAR WIDOWS NSW WHISTLEBLOWER PROTECTION POLICY

January 2020

Whistleblowing plays an important role in preventing misconduct. Transparent whistleblower policies are essential to good risk management and corporate governance. This is especially important for the Australian War Widows NSW Ltd who receives funding from Governments or managed investments or donations to support the organisation and its members. This policy reflects the Australian War Widows NSW Ltd.'s obligations in relation to raising concerns and protection of whistleblowers as set out in the *Corporations Act 2001* (Corporations Act).

## **Purpose**

The purpose of the Australian War Widows NSW Ltd.'s Whistleblower Policy ('Policy') is to encourage reporting of wrongdoing that is of legitimate concern by providing a convenient and safe reporting mechanism, and protection for people who make serious wrongdoing disclosures.

## **Scope**

This Policy applies to all disclosers, both within and outside the organisation, where a disclosure qualifies for protection under the Corporations Act. Therefore, the Policy applies to Board Members and employees (including volunteers, consultants and contractors) of the Australian War Widows NSW Ltd.

## **Reportable conduct**

A Reportable Conduct or 'disclosable matter' means any conduct that is:

- dishonest;
- fraudulent;
- corrupt;

- illegal;
- unethical;
- in breach of internal policy (including the Code of Conduct);
- failure to comply with, or breach of, legal or regulatory requirements; and
- a danger, or represents a danger, to the public or financial system

The Policy supports the reporting of disclosable matters but does not encourage or support deliberate false reporting that may cause harm to the organisation and/or individuals who work or are connected with the Australian War Widows NSW Ltd.

The Policy does not apply to matters such as personal work-related grievances as they do not qualify for protection under the Corporations Act. Such matters should be raised through internal processes such as a formal complaint to the Chief Executive Officer of the Australian War Widows NSW Ltd.

### **Receiving a disclosure**

Any 'disclosable matter' that qualifies for protection must be reported to the following 'eligible recipients' within the Australian War Widows NSW Ltd:

- Member Directors or Non-Member Directors
- Chief Executive Officer.

Other persons who qualify as eligible recipients include legal practitioners, regulatory bodies and other external parties; and journalists and members of Commonwealth, State or Territory parliaments (parliamentarians), under certain circumstances.

Prior to making a disclosure, the discloser can contact eligible recipients within the Australian War Widows NSW Ltd to obtain additional information that may relate to the disclosure. If the discloser does not receive adequate information or support within the organisation, they can contact an independent whistleblowing service provider.

## **Making a disclosure**

The Policy supports disclosures that are made:

- anonymously and/or confidentially, securely and outside of business hours with protections under the Corporations Act
- through external options where an employee is not comfortable about making a disclosure internally, or feel it is inappropriate to do so

The Policy acknowledges that there may be some practical limitations to the investigation process where the Australian War Widows NSW Ltd is not provided adequate information, such as a disclosure made anonymously.

Information about how to contact internal and external persons to make a disclosure will be discussed at regular internal meetings on an ongoing basis.

## **Confidentiality**

All information received from a discloser will be treated confidentially and sensitively. Any information that is likely to identify the discloser will only be shared if:

- the person gives their consent to share that information; or
- the disclosure is allowed or required by law (for example, disclosure to a lawyer to get legal advice relating to the law on whistleblowing)

The Policy recognises that, depending on staff size and matter of disclosure, the identity of the discloser may not be secure. Where information is likely to identify the discloser, all reasonable steps will be taken to reduce the risk of identification.

## **Practical protection**

Under the Policy, the discloser will have access to the assistance of the *Whistleblower Protection Officer* whose role includes but is not limited to:

- protect the discloser from Detrimental Conduct;
- assist the discloser with access to support services including counselling or other professional or legal services as well as help a discloser to minimise and manage

stress, time or performance impacts or other challenges resulting from the disclosure or its investigation;

Detrimental Conduct means any actual or threatened conduct that could cause a detriment to the discloser as a result of the person making a disclosure, including:

- termination of employment;
- harassment, bullying or intimidation;
- personal or financial disadvantage;
- unlawful discrimination;
- harm or injury, including psychological harm;
- damage to reputation; or
- any other conduct that constitutes retaliation

### **Handling a disclosure**

The *Whistleblower Investigation Officer*, a nominated internal or external person, will carry out a preliminary review of the Whistleblower Disclosure and will decide whether the Allegations raised should be investigated. Whilst not all Whistleblower Disclosures will necessarily lead to an investigation, they will be assessed and a decision made as to whether they should be investigated. For example, the Whistleblower Investigation Officer may decide that the Allegation(s) were investigated previously and that a new investigation will not be undertaken.

The Whistleblower Investigation Officer will advise the discloser of the decision whether to investigate, unless the Whistleblower Investigation Officer has no means to contact the discloser. If the Whistleblower Investigation Officer decides that the Allegations will be investigated, the Whistleblower Investigation Officer will conduct or commission an investigation.

### **Investigating a disclosure**

Investigations will follow a fair process, be conducted in as timely a manner as the circumstances allow and be independent of the person(s) about whom an Allegation has been made. The Whistleblower Investigation Officer will, as appropriate, provide the

discloser with feedback on the progress and expected timeframes of the investigation. Provided there are no restrictions or other reasonable bases for doing so, persons against whom an Allegation has been made will be informed of the Allegation and will have an opportunity to respond to any Allegation.

### **Findings**

The investigation may conclude with a report from the Whistleblower Investigation Officer or other investigator. The report will include findings on the Allegations and a summary of the evidence on which the findings are based. To the extent permitted under applicable laws, the Whistleblower Investigation Officer may inform the discloser and/or a person against whom Allegations have been made of the findings. Any report will remain the property of Australian War Widows NSW Ltd and will not be shared with the discloser or any person against whom Allegations have been made.

### **Accessibility**

The Australian War Widows NSW Ltd.'s policy will be made available to the organisation's directors and employees (including volunteers) at meetings as well as disseminated through the organisation's website, publications such as the Digest, incorporated in staff induction, and forwarded to Guild and Social Club Coordinators to share with members at their monthly meetings. The policy will be retained as a 'live' document to be regularly discussed as part of policy review.

**Review Date; February 2021**