

WHISTLEBLOWER POLICY

1.0 Objective

The purpose of this policy is to provide a mechanism to encourage the reporting of anyone suspected of fraud, corrupt conduct or other inappropriate behaviour in a safe environment.

2.0 Definitions

“Whistleblower”: An employee, contractor or supplier of ASCC who wishes to report a breach of policy or law.

“Respondent”: A person to whom the allegation relates.

“Improper Conduct”: covers items including, but not limited to:

- Financial malpractice, impropriety or fraud
- Criminal activity
- Breaches of confidentiality agreements
- Unethical behaviour
- Breaches of ASCC policy
- Actions that may breach OH&S or Environmental policies
- Coercion, harassment or discrimination

“Whistleblower Complaints Coordinator (WCC)”: The initial contact for any reports. This is the ASCC HR Manager. The WCC will also conduct the Investigation.

“Whistleblower Review Panel (WRP)”: The body that reviews any complaints that are not resolved by the WCC. This is the Audit subcommittee of the Board.

3.0 Scope

This policy applies to all ASCC employees (full time and part time), Ph. D students, contractors, consultants and suppliers.

4.0 Background

The Victorian State Government has introduced the *Whistleblowers Protection Act 2001* which came into operation on 1 January 2002 and applies to all public bodies.

The purpose of the Act is:

- To encourage and facilitate disclosures of improper conduct
- To provide protection for:
 - Persons who make disclosures; and
 - Persons who may suffer in relation to these disclosures;
- To provide for the matters disclosed to be properly investigated and dealt with.

5.0 Procedure

- 5.1 Making a complaint: Issues can be raised with either the WCC or an independent person appointed by the ASCC. The report should include as much detail as possible to enable a thorough investigation of the matter. Issues can be raised anonymously and all efforts will be made to retain this anonymity throughout the process. To gain protection under the Whistleblower Protection Act, your name must be provided to the WCC.
- 5.2 Investigation: The person receiving the complaint will investigate the matter and recommend a course of action based on the findings. The investigation will include discussions with the respondent and other parties who may have knowledge of the issue. In all circumstances, the investigation will be conducted with procedural fairness and in an impartial manner.
- 5.3 Reporting: The WCC will report the findings to the WRP as well as to the parties involved in the issue.
- 5.4 Appeal: Either party will be able to request a review of the case by the WRP.
- 5.5 Feedback: If any party involved in the case are disadvantaged in any way as a result of the investigation (harassment, discrimination, dismissal, demotion, etc.) they may raise the issue with the WRP and WCC for resolution through appropriate procedures.

6.0 Safeguards

- 6.1 No action will be taken against any Whistleblower who makes a complaint in good faith that is not confirmed by subsequent investigation, nor will they have been considered to have breached any employment contract or confidentiality agreement which restricts the disclosure of confidential information.
- 6.2 Anonymity will be retained wherever possible if requested by the Whistleblower. In some cases, the identity of the Whistleblower may be apparent from the information contained within the report. In such cases the Whistleblower will be informed by the investigator prior to disclosing the information. The WCC may be required to disclose information to third parties in some circumstances, such as legal proceedings arising from the complaint.



- 6.3 If the complaint involves parties involved in the implementation of the procedure any member of the ASCC Executive/Board may appoint other parties to act as WCC or WRP.
- 6.4 Making a complaint under this procedure does not automatically shield the Whistleblower from the consequences of their involvement in unlawful or improper conduct. However, full and frank admissions may be considered in deciding disciplinary actions.
- 6.5 It is an offence for a person to knowingly provide false information under the Act with the intention that it is acted on as a disclosed matter.
- 6.6 The WCC or WRP are available to provide advice on whether a matter is covered by this policy prior to a formal complaint being lodged.

7.0 Related Documents

Grievance Procedure
Disciplinary Policy and Procedures
Bullying and Violence
Creating a Positive Work Environment
Investigation Procedure