**Whistleblower Protection**

Policy Statement

Whistleblowing can be an effective way of uncovering fraud and other misconduct which may not be identified by internal or external controls within an organisation. Biripi ACMC is committed to the principles of transparency and accountability and views Whistleblowing as an opportunity to reflect upon organisational procedures and promote an ethical culture.

Purpose

Where a governing body member, director, employee, contractor or associate of the organisation believes, on reasonable grounds, that another person or persons associated with the organisation has been involved in illegal, improper or unethical conduct, they are encouraged and supported to report the conduct without reprisal or consequence.

Biripi ACMC protects Whistleblowers from retaliatory action of any kind including:

* Dismissal;
* Demotion;
* Harassment or discrimination;
* Victimisation of any kind;
* Current or future bias; or
* Threats of any of the above.

Scope

All Biripi ACMC staff positions, Including permanent, fixed term, contingent, casual, traineeships/ apprenticeships, internal appointments.

Definitions

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| **Term** | **Definition**  |
| **Anonymity** | Is when one’s identity is unknown.In the case of an anonymous Whistleblower, their identity is not known by anyone, including those who receive and investigate the report. |
| **Confidentiality** | Is when one’s identity is protected to prevent harm. In the case of a Whistleblower, their identity may be known to those receiving and investigating the report, but is protected from the broader organisation and public. |
| **Whistleblower** | Is a person associated with the organisation, whether it be a governing body member, CEO, employee, contractor or volunteer, who discloses information regarding organisational wrongdoing/misconduct, and wishes to be protected against reprisal for reporting.  |
| **Whistleblowing** | Is the deliberate, voluntary disclosure of individual or organisation wrongdoing by a person with access to data, events or information about misconduct by the organisation.  |
| **Wrongdoing** | Is illegal, improper or unethical conduct that:* Is in breach of legislation or regulations, or which is otherwise illegal;
* Is fraudulent or dishonest;
* Could cause financial or non-financial damage to the organisation, or the reputation of the organisation;
* Is a breach of the organisation’s Code of Conduct.
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1. Procedures

**Development and review of this policy**

This Whistleblower protection policy will be established in consultation with management and employees, including consideration of their views on reporting mechanisms.

The governing body is responsible for implementing the policy, encouraging a culture of “speaking up”, and evaluating and making improvements to the effectiveness of the policy.

This policy will be reviewed and evaluated for effectiveness every 2 years, ensuring that it reflects the most up-to-date legal and corporate governance requirements. Any changes made to the policy will be communicated to all staff and volunteers.

**Awareness and education**

The organisation will inform and educate its staff, contractors, and volunteers of the Whistleblower policy, procedures for reporting, and the protections available to them in order to facilitate a safe environment in which concerns of misconduct may be voiced without reprisal.

Staff involved in the management of Whistleblower reports will receive appropriate training in dealing with reports, investigation, and supporting Whistleblowers and staff who are the subject of allegations.

The Whistleblower protection policy will be accessible to all staff and can be accessed from intranet and Employment Hero.

**Designation and responsibilities of Whistleblower Protection Officer/s (WPO)**

The CEO is the organisation’s WPO. Their responsibilities include:

* Implementing Biripi ACMC’s Whistleblower protection policy;
* Initial response to an accusation of wrongdoing;
* Ensuring the protection and/or anonymity of the Whistleblower, where possible;
* Conducting or assisting in investigations into alleged wrongdoings;
* Informing the Whistleblower of the progress and outcomes of investigations;
* Ensuring that Whistleblowers do not suffer any retaliation or negative consequences; and
* Providing support and referrals for both Whistleblowers and those accused of wrongdoing.

Biripi ACMC will ensure that all people associated with the organisation know who the designated WPO is and their contact details.

**Support and protection for Whistleblowers**

Whistleblowers found to have made reports in good faith, according to organisational procedures and based on reasonable grounds will receive support and protection as below:

* The confidentiality of a Whistleblower’s identity will be protected as far as the law allows;
* The Whistleblower will have the right to request positive action for the purposes of protection, such as relocation or a leave of absence while the matter is under investigation;
* The WPO will be responsible for ensuring that the Whistleblower receives any necessary support and referrals, and that they are not subject to any form of negative employment-related consequence as a result of reporting;
* If an act of reprisal is alleged, the Whistleblower will have the automatic right of appeal to an independent appeal body;
* The Whistleblower will not be subject to any civil, criminal or administrative liability for making the disclosure;
* No contractual or other remedy or right can be exercised against the Whistleblower for their disclosure;
* A contract to which the Whistleblower is a party may not be terminated on the basis that the disclosure constitutes a breach of the contract; and

**Reporting framework**

If a person becomes aware of misconduct, internal reporting to the WPO must be the first step. However, if this has proven to be ineffective, externally reporting the misconduct may be used as a last resort.

**Internal reporting**

To report internally, personnel should report the breach to the WPO.

* Angie Stewart Email angie.stewart@biripi.au Phone 6591 2400

If they believe that the WPO is involved in the breach they may report to:

* Board of Directors Email info@biripi.au Phone 6591 2400

**External reporting**

If the Whistleblower believes that:

* all of the above internal persons are involved in the breach; or
* all internal measures have been taken to try to get the issue addressed; or
* the issue is significant and poses dangers to health or safety;
* they may report the complaint to an external agency such as the [Office of the Registrar of Indigenous Corporations (ORIC)](https://www.oric.gov.au/report-concern-oric#:~:text=Whistleblower%20protection,a%20complaint%20about%20a%20corporation.) or in cases of serious illegal conduct, the police should be contacted.

**Anonymous reporting**

The WPO will receive and consider seriously anonymous reports and ensure the anonymity of the Whistleblower as far as is possible. Anonymous Whistleblowers must be aware that anonymous reporting may affect the outcome of the investigation, as evidence may be more difficult to substantiate.

**Whistleblowing to media**

Protections will not be offered to personnel of the organisation who report internal wrongdoing to a journalist unless it can be established that the disclosure was made as a public interest disclosure or an emergency disclosure, in accordance with the terms of the *Corporations Act.*

**External Whistleblowers**

Persons external to the organisation who wish to make a disclosure regarding organisational wrongdoing will be afforded the same protections as personnel of the organisation.

External persons may report wrongdoing to the organisation’s WPOs/CEO:

* Angie Stewart Email angie.stewart@biripi.au Phone 6591 2400

Alternatively, external persons may report wrongdoing to an external agency such as the Australian Charities and Not-for-profits Commission (ACNC).

**Investigation procedures**

All reports received will be considered seriously, andan internal investigation of the facts of the case will be conducted by CEO to verify the allegations made and take further action if necessary. An internal investigation will be undertaken if the matter does not necessitate a police investigation.

When a report is received, the WPO will use their discretion to decide whether legal advice is required.

**Notification procedures**

The WPO will first notify the CEO or managing director of any alleged misconduct. The person/s accused will then be notified, so that they may present their case.

**Investigation planning**

In consultation with the WPO, CEO and other relevant managers, terms of reference and an investigation plan will be prepared, which will include:

* The key issues to be investigated;
* The scale of the investigation, in proportion to the alleged wrongdoing;
* Allocation of resources.

**Principles of conducting investigations**

Investigations will be undertaken applying fair and ethical principles, and as such:

* Any person accused of wrongdoing will have the presumption of innocence;
* All investigations will be conducted without bias;
* Persons accused of wrongdoing will be supported throughout the process and referred to external support services if necessary;
* Investigations will follow the procedures of natural justice;
* In circumstances where the Whistleblower is unable to remain anonymous, they must remain free from any retaliatory action;
* During and after the investigation the WPO should monitor for any detriment or threats towards the whistleblower from any member of the organisation; and
* All disciplinary action will be proportionate to the seriousness of the breach.

**Documentation**

Throughout the course of the investigation conversations, interviews, communications and relevant documents will be recorded and stored. Upon completion, an investigation report will be prepared and filed. The investigation report will include:

* The allegations;
* A statement of facts and the corroborating evidence;
* Conclusions reached by the investigation; and
* Recommended amendments to organisational policy to avoid future wrongdoing.

All documents relating to Whistleblowing reports and investigations must be kept securely and confidentially, and access to documents granted only when necessary.

The Whistleblower will be kept informed of the progress and outcomes of the investigation.

**Review**

Based on the recommendations made by the investigation report, as well as input from the CEO or Executive Shared Services will review, evaluate and amend relevant organisational policy in order to avoid future wrongdoing and increase organisational transparency.

**False reporting**

If it is discovered that the Whistleblower knowingly and intentionally fabricated an accusation against an employee or associate of the organisation, for their own personal gain or with malicious intent, they may be subject to disciplinary action which may include dismissal, termination of services or cancellation of client relationship.

Applicable Legislations

CATSI Act (Division 466)

The Corporations Act 2001

The Tax Administration Act 1953

The Fair Work Act 2009

References

Code of Conduct Policy

Privacy Policy

Interpreter Services