

### 1. PURPOSE

- 1.1 To provide the framework to sustain an organisational culture which is resistant to misconduct and offers a safe and secure means for disclosure of possible misconduct.

### 2. SCOPE

- 1.2 The Whistleblower Policy applies to any person who is or has been any of the following with respect to WQPHN or a related body corporate:
- a. an officer;
  - b. an employee;
  - c. a supplier;
  - d. an employee of a supplier;
  - e. an associate;
  - f. a spouse, relative or dependant of any of the above;
  - g. an individual prescribed by the regulations.
- (section 1317AAA *Corporations Act 2001*)

### 3. POLICY STATEMENT

- 3.1 WQPHN recognises that a transparent Whistleblower Policy is essential to good risk management and corporate governance.
- 3.2 Consistent with the law and WQPHN's Code of Conduct, the objectives of the Whistleblower Policy are to:
- a. encourage disclosure of possible misconduct;
  - b. help deter wrongdoing, in line with WQPHN's risk management and governance framework;
  - c. ensure individuals who disclose misconduct can do so safely, securely and with confidence that they will be protected and supported;
  - d. ensure disclosures are dealt with appropriately and on a timely basis;
  - e. provide transparency around WQPHN's framework for receiving, handling and investigating disclosures;
  - f. support WQPHN's long-term sustainability and reputation; and
  - g. meet WQPHN's legal and regulatory obligations.

### 4. PRINCIPLES

- 4.1 Mitigation of misconduct is assisted through the development of a framework where individuals who disclose Reportable Conduct are protected.
- 4.2 An effective framework involves identifying key risks to whistleblowers.
- 4.3 Monitoring and review of the Whistleblower Policy should be a normal part of the management process.
- 4.4 Robust mechanisms will be established to encourage and support the reporting of suspected Reportable Conduct by individuals from within and outside WQPHN, including anonymous reports.

- 4.5 All reasonable measures will be taken to support a person who discloses suspected misconduct, and provide protection from Detrimental Conduct as a result of making a disclosure.
- 4.6 Disclosures of Reportable Conduct will be investigated and, if required, will be reported to the relevant external body.
- 4.7 A person shall not make a disclosure under the Whistleblower Policy unless that person has reasonable grounds to suspect that the information is Reportable Conduct.
- 4.8 Procedures defining the roles, responsibility, authority and powers delegated to management and investigators will be used to determine the investigation approach commensurate with the nature and seriousness of the matter.
- 4.9 WQPHN's employee induction and annual refresher program will include training on the Whistleblower Policy.

## 5. REFERENCES

- 5.1 [Australian Securities and Investment Commission Regulation Guide 270 Whistleblower policies](#)

## 6. DEFINITIONS

### **Detrimental Conduct**

Detriment Conduct includes (without limitation) any of the following:

- a. dismissal of an employee;
- b. injury of an employee in his or her employment;
- c. alteration of an employee's position or duties to his or her disadvantage;
- d. discrimination between an employee and other employees of the same employer;
- e. harassment or intimidation of a person;
- f. harm or injury to a person, including psychological harm;
- g. damage to a person's property;
- h. damage to a person's reputation;
- i. damage to a person's business or financial position;
- j. any other damage to a person.

(section 1317ADA)

### **Eligible Recipient**

Each of the following is an eligible recipient in relation to a regulated entity that is a body corporate:

- a. officer or senior manager of the body corporate or a related body corporate;
- b. an auditor, or a member of an audit team conducting an audit, of the body corporate or a related body corporate;
- c. an actuary of the body corporate or a related body corporate;
- d. a person authorised by the body corporate to receive disclosures that may qualify for protection under Part 9.4AAA of the *Corporations Act*.

(section 1317AAC)

**Reportable Conduct**

(1) Reportable conduct is conduct that a discloser has reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances, in relation to:

- a. the regulated entity; or
- b. if the regulated entity is a body corporate—a related body corporate of the regulated entity, or an officer or employee of a related body corporate of the regulated entity;

(2) Without limiting section (1), this subsection applies to a disclosure of information if the discloser has reasonable grounds to suspect that the information indicates that any of the following:

- a. the regulated entity, or an officer or employee of the regulated entity;
- b. if the regulated entity is a body corporate—a related body corporate of the regulated entity, or an officer or employee of a related body corporate of the regulated entity;

has engaged in conduct that:

- c. constitutes an offence against, or a contravention of, a provision of any of the following:
  - (i) the Corporations Act 2001;
  - (ii) the Australian Securities and Investment Commission Act 2001;
  - (iii) the Banking Act 1959;
  - (iv) the Financial Sector (Collection of Data) Act 2001;
  - (v) the Insurance Act 1973;
  - (vi) the Life Insurance Act 1995;
  - (vii) the National Consumer Credit Protection Act 2009;
  - (viii) the Superannuation Industry (Supervision) Act 1993;
  - (ix) an instrument made under an Act referred to in any of subparagraphs (i) to (viii); or
- d. constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
- e. represents a danger to the public or the financial system; or
- f. is prescribed by the regulations for the purposes of this paragraph.

(section 1317AA(4)-(5) *Corporations Act*)

**Whistleblower Policy**

Whistleblower Policy includes WQPHN's:

- a. Whistleblower Policy;
- b. Whistleblower Procedure; and
- c. Whistleblower Information Guide.

**WQPHN**

Western Queensland Primary Health Network

## **7. SCHEDULES**

7.1 The Policy must be read in conjunction with its subordinate schedules as provided below.

## **8. DOCUMENT CONTROL**

<b>Accountable officer</b>	Chief Executive Officer
<b>Responsible officer</b>	Chief Executive Officer
<b>Policy type</b>	Governance Policy
<b>Subordinate schedules</b>	Whistleblower Procedure Whistleblower Information Guide
<b>Approved date</b>	3 April 2020
<b>Effective date</b>	3 April 2020
<b>Review date</b>	3 April 2022
<b>Relevant legislation</b>	<i>Corporations Act 2001</i>  <i>Taxation Administration Act 1953</i>  <i>Australian Securities and Investment Commission Act 2001</i>  <i>Banking Act 1959</i>  <i>Financial Sector (Collection of Data) Act 2001</i>  <i>Insurance Act 1973</i>  <i>Life Insurance Act 1995</i>  <i>National Consumer Credit Protection Act 2009</i>
<b>Related policies</b>	Code of Conduct Policy Privacy Policy Risk Management Policy and Procedure Grievance Policy and Procedure