

1. PURPOSE

- 1.1 To set out the processes by which WQPHN will work 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 dependent of any of the above;
 - g. an individual prescribed by the regulations.
- (section 1317AAA *Corporations Act 2001*)

3. OVERVIEW

This procedure sets out the processes by which WQPHN's Whistleblower Policy will be implemented.

4. PROCEDURE

- 4.1 Any person who has reasonable grounds to suspect misconduct, is encouraged to contact our internal Whistleblower Complaints Officer ("**WCO**").

Sandy Gillies
Chief Executive Officer

Phone: 07 45731900
Mobile: 0428 447 255
Email: confidential-ceo@wqphn.com.au

- 4.2 Disclosure of Reportable Conduct can also be made to the external Whistleblower Complaints Officer.

George Fox
Director, Fox & Company Lawyers

Phone: 07 3160 7779
Email: gcfox@bigpond.com

- 4.3 Disclosure of Reportable Conduct can also be made to:

- a. an officer or senior manager of WQPHN;
- b. the Australian Securities and Investments Commission (ASIC), Phone: 1300 300 630;
- c. the Australian Prudential Regulation Authority (APRA); phone 1300 558 849;
- d. a legal practitioner for the purposes of obtaining legal advice or representation.

- 4.4 Disclosures can be made anonymously and will qualify for protection under the Whistleblower Policy and under the *Corporations Act*.

- 4.5 Further information is available in relation to the Whistleblower Policy from the Whistleblower Contact Office (“WCO”) or another Eligible Recipient prior to disclosing Reportable Conduct. Information is also available from the ASIC website, <https://asic.gov.au/>, and the [ASIC Regulation Guide 270 Whistleblower Policies](#).
- 4.6 Conduct that is not Reportable Conduct is not eligible for protection under the Whistleblower Policy or the Act. For the avoidance of doubt, Reportable Conduct does not include personal work-related grievances. Personal work-related grievance should be reported in accordance with WQPHN’s Grievance Policy outlined in WQPHN Employee Handbook.
- 4.7 It is a breach of the Whistleblower Policy to deliberately make a false report or to make a report without reasonable grounds. Any such report will be dealt with under WQPHN’s disciplinary policies.

5. PROTECTIONS

- 5.1 The identity of a person making a disclosure of Reportable Conduct will be kept confidential, unless the discloser has given their permission for their identity to be disclosed.
- 5.2 Any person who make a disclosure of Reportable Conduct will be treated fairly and will be protected from any Detrimental Conduct.

6. INVESTIGATION

- 6.1 As soon as possible, the WCO must determine whether a disclosure falls within the scope of the Policy. If the WCO determines that it is appropriate, the WCO may authorise an investigation. If an investigation is authorised, the WCO must consider and control any risk of Detrimental Conduct to the discloser.
- 6.2 In the first instance, the internal WCO will be appointed as the Decision Maker of the investigation. If he or she is unable or unwilling to act, for example due to a conflict of interest, the Chief Executive Officer will be appointed. If the Chief Executive Officer is unable or unwilling to act, the Board Chair will be appointed. The Decision Maker may, where appropriate, appoint an external investigator to assist in conducting the investigation.
- 6.3 Following an investigation, the Decision Maker may decide to close the investigation or forward a report on the investigation to the Board. The Board may adopt or reject the findings of the report and any recommendation of the Decision Maker. If required, the Board will notify any relevant external body.
- 6.4 Any investigation into Reportable Conduct will be conducted in accordance with the rules of natural justice.
- 6.5 Any person who is mentioned in a disclosure, including those who are the subject of a disclosure, will be treated fairly and will be offered support through Employee Assistance Program (EAP) outlined in WQPHN Employee Handbook.
- 6.6 To the extent possible, the Decision Maker will keep the discloser informed regarding the process of an investigation and the outcome of an investigation. The discloser will be offered support through the Employee Assistance Program (EAP) outlined in WQPHN Employee Handbook.

- 6.7 WQPHN's internal policy included here sets out the circumstances where:
- the WCO, the CEO or the Board Chair will be the Decision Maker; and
 - the Board or an authorised committee of the Board must be informed of the outcome of an investigation.

7. DEFINITIONS

Detrimental Conduct

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

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

(section 1317ADA *Corporations Act 2001*)

Eligible Recipient

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

- officer or senior manager of the body corporate or a related body corporate;
- an auditor, or a member of an audit team conducting an audit, of the body corporate or a related body corporate;
- an actuary of the body corporate or a related body corporate;
- 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 *Corporations Act*)

Reportable Conduct

- 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:
 - the regulated entity; or
 - 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;
- 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:
 - the regulated entity, or an officer or employee of the regulated entity;
 - 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

8. SCHEDULES

- 8.1 This procedure must be read in conjunction with its subordinate schedules as provided below.

9. DOCUMENT CONTROL

Accountable officer	Chief Executive Officer
Responsible officer	Chief Executive Officer
Policy type	Governance Policy
Subordinate schedules	Whistleblower Policy Whistleblower Information Guide
Approved date	3 April 2020
Effective date	3 April 2020
Review date	3 April 2022
Relevant legislation	<i>Corporations Act 2001</i>

Taxation Administration Act 1953

Australian Securities and Investment Commission Act 2001

Banking Act 1959

Financial Sector (Collection of Data) Act 2001

Insurance Act 1973

Life Insurance Act 1995

National Consumer Credit Protection Act 2009

Related policies

Code of Conduct Policy

Privacy Policy

Risk Management Policy and Procedure

Grievance Policy and Procedure