

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

Accountable officer	Chief Executive Officer
Responsible officer	Chief Operating Officer
Policy type	Governance Policy
Subordinate schedules	Whistleblower Procedure 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> <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>
Related policies	Code of Conduct Policy Privacy Policy Risk Management Policy and Procedure Grievance Policy and Procedure