

1.0 PURPOSE

The purpose of this Policy is to provide for employees and other disclosers to raise concerns regarding any misconduct, improper state of affairs or circumstances (including corrupt, illegal or unethical conduct) without fear of reprisal, victimisation or discrimination.

Ultimately, the purpose of this Policy is to promote a safe and healthy working environment and ensure Autism Queensland (AQ) meets its corporate governance obligations. This Policy confirms AQ's commitment to protection of whistleblowers from retaliation or adverse action. Early identification of reportable conduct enables AQ to take appropriate action that could limit unwanted consequences including financial loss and reputational risk.

Where a person makes disclosure, they are assured that:

- a) Every effort will be made to keep their identity confidential unless the disclosure is specifically required by law and
- b) Every effort will be made to protect them from victimisation or reprisal for reporting the issue.

This policy is not intended to replace any other reporting processes such as may be related to grievance and complaint resolution, bullying, harassment and discrimination.

By developing this Policy, AQ aims to provide a clear and transparent process for receiving and managing disclosures of wrongdoing involving AQ operations, employees, contractors or volunteers.

2.0 SCOPE

This Policy outlines the protections provided for whistleblowers in accordance with the *Corporations Act 2001 (Cth)*.

This Policy applies to "disclosers" which means anyone who is, or who has been, any of the following with respect to AQ:

- Employees
- Executive Officers
- Board Directors
- Contractors (including employees of Contractors)
- Suppliers (including employees of Suppliers)
- Consultants
- Relatives and dependents of any of the above.

A reference to "employees" includes permanent, fixed-term, temporary and casual employees, directors, contractors, volunteers and other representatives acting on behalf of AQ in any capacity.

The protections in this Policy will also apply to anyone who has made a disclosure of information to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to Whistleblowing protection laws.

3.0 DEFINITIONS

Discloser is an individual who discloses information which may qualify for protection under this Policy.

Eligible Recipients include Executive Officers who are members of the AQ Executive Leadership Team and Human Resources (HR) Officers.

Eligible Whistleblower is the term used to describe an individual who discloses information and may qualify for protection under this Policy.

External Hotline is an external 1800 phone number available 24/7 for disclosers to make a report (see details at the end of this document).

Reportable or Disclosable Matters (Disclosure) include any matter that a discloser has reasonable grounds to believe is misconduct or an improper state of affairs or circumstances, in breach of the AQ Code of Conduct, or otherwise illegal, corrupt, fraudulent, dishonest or unethical. Such conduct includes that which constitutes unsafe work practice and/or that which gives rise to the possibility of causing financial or non-financial loss to AQ, or might otherwise be detrimental to the interests of AQ. Examples include fraud, bribery, improper use of AQ property or funds or the use of improper accounting, internal control, actuarial, audit or tax methods.

Personal work-related grievances, including interpersonal conflicts between the discloser and another employee; a decision relating to the engagement, transfer or promotion of the discloser; a decision relating to the terms and conditions of engagement of the discloser; and a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser, are excluded from this Policy and will be addressed under the Grievance Policy.

Whistleblowing means making a voluntary disclosure about a reportable matter within, or concerning AQ, other than through usual reporting lines or processes.

4.0 POLICY

4.1 Disclosure

When a discloser who is a current AQ employee becomes aware of a reportable matter, they should verbally report the conduct to their direct Manager, in accordance with AQ's normal reporting procedures. However, if those procedures are not appropriate – e.g. because the person to whom they would normally report the conduct is involved, the verbal report should be made to an Eligible Recipient (Executive Officer or HR Officer).

All disclosures will be held under strict confidentiality. The identity or any information leading to the identification of the eligible whistleblower cannot be disclosed unless consent has been given by the eligible whistleblower, or unless required by law.

Following the initial verbal report, the discloser will be offered support in providing a written report.

Reports should include as much information as possible such as dates, times, locations, individuals involved, other witnesses, physical evidence (e.g. documents and images) and any other general information which may be helpful.

If a discloser is not comfortable disclosing a reportable matter internally, then the disclosure can be made to the External Hotline – contact details at the end of this document.

A disclosure to the External Hotline may be made anonymously or on the basis that the discloser's identity is only disclosed to the External Hotline operator and kept confidential from AQ (although it is important to understand that if any disclosure remains anonymous it may impede the subsequent investigation). All disclosures to the External Hotline will be notified to AQ, but details of the discloser's identity will not be disclosed to AQ without the discloser's consent.

4.2 Anonymity

If the discloser wishes to remain anonymous, they can make an anonymous disclosure and their anonymity will be protected unless disclosure of their identity is required by law. All disclosures will be taken seriously, but it may not be possible to fully investigate anonymous reports.

4.3 Protection

Retaliation against a whistleblower, investigator or any employee involved in the investigation will not be tolerated. AQ will take all reasonable steps to protect a person who makes such disclosures from any detrimental action in reprisal. All employees who make a disclosure will be protected to the full extent required by law. Where the whistleblower qualifies for protection under the Corporations Act or any other law, the Executive Leadership Team is responsible for ensuring this protection is provided. However, this Policy will not protect the discloser if

they are also involved in or connected to the improper conduct, fraudulent or illegal activities that are the subject of a disclosure report.

4.4 Support for Discloser and Employees Implicated

Support is available to all current and former employees and their relatives / dependents under AQ's Employee Assistance Program. Use of this support service will not lead to disclosure of the discloser's identity as it is a confidential service.

AQ will make every effort to ensure that natural justice and procedural fairness is afforded to a person implicated in or who is the subject of a disclosure of reportable matter that qualifies for protection under the law. An employee who is implicated, may be temporarily stood down on full pay while an investigation is in progress, or may be temporarily transferred to another AQ work location, if appropriate in the circumstances. Any such stand-down or transfer may only continue for the duration of the investigation. If the investigation determines the allegations are not substantiated the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the disclosure or mentioned in the disclosure, will remain confidential. The employee must also be immediately reinstated to full duties.

Where a disclosure of reportable matter is made in good faith, AQ will take all reasonable steps to ensure that the discloser will not be personally disadvantaged or suffer any detriment including the following:

- i. Dismissal or alteration of a person's position or duties to his or her disadvantage
- ii. Injury to a person in their employment
- iii. Discrimination, harassment or intimidation
- iv. Harm or injury including psychological harm or
- v. Damage to a person or his or her property, reputation, business or financial position.

If any discloser considers that they have suffered any of the above disadvantages or detriment as a result of making a disclosure of reportable matter under this Policy, they should contact the person to whom the disclosure was made and provide all relevant details accordingly. Should a discloser be found to have suffered detriment as a result of disclosing reportable matter, AQ will treat it seriously in accordance with the policies referred to in the Related Documents section below.

5.0 PROCEDURE

5.1 Investigation

The HR or Executive Officer receiving the disclosure will refer it to the CEO to assess, who will refer it as appropriate for investigation. This may include the use of an external investigator. If the disclosure is of a serious nature, the CEO will inform the Board Chair verbally within 24 hours of receiving the allegation. Due regard will be given to confidentiality, potential conflict of interest and any concerns expressed by the reporting employee. All investigations will be conducted in a manner consistent with the principles of natural justice and without prejudice against the reporting employee or person(s) who are the subject of the disclosure.

The investigator will:

- a) document the disclosure and determine whether it qualifies for protection under this Policy;
- b) determine whether a formal investigation is required;
- c) if necessary, commence an investigation into the report, as soon as practicable after the matter has been reported;
- d) review all supporting documentation and obtain further information as required;
- e) consider any possible remedial action that may be required; and

- f) immediately notify the CEO, or the Chair of the Board, if the CEO is in any way referenced in, or implicated by, the reportable matter) if the report relates to a serious matter, or if it becomes apparent during the investigation that there are matters of serious concern.

The purpose of any investigation under this Policy is to carefully and fairly examine each concern raised and where possible locate evidence that either substantiates or refutes the claims made in the disclosure.

All investigations will be conducted without bias and all parties will be given adequate notice of meetings to discuss the issues raised and have time to prepare. All parties will be given the opportunity to be heard and will have the right to representation and any employee mentioned in a disclosure of a reportable matter will be treated fairly at all times.

In the interests of objectivity and the perception of objectivity, the investigator may employ other investigators in relation to an investigation.

To avoid jeopardising an investigation, the discloser who has made a report under this Policy is required to keep confidential the fact that a report has been made (subject to any legal requirements).

5.2 Decision Making

Once an investigation is completed, the investigator will report the findings of the investigation to the CEO who will report on all reportable matters monthly to the Board. For the avoidance of doubt, if the CEO is in any way referenced in, or implicated by, the Reportable Conduct, findings will be provided directly to the Board Chair by another executive officer such as the Acting CEO or Chief People Officer (CPO).

The Board Chair may consult with the Chair of the Audit, Risk & Compliance Committee, and if satisfied that a reportable matter has occurred, will ensure appropriate action is taken, in accordance with relevant internal and/or external advice, including that of the Audit, Risk & Compliance Committee.

The Board, through the Audit, Risk & Compliance Committee where relevant, governs and is responsible for ultimate decision-making regarding reports and investigations under this Policy.

Wherever possible, and assuming the identity of the discloser is known, the discloser will be kept informed of the progress and outcomes of the investigation, subject to privacy and confidentiality considerations.

5.3 Reporting to Other Bodies

In certain circumstances, a discloser may have a legal obligation to make a report to a statutory body or government department. Disclosers should ensure they comply with all such reporting requirements. An Executive Officer can advise disclosers on these reporting obligations.

6.0 RELATED DOCUMENTS

Legislation

- Corporations Act 2001 (Cth)*
- Fair Work Act 2009 (Cth)*
- National Disability Insurance Scheme Act 2013 (Cth)*
- Privacy Act 1988 (Cth)*
- Public Interest Disclosure Act 2010 (Qld)*
- Public Interest Disclosure Act 2013 (Cth)*

Standards and Principles

- NDIS Code of Conduct
- NDIS Practice Standards

Autism Queensland Quality Assurance

- Code of Conduct
- Complaints and Feedback Management Policy
- Conflict of Interest Policy
- Fraud Control Policy
- Grievance Policy & Procedure
- Privacy Policy
- Risk Management Policy

External Hotline

Name	Core Integrity
Title	Speak Up Hotline
Email/Mail	speakup@coreintegrity.com.au P.O. Box 895 Darlinghurst NSW 2010
Phone	1800 324 775
Availability	24 hours, 7 days per week

Document Name	Whistleblower Policy & Procedure		Document Type	Policy & Procedure	
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