

Whistleblower Policy & Procedure

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1.0 Introduction

Autism Queensland (AQ) is committed to the highest standards of conduct, ethical behaviour and sound corporate governance and does not tolerate improper conduct.

These values and principles also mean that AQ is committed to a culture of corporate compliance and ethical behaviour. This includes providing all eligible parties with the opportunity to report any actual or suspected wrongdoing or any other issue.

2.0 Purpose

The purpose of this Policy & Procedure ('this Policy') is to encourage and support the reporting of actual and suspected wrongdoing and misconduct without fear of reprisal, victimisation or discrimination. It promotes a safe and healthy working environment and ensures AQ meets its corporate governance obligations.

This Policy confirms AQ's commitment to protect 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 a 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 complements other reporting processes such as grievance, complaint resolution, bullying, harassment or discrimination.

This Policy supports AQ's aim to provide a clear and transparent process for receiving and managing disclosures of wrongdoing involving AQ operations, employees, contractors or volunteers.

3.0 Scope

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

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This Policy relates to AQ and its subsidiaries and applies to all:

- Current and former employees
- Directors
- Contractors (including employees of Contractors)
- Third party suppliers (including employees of Suppliers)
- Consultants
- Relatives, spouses 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.

An eligible whistleblower has legal rights under the *Corporations Act 2001* and other legislation including tax laws. This policy does not override those rights.

This Policy does not apply to 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. These will be dealt with in terms of the AQ [Grievance Policy & Procedure](#).

4.0 Definitions

Discloser is an individual who discloses information about Reportable Conduct in line with this Policy.

Eligible Recipients is someone who has been authorised to receive certain disclosures, including the AQ Board Chair, members of the Executive Leadership Team or AQ's external Speak up Hotline provider Core Integrity Pty Ltd.

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Eligible Whistleblower is the term used to describe an individual who makes a report of reportable conduct to an eligible recipient and has reasonable grounds to suspect that the reportable conduct has taken place.

External Hotline is an external 1800 phone number available 24/7 for disclosers to make a report. Core Integrity Pty Ltd has been appointed by AQ to administer the online disclosure management system and ensure the anonymity of anyone making a disclosure.

Protected Disclosure is disclosure of reportable conduct.

Public Interest Disclosure is the disclosure of information to a journalist or parliamentarian where certain criteria have been met.

Reportable Conduct includes 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.

Whistleblower Investigations Officer (WIO) person responsible for assessing, leading, coordinating or overseeing the investigation of protected whistleblower disclosures in a fair, confidential, objective (without bias) and timely manner.

Whistleblower Protection Officer (WPO) members of the Executive Leadership Team (ELT) who are responsible, as far as is reasonably practicable to protect Whistleblowers and is accountable for the provisions of this policy.

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

5.0 Policy

5.1 Speaking Up

We encourage you to speak up and report any actual or suspected issues of wrongdoing or misconduct. We are committed to fostering a safe speak up culture and we will protect you when you speak up.

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You can choose to provide your details or remain anonymous and in all circumstances, we will treat your identity, and the information you provide, in the strictest of confidence. We will only share your name and the information you provide with your consent or if the law requires it. All disclosures will be taken seriously, but it may not be possible to fully investigate anonymous reports.

If you wish to remain anonymous, we encourage you to submit your report via our External Hotline. If you supply your email but choose to remain anonymous, it will not be accessible or visible to anyone from within AQ or the external provider Core Integrity, thereby providing you with true anonymity. This enables you to communicate safely and securely with those who are responsible for reviewing or investigating your report whilst remaining anonymous.

5.2 How to Speak Up

When a discloser who is a current AQ employee becomes aware of a reportable matter, they should report the conduct verbally, in writing via email, mail or telephone to an eligible recipient. However, if the eligible recipient is involved, the report should be made to the external hotline.

Reports should include as much information as possible such as dates, times, locations, individuals involved, other witnesses, physical evidence (e.g. documents and images), general nature of your concern, how you became aware of the issue. The report should include any steps already taken to report the matter elsewhere or to resolve the concern.

External Hotline:

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

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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.

5.3 Who to Speak Up To

We encourage you to speak up and disclose any suspected or actual wrongdoing or illegal activity via an eligible recipient identified below, or externally managed Speak Up Hotline which is provided by Core Integrity, as this enables AQ to provide the best possible reporting experience to our people and importantly, to ensure that we can protect you as promised.

To qualify for protection as an eligible whistleblower you are required to make a report of reportable conduct to an eligible recipient. Eligible recipients at AQ are as follows:

- AQ Board Chair
- AQ Executive Leadership Team Member
- AQ's external Speak up Hotline provider Core Integrity Pty Ltd.

You can also make a disclosure of reportable conduct to a member of parliament or a journalist in exceptional or 'emergency' situations; however, we encourage you to make your report to AQ where practicable in the first instance.

5.4 Public Interest or Emergency Disclosures

Whistleblower laws enable **emergency disclosures** to be made to journalists or a member of parliament where:

- A previous disclosure of the same conduct to a prescribed commonwealth regulator (such as ASIC).
- The whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more people, or to the natural environment.

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- Before making the emergency disclosure, the whistleblower must have given the same regulator written notice that:
 - includes sufficient information to identify the previous disclosure;
 - states that the whistleblower intends to make an emergency disclosure.

The extent of the disclosure must be no greater than is necessary to inform the member of parliament or the journalist about the substantial and imminent danger.

A **Public Interest Disclosure** is the disclosure of information to a journalist or member of parliament where the following criteria have been met:

- At least 90 days have passed since the whistleblower disclosure was lodged.
- The whistleblower discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure.
- The whistleblower discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest.
- Before making the public interest disclosure, the whistleblower has given written notice to AQ's Speak Up provider stating that:
 - the public interest disclosure includes sufficient information to identify the previous disclosure;
 - the whistleblower intends to make a public interest disclosure.

5.5 What Disclosures are Protected?

You are encouraged to speak up if you have reasonable grounds to suspect any misconduct, wrongdoing or illegal conduct involving AQ, its subsidiaries or employees. This includes any breaches of the law, our Code of Conduct or anything else you feel may be impacting AQ, its employees, customers or stakeholders. Making a report under this policy may be considered as reportable conduct.

Reportable Conduct may include:

- fraud, theft or dishonest conduct (including falsification of records);
- bribery, corruption, money laundering or secret commissions;

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- illegal, unethical or improper conduct (drug use, violence, criminal damage);
- breach of employment, labour or workplace health and safety or any other laws;
- conduct that damages our reputation or brand or relationships with third parties;
- breach of an internal policy (e.g. Code of Conduct or Conflict of Interest);
- breaches of confidentiality and disclosure of confidential information;
- representing a danger to the public or the financial system;
- any other inappropriate behaviour, misconduct or improper state of affairs;
- any offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- prescribed by regulations under the *Corporations Act 2001*; and
- psychosocial hazards within the workplace.

5.6 How Whistleblowers are Protected

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.

AQ is committed to protecting anyone that speaks up by:

- **Protecting your identity:** we will not share your identity, or information that is likely to lead to your identity being known, unless you give your consent, or it is allowed by law. We will always ask for your consent before disclosing your identity or any of the information you provide to another party.
- **Ensuring Fairness:** we are committed to ensuring you are treated fairly and that you are not disadvantaged or discriminated against as a result of speaking up. We will assess your report and take all reasonable and appropriate actions to consider, investigate and resolve the issues raised. Each report will be treated on its own merits in terms of the appropriate action or response but in all circumstances, we are committed to ensuring fairness to all parties involved.

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- **Providing Support:** we understand and acknowledge that speaking up can be difficult and we are committed to providing support to you, and any other impacted party, throughout the process. As part of that commitment, you will have access to AQ's Whistleblower Protection Officer (WPO) – a member of our Executive Leadership Team. Our WPOs are responsible for ensuring protections under this policy are enforced and maintained.

If you have any questions or concerns regarding the protections that apply to you, and the support being provided, you are encouraged to contact a member of the Executive Leadership Team as WPOs via email, telephone or face to face.

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.

5.7 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:

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- i. dismissal or alteration of a person's position or duties to their 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 their 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.

5.8 Training

All staff will undertake whistleblower training at onboarding and will participate in refresher training annually thereafter.

5.9 Continuous Improvement

Results of investigations will be used to identifying gaps in our existing policies and procedures and drive continuous improvement. Continuous improvement activities are monitored and managed via the Continuous Improvement Register.

6.0 Procedure

6.1 Report Handling and Investigation Process

Upon receipt of a report, AQ's external Speak Up service provider, Core Integrity, will assess the report and obtain as much information as possible. All information will be documented and contained in our secure online reporting platform to ensure we can maintain confidentiality of your report and protect your identity. The Core Integrity team will take the time required to build rapport, display empathy, and elicit the appropriate amount of information from you. The more information you can provide during the reporting process the better, as this will enable AQ to make an informed

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and considered assessment of the most appropriate response once Core Integrity refer the report to us.

You will be provided access to your report through our secure reporting platform with your own unique Report ID and password and you are encouraged to utilise the platform for secure, two-way communications.

Upon receipt of the report from Core Integrity, AQ will assign the report to an eligible recipient based on the issue being raised. In doing so, your report will be further assessed to determine if it qualifies as a protected disclosure. All protected disclosures are assessed by AQ's Whistleblower Investigations Officer (WIO) - (CEO) and are provided to our Whistleblower Protections Officers (WPO's).

Depending on the issue being raised, an investigation may be required. The Eligible Recipient receiving the disclosure will refer it to the WIO (CEO) to assess, who will refer it as appropriate for investigation. This may include the use of an external investigator.

The WIO will be responsible for overseeing or conducting the investigation whilst the WPOs will be your point of contact for ensuring you are protected and supported throughout the process. If the disclosure is of a serious nature, the CEO will inform the Board Chair verbally within 24 hours of receiving the report. 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;

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- e) consider any possible remedial action that may be required; and
- f) immediately notify the Board Chair, if the CEO is in any way referenced in, or implicated by, the reportable matter, or 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).

The duration of a formal investigation will depend on the circumstances including the number of allegations, witnesses, and other factors.

You can receive updates, provide more information and ask questions regarding your report and the investigation by contacting the WIO, WPO or investigator.

6.2 Decision Making

Once an investigation is completed, the WIO will report the findings of the investigation 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.

The Board Chair may seek external advice as required.

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The Board 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.

6.3 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.

7.0 Related Documents

Legislation

Corporations Act 2001 (Cth)

Fair Work Act 2009 (Cth)

Privacy Act 1988 (Cth)

Public Interest Disclosure Act 2010 (Qld)

Public Interest Disclosure Act 2013 (Cth)

Work Health and Safety Act 2011 (Qld)

Internal

Code of Conduct

Conflict of Interest Policy

Fraud Control Policy

Grievance Policy & Procedure

Privacy Policy

Whistleblower Hotline Poster

Whistleblower Investigation Checklist

Whistleblower Program Investigation Commencing
Template Letter

Whistleblower Program Investigation Plan Template

Whistleblower Program Notice to Attend Interview

Whistleblower Report Template

Work Health and Safety Policy

Document	Whistleblower Policy & Procedure			Type	Policy & Procedure
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Appendix A – Process Flow

