

Whistleblower Policy

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INTRODUCTION

Lifeline South Coast is committed to the protection of genuine whistleblowers against any reprisal action taken on the basis of them making a whistleblower report.

Lifeline South Coast has adopted the Lifeline Australia Whistleblower Policy version 3.0. Minor changes have been made to tailor the Policy to Lifeline South Coast.

PURPOSE

This whistleblower policy is an important tool in assisting Lifeline South Coast to identify wrongdoing that may not be uncovered without a safe and secure way to disclose it.

This policy has been developed to:

- Encourage disclosure of wrongdoing;
- Help deter wrongdoing, in line with Lifeline South Coast's risk management and governance framework;
- Ensure those who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- Ensure disclosures are dealt with appropriately and on a timely basis;
- Ensure that allegations received from a whistleblower are investigated confidentially, promptly, and fairly, whilst ensuring that the worker making the whistleblower report is afforded the appropriate level of protection
- Provide transparency around Lifeline South Coast's framework for receiving, handling, and investigating disclosures;
- Support Lifeline South Coast's values and Code of Conduct;
- Support Lifeline South Coast's long-term sustainability and reputation; and
- Meet Lifeline South Coast's legal and regulatory obligations.

Lifeline South Coast is committed to encouraging the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving Lifeline South Coast's organisation and provides protections and measures so that people who make a report can do so confidentially and without fear of intimidation, disadvantage or reprisal.

Lifeline South Coast will continue to support workers and other parties to report instances of wrongdoing and encourage them to do so using the process set out below.

This policy applies to all Lifeline South Coast workers.

Lifeline South Coast Workers are bound by the standards of conduct that are set out in the Code of Conduct.

SCOPE

A disclosure about a Reportable Matter will qualify for protection under the Corporations Act (or Taxation Administration Act, where relevant). Disclosures that are not about A

Reportable Matter will not be protected under the Corporations Act or the Taxation Administration Act or this policy.

A disclosure will concern a Reportable Matter if an Eligible Whistleblower has reasonable grounds to suspect that the information being disclosed is about:

- misconduct (including fraud, negligence, default, breach of trust and breach of duty);
- an improper state of affairs or circumstances;
- behaviour that represents a danger to the public or the financial system;
- a breach of the Corporations Act; or
- a breach of the Taxation Administration Act or improper conduct in relation to the tax affairs,

in relation to Lifeline South Coast.

A personal work-related grievance is one that relates to your employment that has implications for you personally but does not have significant implications for Lifeline South Coast. These grievances should be addressed under the Feedback and Complaint Handling Policy.

If at any time you are not sure about whether to make a disclosure, you can get independent legal advice.

DEFINITIONS

For the purposes of this policy, the following definitions apply:

Delegate means the person occupying the position of Lifeline South Coast Board Chair and/or Lifeline South Coast Audit and Risk Committee Chair as described from time to time. Workers acting in this position assume the duties and responsibilities of the Delegate in accordance with this policy.

Worker means an employee, volunteer, or contractor of Lifeline South Coast.

Other Party means a past employee, volunteer, supplier, associate, family member of an employee or any person who has sufficient knowledge/visibility in order to make a genuine Whistleblower Report.

Investigator means a person appointed by the Delegate to investigate a Whistleblower Report.

Reprisal Action means any detrimental action taken against a Worker on the basis that he/she has made, or is suspected of making, a Whistleblower Report, including but not limited to:

- dismissing a Worker;
- injury of a Worker in his or her employment and/or volunteering;
- altering a Worker's position to his or her detriment; and

- discrimination between a Worker and other Workers of Lifeline South Coast.

Serious Breach means:

- corrupt conduct;
- fraudulent activity;
- a substantial mismanagement of Lifeline South Coast's resources; or
- conduct involving a substantial risk to public health or safety, or to the environment; that would, if proven, constitute:
 - a criminal offence;
 - reasonable grounds for dismissing or dispensing with, or otherwise terminating, the employment or services of a Lifeline South Coast Employee who was, or is, engaged in that conduct; or
 - reasonable grounds for disciplinary action.

Whistleblower means a Worker of Lifeline South Coast or Other Party who makes any good faith communication based on reasonable grounds that discloses (or demonstrates an intention to disclose) information that may evidence a Serious Breach.

Eligible Whistleblower a person who is, or has been, any of the following:

- an officer or employee of Lifeline South Coast (this includes current and former employees who are permanent, part-time, fixed term or temporary, interns, secondees, managers and directors);
- a person who supplies goods or services to Lifeline South Coast or an employee of a person who supplies goods or services to Lifeline South Coast (whether paid or unpaid) - this could include current and former volunteers, contractors, consultants, service providers and business partners;
- a person who is an associate of Lifeline South Coast - for example, a director or company secretary of Lifeline South Coast; or
- a relative, dependent or dependent of the spouse of any person referred to in this definition of Eligible Whistleblower.

Whistleblower Report means a communication by a Worker or Other Party, in writing, containing a disclosure of a known or suspected incidence of a Serious Breach. A Whistleblower Report does not need to be made through a worker's manager/supervisor and can be made directly to the Delegate.

POLICY

What does a Whistleblower Report need to include?

A Whistleblower Report should include as much detail as possible about the suspected Serious Breach and include any supporting information such as emails and/or other documents. As a general guide, a report should include¹:

- Whistleblower's contact information (including their name, designation, contact number and email)
- Information of the person associated with the serious breach (including their name, designation, contact number and email)
- Information of any witnesses (including their name, designation, contact number and email)
- Information regarding the issue including:
 - o What, Who, When, Where, How
 - o Any evidence that could be provided to the Delegate (documents, photos, data etc)
 - o Any other parties who are involved
 - o Any other details or information that will assist in the investigative process
 - o Any other relevant comments
 - o Date the report and sign it

Appendix I – Whistleblower Report Form

Who do I contact?

Workers are obligated to report any known or suspected incidences of a Serious Breach, by making a disclosure in accordance with this policy.

Workers or Other Parties can make a report directly to the Delegate using the following secure address:

- Via Email
Chair@llsc.org.au (Chair of the Lifeline South Coast Board)
Farm@llsc.org.au (Chair of the Finance, Audit & Risk Committee)
- Via Post to
Lifeline South Coast
Attention: Board Chair/Finance, Audit & Risk Committee Chair
PO Box 404
Wollongong NSW 2500

¹ Any information that could potentially compromise your anonymity need not be included at the first instance, noting that in some circumstances, the delegate will require your identity to appropriately progress a report/investigation.

Where a worker submits a report to a manager/supervisor, the manager/supervisor is obligated to refer the report through to the delegate. The manager/supervisor will then confirm in writing to the worker who submitted the report that it has been provided to the delegate.

In circumstances where a Worker wishes to make a Whistleblower Report that:

- a) contains allegations about the Finance & Governance Manager, he or she should instead refer the matter to the Audit & Risk Committee Chair for consideration and further action;
- b) contains allegations about the Audit & Risk Committee Chair, he or she should instead refer the matter to the Chair of the Board for consideration and further action.

Other designated bodies that can receive a disclosure:

- ASIC
- The Commissioner of Taxation

What happens to the Whistleblower Report once it is made?

Once a report of a Reportable Matter has been received from a Whistleblower, who has provided reasonable grounds for their belief that the Reportable Matter has occurred, an investigation of those allegations will begin as soon as practicable after the report has been received.

Acknowledgement

The Delegate will endeavour to provide the Worker or Other Party with written acknowledgement of the Whistleblower Report as soon as practicable, in most circumstances no later than 3 business days after it is received.

Investigation

The Delegate will consider the information provided in the Whistleblower Report and determine whether an investigation should occur.

The Delegate has the discretion not to investigate a Whistleblower Report if he or she considers:

- a) the Whistleblower Report is frivolous or vexatious;
- b) it is impracticable for the Whistleblower Report to be investigated;
- c) the same information that was disclosed in the Whistleblower Report is being investigated through another process
- d) The Worker or Other Party does not wish for an investigation to be pursued, and the Delegate is satisfied that there are no matters raised in the Whistleblower Report that warrant investigation; or
- e) There is not enough information provided to undertake an investigation (particularly in the case of Whistleblower Reports made anonymously)

If the Delegate decides that an investigation should not occur, he or she will inform the Worker or Other Party accordingly.

If the Delegate decides that an investigation will occur, he or she may conduct the investigation as expeditiously as proper consideration of the matter allows. The Delegate is required to observe the rules of natural justice in conducting an investigation, including giving a person a reasonable opportunity to respond to any allegations against him or her and ensuring that the investigation is conducted independently and without bias.

The Delegate may appoint an objective third party Investigator to assist in conducting the investigation. The Investigator may be a Worker or a person external to Lifeline South Coast.

The Delegate must keep detailed records of the investigation, including file notes, correspondence, meeting minutes and any other relevant supporting documentation.

Findings of Investigation

The Delegate may refer any findings of an investigation to appropriate functional areas or individuals within Lifeline South Coast for further consideration, which may include disciplinary action.

The Delegate, where possible, will inform the Worker or Other Party who made the Whistleblower Report of any outcome of an investigation within 14 business days after the investigation has been conducted and reached a conclusion.

Health and safety

If the Delegate becomes concerned about the health and safety of a Worker or Other Party during the investigation, he or she may discuss with the Worker or Other Party a range of measures which can be taken to ensure the ongoing welfare of that Worker or Other Party (or other Workers) in the workplace. This includes consideration of any reports of actual or anticipated Reprisal Action against a Worker or Other Party and whether such Reprisal Action is affecting the Worker or Other Party's continued health and safety.

Confirming the identity of Whistleblowers

When a whistleblower makes a report, their right to anonymity will be fully respected at all times. In some instances, for a whistleblower report to be progressed and appropriate action taken, the whistleblower will need to provide their identity to the Delegate. If the whistleblower does not wish to do this, the report may be archived if further action is contingent on the whistleblower coming forward.

When a whistleblower does come forward, either after a period of anonymity or straightaway, the Delegate will request the whistleblower to fill in a statutory declaration and provide a certified true copy of a government issued identification, this request is made by the Delegate in order to confirm that the whistleblower is who they say they are. It also doubles as a deterrent for anyone contemplating filing a vexatious, malicious or frivolous whistleblower report.

For example, a staff member's family member is able to make a whistleblower report, to eliminate instances of vexatious or malicious reports being filed, a certified true copy of

identification and a statutory declaration will be requested from the whistleblower by the Delegate in order to progress the report further.

Will my identity be protected?

The identity of any Worker or Other Party who makes a Whistleblower Report will be kept confidential to the extent that it is possible to do so.

All files and information received by the Delegate that relates to a Whistleblower Report will be stored securely on a network that has appropriately restricted access.

Information provided by a Worker or Other Party will be held in the strictest confidence and will only be disclosed to a person not connected with the investigation of the matters raised:

- a) if the Worker or Other Party has been consulted and consents in writing to the disclosure;
- b) for the purpose of seeking legal or financial advice; or
- c) where the Delegate or Investigator are compelled by law to do so.

Whistleblower Reports can be made anonymously, however this may hinder the ability of the Delegate to properly investigate the matter.

Immunity

If a Worker makes a Whistleblower Report which involves his or her own conduct or of which he or she may be implicated, Lifeline South Coast will consider providing that Worker with immunity from disciplinary proceedings and immunity against civil liability, to the extent permitted by law.

Liability for own conduct

A Worker who is found to have provided false information to a Delegate in an investigation or who has made a Whistleblower Report vexatiously or in bad faith, may be subject to disciplinary action, including and up to termination of employment.

It is noteworthy that a Worker or Other Party cannot be protected from any criminal liability which may arise from his or her own conduct.

AVAILABILITY

This policy is made available on the Lifeline South Coast website.

RELATED DOCUMENTS

Feedback and Complaint Handling Policy