

WHISTLEBLOWER POLICY

Number	M4.22	Version	V1.0
Category	Management	Focus	People and Culture
Approval Date	3 February 2021	Approving Authority	Board of Directors
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Purpose	<p>Your Community Health expects the highest ethical standards from all of its employees.</p> <p>It is important that where an employee, contractor, consultant, client or stakeholder suspects an employee of misconduct that that person has the confidence to report the matter safely and securely.</p> <p>Your Community Health is committed to fostering a culture of legal, respectful, ethical and moral behaviour in the way we work and relate to each other.</p> <p>The purpose of this policy aims to:</p> <ul style="list-style-type: none"> • Encourage Your Community Health employees or anyone who has business dealings with Your Community Health to raise any concerns and report any instances of misconduct, illegal, fraudulent or other unethical conduct where there are reasonable grounds to suspect such conduct has occurred; • Provide an appropriate procedure for individuals to report such conduct in the knowledge they can do so, without fear of reprisal; • Ensure that any person who makes a disclosure in accordance with this policy (a Whistleblower) is appropriately protected from any detrimental conduct (as defined in this policy); • Actively protect and manage the welfare of Whistleblowers and others connected with a disclosure; • Help to ensure that Your Community Health maintains the highest standards of ethical behaviour and integrity; and • Ensure that our activities in relation to managing whistleblower disclosures are consistent with the Whistleblower Provisions of the <i>Corporations Act 2001</i>.
Scope	<p>This policy applies to and will protect all Eligible Whistleblowers. An Eligible Whistleblower is an individual who is covered by the scope of this policy who discloses a concern or a complaint to a matter that is covered by this policy and who wishes to avail themselves to the protections afforded under this policy against reprisal or the taking of detrimental conduct against the person for having made the disclosure.</p> <p>An Eligible Whistleblower is defined to include all past and present Your Community Health personnel including:</p> <ol style="list-style-type: none"> a) An officer or employee (e.g. current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, volunteers, student placements, managers, board members and directors); b) A supplier of services or goods to Your Community Health (whether paid or unpaid), including their employees (e.g. current and former contractors, consultants, service providers and business partners); c) Clients and stakeholders of Your Community Health; d) An associate of Your Community Health; and e) A relative, dependant or spouse of any of the above. <p>Neither this policy nor the Whistleblower Procedure are designed to replace normal communication channels between Managers and employees.</p>

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	<p>The policy is intended as a last option, when all other internal reporting avenues have been exhausted or alternatively, if the person believes the normal reporting processes are not appropriate.</p>
Policy Statement	<p>It is in Your Community Health's best interest to be made aware of any code of conduct, ethical, legal violations or undesirable conduct as early as possible. When we learn about problems, action can be taken to stop the wrongful acts. Addressing problems directly and without delay, not only reduces the negative impact of the error, but also assures that our reputation remains strong, putting us in the best stead to achieve our purpose.</p> <p>Your Community Health encourages the reporting of any instances of suspected code of conduct, ethical, legal violations or undesirable conduct involving Your Community Health and provides protections and measures so that those persons who make the disclosure, can do so, confidentially and without fear of intimidation, disadvantage or reprisal.</p> <p>Your Community Health will not tolerate corrupt, illegal or other like conduct, or condone victimisation of anyone who intends to disclose or has disclosed disclosable conduct.</p> <p>Your Community Health is committed to:</p> <ul style="list-style-type: none"> • The highest standards of ethics and integrity in the performance of its duties and the delivery of its services to the community; • Supporting the disclosure of alleged improper conduct relating to the organisation or to an employee of the organisation in the interests of ensuring safe and ethical work practices throughout the organisation; and • The establishment of a safe and independent objective system to encourage and provide support to persons making disclosures ("Whistleblowers").
Definitions	<p>Act: means <i>Corporations Act 2001 (Commonwealth)</i>.</p> <p>Manager - For the purposes of this policy, a manager is an employee who is appointed in the position of:</p> <ul style="list-style-type: none"> • Team Leader/Coordinator • Manager • General Manager • Chief Financial Officer • Chief Executive Officer <p>Whistleblowing: means the reporting or disclosure of disclosable conduct concerning our organisation made in accordance with this policy and on reasonable grounds to suspect that the disclosable conduct has occurred.</p> <p>Eligible Recipient – An individual who can receive a disclosure including an employee who is appointed in the position of:</p> <ul style="list-style-type: none"> • An Officer or Manager of Your Community Health; • The Whistleblower Disclosure Officer; or • The External Whistleblower Hotline Service.

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Eligible Whistleblower: A person who is covered by the scope of this policy who discloses a concern or a complaint in relation to a matter covered by this policy and who wishes to avail themselves to the protections afforded under this policy against reprisal or the taking of detrimental conduct against the person for having made the disclosure.

Disclosable Conduct is conduct that includes, but is not limited to, conduct that:

- Is dishonest, fraudulent or corrupt, or involves bribery or corruption, or an improper state of affairs or otherwise amounts to an abuse of authority;
- Is illegal, including theft, drug sale or use, violence, or threatened violence, harassment, intimidation, or criminal damage to property;
- Is in breach of Commonwealth or state legislation or local authority by-laws;
- Is unethical, including dishonestly altering company records or data, adopting questionable accounting practices, or the unauthorised disclosure of confidential information;
- Breaches Your Community Health's Code of Conduct or other Your Community Health policies;
- Is potentially damaging to Your Community Health, a Your Community Health employee or a third party, or the public or the financial system, such as unsafe work practices, environmental damage, health risks or substantial wasting of company resources;
- Amounts to an improper state of affairs or circumstances, in relation to the tax affairs of Your Community Health, a related company or associated entity and this information may assist the recipient to perform their functions or duties in relation to those tax affairs;
- May cause financial or non-financial loss to Your Community Health, damage its reputation or be otherwise detrimental to Your Community Health's interests;
- Is engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make a disclosure; or
- Is an attempt to conceal or delay a disclosure of any of the above conduct.

Detrimental Conduct is conduct that causes detriment to a Whistleblower in relation to a disclosure if the person suspects that the Whistleblower made, may have made or proposes to make. Detrimental conduct is defined as:

- Dismissal of an employee;
- Injury of an employee in their employment;
- Alteration of an employee's position or duties to their 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; or
- Any other damage to a person.

Whistleblower Disclosure Officers: are responsible for receiving and assessing the Whistleblower reports, protecting the interests of reporters, managing the investigation (if

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required), ensuring the integrity of the reporting function, notifying authorities (when required) and recommending preventative actions to avoid future disclosable conduct.

Whistleblower Investigation Officer: appointed by the Whistleblower Disclosure Officer, the Whistleblower Investigation Officer is responsible for investigating reports, making findings and maintaining comprehensive records in accordance with this Policy.

Whistleblower Protection Officer: The Whistleblower Protection Officer is appointed by the Whistleblower Disclosure Officer to assess the immediate welfare and protection needs of the Whistleblower and safeguard their interests.

Personal Work-Related Grievance: Personal work-related grievances do not qualify for Whistleblower protection under the Corporations Act. A personal work-related grievance is a disclosure that relates to the Discloser's current or former employment, which has implications for the Discloser personally but does not:

- Have any other significant implications for Your Community Health; or
- Relate to the conduct, or alleged conduct about a disclosable matter.

Examples of personal work-related grievances are but not limited to:

- Concerns which relate to individual working arrangements;
- An interpersonal conflict between two people;
- A decision that does not involve a breach of workplace laws;
- A decision about the engagement, transfer or promotion;
- A decision about the terms and conditions of employment; or
- A decision to suspend or terminate the engagement of the Discloser.

Employees are reminded they can refer to Your Community Health's Employee Grievance Resolution Policy in these instances.

An exception is that a personal work-related grievance may qualify for disclosable conduct if it includes information about misconduct as defined in the Disclosable Conduct section of this policy, (a mixed report).

Stopline: Stopline is an independent Whistleblower service provider appointed by Your Community Health and acts as the intermediary, providing the means for a Whistleblower to make a Whistleblowing report.

Responsibilities

The **Chief Executive Officer:**

- Has ultimate responsibility for the prevention and detection of misconduct and legislation related to this policy;
- Is responsible for ensuring that appropriate and effective internal control systems are in place; and
- Is responsible for reporting all cases of fraud or suspected disclosable conduct to Your Community Health's Government funding bodies (if required) and external authorities/entities.

Managers are responsible for ensuring there are mechanisms in place within their area of control to:

- Assess the risk of disclosable conduct;

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- Educate employees about this policy and their responsibilities;
- Facilitate the reporting of suspected disclosable conduct activities; and
- Notify their respective Manager and a Whistleblower Disclosure Officer at Your Community Health of any potential Whistleblower reports.

All **Employees** have a responsibility to:

- Remain alert to misconduct;
- Report known or suspected disclosable conduct in accordance with this policy to their Manager or through the internal or external avenues identified in this policy;
- Act in a way that reduces, prevents or minimises disclosable conduct;
- Support (and not victimise) those who have made or intend to make a disclosure; and
- Ensure the identity of the Whistleblower and the person/s who is the subject of the disclosure is kept confidential.

Whistleblowers have a responsibility to:

- Ensure they have reasonable grounds to suspect that disclosable conduct has occurred;
- Ensure they do not make baseless disclosures or knowingly provide false or misleading information regarding disclosable conduct. Doing so may result in disciplinary action up to and including termination of employment; and
- Provide information to assist any inquiry/investigation of the wrongdoing disclosed in accordance with this policy.

People and Culture are responsible for:

- Ensuring that employees are made aware of their rights and responsibilities in relation to whistleblowing during orientation;
- Providing refresher training to all employees at regular intervals;
- Encouraging employees to speak up about concerns of disclosable conduct.

Whistleblower Disclosure Officers are responsible for:

- Receiving Whistleblower reports and protecting the interests of Whistleblower/reporters;
- Determining whether the report falls within the scope of the Policy;
- Carefully assessing the information provided to decide the best action to take, including whether an investigation is required;
- Appointing a Whistleblower Investigator where an investigation is deemed appropriate;
- Appoint a Whistleblower Protection Officer to support and protect the Whistleblower, if necessary, from victimisation;
- Ensuring investigations are conducted in accordance with this Policy;
- Ensuring any reports involving a Board Director or the Chief Executive Officer are reported to the Chair of the Board;
- Updating reporters on progress and details of outcomes to the fullest extent possible;
- Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters;

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- Immediately reporting concerns in relation to any detrimental conduct to the CEO (provided that the concerns do not relate to them);
- Determining the appropriate courses of action to remediate or act on the investigation;
- Reporting matters to relevant authorities;
- Making recommendations to prevent future instances of disclosable conduct;
- Advising the Whistleblower (through Stopline where anonymity is requested) of the progress of the matter to the extent it is legally permissible and appropriate to do so;
- Completing any relevant training; and
- Seeking to ensure the integrity of the Whistleblower Program is maintained.

Whistleblower Investigators are responsible for:

- Investigating reports of disclosable conduct in accordance with this Policy;
- Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters;
- Gathering evidence and taking steps to protect or preserve evidence;
- Making findings based on the balance of probabilities and formalising the assessment and findings in a report;
- Keeping comprehensive records about the investigation in a confidential manner;
- Making recommendations to the Whistleblowing Protection Officer about how to implement the strategy in relation to how reported disclosable conduct can be stopped, prevented and/or mitigated in future; and
- Complying with the directions of the Whistleblower Disclosure Officer in relation to any further follow up, and reporting action and requirements, including the implementation of any recommendations.

Whistleblower Protection Officer is appointed by Your Community Health and is responsible for:

- Providing updates to the Whistleblower (including through our confidential hotline service provider) including actions taken in relation to their disclosure and the outcomes of any investigations undertaken;
- Providing or arranging support services to the Whistleblower including but not limited to counselling and other professional services;
- Assessing the risk and implementing strategies for protecting the Whistleblower from reprisals and detrimental conduct;
- Implementing strategies to assist the Whistleblower to minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or the investigation;
- Interventions for protecting a Whistleblower if detrimental conduct has already occurred; and
- Making recommendations to the CEO on actions to be taken to strengthen compliance with this policy and to strengthen protections for Whistleblowers.

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	<p>Your Community Health may appoint a person from within the organisation, such as member from People and Culture or an immediate Manager, or a third party to be the Whistleblower Protection Officer.</p>
Procedure	<p>Any person defined as a 'Whistleblower' in the definitions above may make a disclosure under this policy.</p> <p>Rights and obligations of a Whistleblower</p> <p>Any person that discloses a concern or a complaint under this policy should be informed that:</p> <ul style="list-style-type: none"> • As far as lies within the power of Your Community Health, the person will not be disadvantaged for the act of making such a disclosure where that disclosure has been made in good faith and on reasonable grounds; and • If the person wishes to make their concern or complaint anonymously, their wish shall be honoured, except insofar as it may be overridden by due process of law; however • Reporting such a concern or complaint does not necessarily absolve the person from the consequences of any involvement on their own part in the disclosable conduct or other action disclosed. <p>Any such disclosure should, where possible be in writing and should contain, as appropriate, details of:</p> <ul style="list-style-type: none"> • The nature of the alleged disclosable conduct or other inappropriate or illegal conduct as described in this policy; • The person or persons responsible for the alleged behaviour; • The facts on which the person that makes the disclosure has formed the view that behaviour in the nature of that described in this policy may have occurred and been committed by the person or persons named in the disclosure; and • If known, the nature and whereabouts of any further evidence that would substantiate the persons concern or complaint. <p>Evidence to support such concerns should be brought forward when the disclosure is made if it exists. The absence of such evidence is not an absolute bar to the activation of Your Community Health's investigative procedures. The existence of such a concern is sufficient to trigger reporting responsibilities.</p> <p>Protection is available to Whistleblowers who disclose wrongdoing as defined in in this policy as Disclosable Conduct that is made with reasonable grounds to believe it is true</p> <p>Making a disclosure may not protect the Whistleblower from the consequences flowing on from being involved in the wrongdoing itself. A person's liability for their own conduct is not affected by their disclosure of that conduct under this policy. However, active cooperation in the investigation, an admission and remorse may be taken into account when considering disciplinary or other action.</p> <p>Even though a Whistleblower may be implicated in the wrongdoing, they must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a disclosure under this policy.</p>

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This policy does not authorise any person covered by the policy to inform commercial media or social media of their concern, and does not offer protection to any person who does so.

Making a Disclosure

If you have seen or have reasonable grounds to suspect disclosable conduct or an improper state of affairs or circumstances concerning Your Community Health, you should report it (Disclosure).

A disclosure may be made:

- 1) Internally to Your Community Health;
- 2) To our independent Whistleblower service provider – Stopline; or
- 3) To external authorities and entities.

Making a disclosure internally to Your Community Health

We support openness and teamwork. This policy is not intended to replace our first obligation to resolve issues quickly and internally where appropriate. All reasonable attempts to resolve an issue should first be attempted.

You are encouraged to raise disclosable conduct at any time with your Manager to resolve disclosable conduct informally and internally.

If you do not feel safe or able to raise disclosable conduct with your Manager, you may make a disclosure to:

- An Officer or General Manager of Your Community Health;
- An auditor, or a member of an audit team conducting an audit of Your Community Health or related company;
- An actuary of our company or related company; or
- A person authorised by Your Community Health to receive disclosures.

Your Community Health's Whistleblower Disclosure Officers to whom you may make a disclosure and their contact details are set out below:

Disclosure Officers		
For disclosures with the exception of those relating to the CEO		
Name and position	Location	Contact details
Paul Leary General Manager People and Culture	125 Blake Street EAST RESERVOIR VIC 3073	Telephone: 8470 5913 or 0477 083 754 Paul.Leary@yourcommunityhealth.org.au

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Di Parker Chief Financial Officer	<i>125 Blake Street</i> <i>EAST</i> <i>RESERVOIR</i> <i>VIC 3073</i>	Telephone: 8470 1808 Diannah.Parker@yourcommunityhealth.org.au
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Stopline, our independent service provider, is to receive disclosures that relate to, or implicate the Chief Executive Officer. Please refer to the section below on making a disclosure to Stopline. Stopline will liaise with the Board of Directors Chair, regarding the disclosure.

Making a disclosure to independent service provider - Stopline

If for any reason you do not feel safe or able to make a disclosure internally you may do so to independent Whistleblower service provider, Stopline.

Disclosable conduct can be reported to Stopline, a confidential, independent provider of whistleblowing services who will take full details of your concerns via telephone, mail, email, fax or the specifically created website. Disclosures made through Stopline are independent of line management so that an objective assessment of the disclosure can be made.

When you contact Stopline please include details of your complaint, including;

- What is happening?
- Where it is happening?
- How it is happening?
- Who is doing the wrong thing?
- Why they are doing the wrong thing?

Your Community Health and Stopline want you to be confident to disclose any wrong or unfair behaviour at work.

There are a number of ways in which you can make a report to Stopline. You can telephone Stopline between the hours of 8 am and 9 pm, write to Stopline via email, mail or fax, or make a report via the confidential website or APP.

Disclosures can be made to Stopline through the following:

Website: <http://yourcommunityhealth.stoplinereport.com/>
 Email: yourcommunityhealth@stopline.com.au
 Telephone: 1300 30 45 50 (within Australia)
 Fax: +61 3 9882 4480
 Free Mobile App: stopline365
 Mail: Your Community Health c/o Stopline, PO Box 403,
 Diamond Creek, VIC 3089
 NRS: National Relay Service (for hearing impaired)

Stopline will review disclosure reports and direct those that require further investigation to the Whistleblower Disclosure Officer. Stopline will handle your information in a secure and confidential way. Stopline's Privacy Policy can be found at <https://www.stopline.com.au/privacy-policy>.

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Internal Whistleblowers

Internal Whistleblowers (current or former directors, employees, volunteers, interns, contractors or consultants) are encouraged to report their concerns to their Manager or their General Manager/CFO (or next level Manager) to seek an immediate response. Where the internal Whistleblower believes this is not appropriate, then disclosable conduct may be reported through Stopline.

External Whistleblowers

Where an external Whistleblower (other people with a relationship with Your Community Health including clients, program partners and suppliers) is reluctant to report it to line management, they may provide the report of wrongdoing to:

- Stopline; or
- A person or entity who is eligible to receive the disclosure under the *Corporations Act 2001*.

Making a disclosure to external authorities and entities

Disclosable conduct can also be disclosed to various external authorities and entities. Refer to **Appendix B** for further details.

General information and advice

If you need information and advice about making a disclosure or the support and protection available you may discuss the matter in confidence with your immediate Manager or People and Culture.

Note: In the event you do not formally make a disclosure we may nevertheless be compelled to act on the information provided during the discussion if the information reasonably suggests disclosable conduct has or may occur.

Supporting evidence of disclosable conduct

We do not expect a disclosure to include absolute proof of disclosable conduct. Where possible it should include:

- The name, job title and workplace address of the person the subject of the disclosure;
- Details of the disclosable conduct including dates and places;
- Names of anyone who may substantiate the disclosure; and
- Any other evidence that supports the disclosure such as emails, documents.

These details will assist us in deciding how best to deal with and resolve the disclosure.

Anonymous Disclosures

There is no requirement for a Whistleblower to identify themselves in order for a disclosure to qualify for protection under the Act or under this policy.

Anonymous disclosures of wrongdoing are accepted under this policy. Disclosures may be made anonymously, and this anonymity shall, as far as possible be preserved by Your Community Health. Anonymous disclosures on matters covered by this policy shall be

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investigated to the fullest extent possible if the Whistleblower Disclosure Officer determines that an investigation should be undertaken.

Anonymous disclosures may have significant limitations that may inhibit a proper and appropriate inquiry or investigation. These limitations include the inability to provide feedback on the outcome and/or to gather additional particulars to assist the inquiry/investigation. Specific protection mechanisms may be difficult to enforce if you choose to remain anonymous.

Where anonymity has been requested, the Whistleblower is required to maintain confidentiality regarding the issue and to refrain from discussing the matter with any unauthorised persons.

Confidentiality and Privacy

Your identity will not be disclosed by Stopline or Your Community Health unless:

- You consent to disclosing your identity;
- The disclosure is required by law; and/or
- It is necessary to prevent a serious threat to a person's health or safety.

An unauthorised disclosure of:

- the identity of a Whistleblower; and/or
- information that is likely to lead to the identification of the Whistleblower where the information was obtained because of the disclosure.

will be regarded as a disciplinary matter and will be dealt with in accordance with the Your Community Health's Disciplinary Policy and Procedure. *Note:* It is also an offence/contravention under the Act which carries serious penalties for individuals and companies.

Your Community Health and Stopline will treat disclosures in the strictest confidence. Any Your Community Health staff, Stopline or any Consultants involved in the disclosure will protect the identity of the Whistleblower by:

- All personal information or reference to the Whistleblower will be redacted from any reporting;
- The Whistleblower will be referred to in a gender-neutral manner;
- Where possible, the Whistleblower will assist to identify any aspects of the disclosure that may inadvertently identify them;
- All paper and electronic documents will be stored securely;
- Access to information relating to a disclosure will be limited to those directly involved in managing or investigating the disclosure;
- Only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a Whistleblower's identity (subject to the Whistleblower's consent) or information that is likely to lead to the identification of the Whistleblower; and
- Each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an

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unauthorised disclosure of a Whistleblower's identity may be a criminal offence.

The confidentiality provisions do not preclude anyone involved in the disclosure from sharing the information with their representative or support person.

Protection against victimisation and detrimental action

Your Community Health will do everything reasonably possible to support and protect anyone from victimisation and detrimental action who:

- Intends to or makes a disclosure;
- Is mentioned in the disclosure;
- Acts as a witness; or
- Otherwise assists with the investigation and resolution of the disclosure.

Assistance is available through the Employee Assistance Program to employees and persons mentioned or involved in a disclosure.

Your Community Health will thoroughly investigate reports of victimisation. If proven, those who have victimised another will be subject to management action including disciplinary action up to and including dismissal.

Nothing in this policy is intended to change or diminish away any other protections which may be available at law.

Note: Victimisation is also an offence under the Act which carries serious penalties for individuals and companies.

Civil, criminal and administrative liability protection

An Eligible Whistleblower is protected from any of the following in relation to their disclosure:

- a) Civil liability (e.g. any legal action against them for breach of an employment contract);
- b) Criminal liability (e.g. attempted prosecution of the Eligible Whistleblower for unlawfully releasing information); and
- c) Administrative liability (e.g. disciplinary action for making the disclosure).

However, please note the above protections do not grant immunity for any misconduct or disclosable conduct an Eligible Whistleblower has engaged in that is revealed in their disclosure. However, in some circumstances, the reporting of misconduct or disclosable conduct and an admission may be a mitigating factor when considering disciplinary action.

Process following a disclosure to Stopline

Stopline is the external conduit between you and Your Community Health. Stopline will, with your agreement, act as an intermediary between you and Your Community Health if in the event that you wish to remain anonymous. This process will assist in the transfer of

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information which could be in the form of the provision of additional details and/or you could receive updates if in the event the matter is investigated.

Process following a disclosure to Your Community Health

The Whistleblower Disclosure Officer has been appointed by Your Community Health to receive the disclosure directly from you (if you make an internal disclosure, or from Stopline (if you make an external disclosure to Stopline)).

Support

If necessary, Your Community Health will appoint a Whistleblower Protection Officer to arrange or coordinate support and/or protection for anyone who has or is in the process of making a disclosure or is mentioned or involved in the disclosure. The support may include a support person and or other support services as may be appropriate based on the circumstances.

Discussions relating to this policy may be difficult for Employees. Employees may wish to contact the Employee Assistance Program provider Caraniche at Work on 1800 099 444 for confidential support.

Proven disclosable conduct

If the disclosable conduct is proven, Your Community Health will decide what action to take including disciplinary action up to and including dismissal.

The disciplinary action will depend on the severity, nature and circumstance of the disclosable conduct.

Keeping the Whistleblower informed

Subject to privacy and confidentiality requirements, the Whistleblower will be kept informed of:

- Relevant progress of the disclosure; and
- The outcome of the disclosure;

to the extent that it is legally permissible and appropriate to do so.

Investigation of the disclosure

The Whistleblower Disclosure Officer will carefully assess and use the information provided in the disclosure to decide the best action to take, including whether an investigation is required and, if so, determine the appropriate investigation process, including:

- The nature and scope of the investigation;
- Who will conduct the investigation and whether that person should be external to Your Community Health;
- The nature of any technical, financial or legal advice that may be required; and
- A timeframe for the investigation (having regard to the level of risk).

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Investigation Process

The investigation must be conducted in a constructive, impartial and lawful way according to the principles of natural justice and procedural fairness. The Investigator will:

- Gather information, material and documentation concerning the disclosure as quickly as possible. (This may involve taking steps to protect or preserve documents, materials and equipment.);
- Take a statement or record of interview and/or tape formal interviews with witnesses as required (where the Whistleblower wishes to remain anonymous and does not wish to make a statement they will not be asked to do so.);
- Store the information gathered in the investigation securely;
- Take all reasonable steps to protect the identity of the Whistleblower. Where the release of the identity of the Whistleblower cannot be avoided due to the nature of the allegations, the investigator will warn the Whistleblower of this probability; and
- Complete the investigation and provide a report outlining the findings as soon as is reasonably practical.

Investigator's Report

At the end of the investigation, the investigator will provide a written report to the CEO (and any other parties as directed by the CEO) (unless they are the subject of the notification and investigation) including:

- A finding of all relevant facts;
- Whether the disclosure is proven, not proven or otherwise, based on the balance of probabilities;
- Recommendation/s, when requested to do so, as to any action that may be taken in respect of the findings.

Your Community Health will use the report to determine the action (if any) to be taken including disciplinary action.

The findings will be communicated to the relevant parties involved to the extent that it is legally permissible and appropriate to do so.

Reporting the matter to external authorities

Your Community Health will refer:

- The information in the disclosure; and
- The findings of an investigation;

which revealed conduct that may constitute a legal or criminal offence or when required to so by law to the relevant external agency, such as the police, ASIC or AHPRA.

Immunity from disciplinary action

Anyone who makes a disclosure:

- With reasonable grounds for suspecting disclosable conduct has or may occur; and
- Has not engaged in serious disclosable conduct, illegal or vexatious conduct relating to the disclosure;

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will be provided with immunity from disciplinary action.

Note: Your Community Health has no power to offer any person immunity against prosecution in the criminal jurisdiction. Immunity against prosecution can only be granted, in most jurisdictions, by the Director of Public Prosecutions.

Trivial, vexatious or malicious complaints and consequences of making a false disclosure

To ensure everyone who makes a complaint is treated fairly and that resources are not wasted, protection is not available where the disclosure is:

- Trivial or vexatious in nature with no substance. This will be treated in the same manner as a false disclosure and may itself constitute wrongdoing; or
- Unsubstantiated allegations which are found to have been made maliciously, or knowingly to be false. These will be viewed seriously and may be subject to disciplinary action that could include dismissal, termination of service or cessation of a service or client relationship.

Anyone who makes a disclosure knowing it to be false or misleading may be subject to disciplinary action, including dismissal in accordance with Your Community Health's Disciplinary Policy and Procedure.

The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

Policy Availability

This policy is available to employees and officers of Your Community Health on Your Community Health's intranet. The policy will also be available on Your Community Health's website for external associates such as clients.

Report to the Board

The CEO will arrange for the compilation of a report to the Board at least once a year on the effectiveness of this policy. Subject to privacy and confidentiality the report will include:

- A brief description of any disclosures;
- The action taken in response to disclosures;
- The outcome; and
- The timeframe in resolving/finalising the disclosure.

Related Documents

Your Community Health's Code of Conduct
Your Community Health's Fraud Policy
Your Community Health's Employee Grievance Resolution Policy
Your Community Health's Disciplinary Policy and Procedure
Your Community Health's Equal Opportunity, Anti Discrimination, Bullying and Harassment Policy
Your Community Health's OHS policies
All other Your Community Health policies and procedures
Relevant Your Community Health Enterprise Agreements

Legislation

Corporations Act 2001 (Cth)

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	<i>Fair Work Act 2009 (Cth)</i> <i>Fair Work Regulations 2009 (Cth)</i> <i>Insurance Act 1973</i> <i>Life Insurance Act 1995</i> <i>Public Interest Disclosure Act 2013</i> <i>Superannuation Industry (Supervision) Act 1993</i> <i>Taxation Administration Act 1953</i>
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Appendix A

Misconduct under Section 1317AA (5) of the *Act* should also be disclosed.

It includes conduct that constitutes an offence against, or a contravention of, a provision of any of the following:

1. The *Act*;
2. The *ASIC Act*;
3. The *Banking Act 1959*;
4. The *Financial Sector (Collection of Data) Act 2001*;
5. The *Insurance Act 1973*;
6. The *Life Insurance Act 1995*;
7. The *National Consumer Credit Protection Act 2009*;
8. The *Superannuation Industry (Supervision) Act 1993*;
9. An instrument made under an Act referred to in any of subparagraphs 1. to 8.; or
 - constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
 - represents a danger to the public or the financial system; or
 - is prescribed by the regulations for the purposes of this paragraph.

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Appendix B

Making a disclosure to external authorities and entities.

Concerning misconduct under the Act

If the misconduct relates to the *Corporations Act 2001* Section 1317AA (1) you may make a disclosure to:

- ASIC;
- AHPRA; or
- A Commonwealth authority prescribed for the purposes of Section 1317AA (1).

Concerning disclosures relating to superannuation entities

If the misconduct concerns a regulated entity that is a superannuation entity you may make a disclosure to:

- An officer of the superannuation entity;
- An auditor, or a member of an audit team conducting an audit, of the superannuation entity;
- An actuary of the superannuation entity;
- An individual who is a trustee (within the meaning of the *Superannuation Industry (Supervision) Act 1993*) of the superannuation entity;
- A director of a company that is the trustee (within the meaning of the *Superannuation Industry (Supervision) Act 1993*) of the superannuation entity; or
- A person authorised by the trustee or trustees (within the meaning of the *Superannuation Industry (Supervision) Act 1993*) of the superannuation entity to receive disclosures.

Concerning disclosures made to legal practitioner

If you make a disclosure to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of Part 9.4 of the Act (which includes the Whistleblower protections and confidentiality of a Whistleblower's identity) the disclosure will be protected under the Act.

Concerning public interest disclosures

You may make a disclosure in the public interest to a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory or a journalist if:

- 1) You have previously made a disclosure of that misconduct; and
- 2) At least 90 days have passed since the previous disclosure was made; and
- 3) You do not have reasonable grounds to believe that action is being, or has been, taken;
- 4) To address the misconduct to which the previous disclosure related; and
- 5) You have reasonable grounds to believe that making a further disclosure of the misconduct would be in the public interest; and
- 6) After the end of the 90-day period you give the person to whom you made the previous disclosure a written notification that:
 - a. Includes sufficient information to identify the previous disclosure; and

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- b. State that you intend to make a public interest disclosure; and
- c. The public interest disclosure is made to:
 - i. a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory; or
 - ii. a journalist; and
- d. The extent of the information disclosed in the public interest disclosure is no greater than is necessary to inform the recipient referred to in the *Corporations Act 2001* paragraph (6) misconduct or the improper state of affairs or circumstances referred to in subsection 1317AA(4) or the conduct referred to in subsection 1317AA(5), as the case may be.

Concerning emergency disclosures

You may also make an emergency disclosure to a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory or a journalist if:

- 1) You previously made a disclosure that qualifies for protection under the Act (Part 9.4 under subsection 1317AA(1)); and
- 2) You have reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one (1) or more persons or to the natural environment; and
- 3) You give the body to which the previous disclosure was made a written notification that;
 - Includes sufficient information to identify the previous disclosure; and
 - State that you intend to make an emergency disclosure; and
- 4) The emergency disclosure is made to:
 - A member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory; or
 - A journalist; and
- 5) The extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the recipient referred to in paragraph (4) of the substantial and imminent danger.

Note: Journalist means a person who is working in a professional capacity as a journalist for any of the following:

- 1) A newspaper or magazine;
- 2) A radio or television broadcasting service;
- 3) An electronic service (including a service provided through the internet) that:
 - Is operated on a commercial basis, or operated by a body that provides a national broadcasting service (within the meaning of the *Broadcasting Services Act 1992*); and
 - Is similar to a newspaper, magazine or radio or television broadcast.