

# Whistleblower Policy

## 1. PURPOSE

The *Corporations Act 2001* (Cth) and the *Tax Administration Act 1953* (Cth) provide protections for whistleblowers under the Whistleblower Protection Scheme. The purpose of this Policy is to

- Set out information related to the Whistleblower Protection Scheme
- Align with The Junction’s risk management and governance framework
- Help deter wrongdoing
- Encourage the safe and supported disclosure of wrongdoing free from the risk of reprisal
- Support The Junction’s Values and Code of Conduct

*Note: This policy does not cover matters related to the Grievance & Dispute Resolution, or Complaints by Members policies. This Policy summarises basic information about Whistleblower legislation and does not cover the whole of the relevant law. It is not a substitute for professional advice and may include generalisations about the application of the law.*

<b>Related documents</b>	
Related policies and procedures, how-to task lists, forms, registers or other organisational documents of The Junction	<ul style="list-style-type: none"> <li>• Code of Conduct Policy</li> <li>• Conflict of Interest Policy</li> <li>• Criminal History Screening Policy</li> <li>• Performance Management &amp; Improvement Policy</li> <li>• Disciplinary Action HTTL</li> <li>• The Constitution</li> <li>• Grievance Dispute Resolution Policy</li> <li>• Complaints by Members Policy</li> <li>• Risk Management Policy</li> </ul>
Other standards	<ul style="list-style-type: none"> <li>• The International Standards for Clubhouse Programs</li> <li>• NDIS Practice Standards</li> <li>• Human Services Quality Standards</li> </ul>
Legislation or other requirements	<ul style="list-style-type: none"> <li>• Corporations Act 2001</li> <li>• Taxation Administration Act 1953</li> <li>• The Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019</li> <li>• Human Rights Act 2019</li> <li>• Privacy Act 1988</li> <li>• Work Health and Safety Act 2011</li> <li>• Work Health and Safety Regulation 2011</li> </ul>
Definition	<p><i>Whistleblower:</i> someone with inside knowledge of an organisation who reports misconduct or dishonest or illegal activity that may have occurred within that organisation</p> <p>Under the Whistleblower legislation, a whistleblower is someone who is or was: an officer or employee of the entity, an individual or employee of a person that supplies services or goods to the entity (including</p>

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	<p>volunteers), or an individual who is an associate of the entity.</p> <p><i>Whistleblower protections:</i> the protections provided to whistleblowers to allow them to come forward and report misconduct without fear of retribution or personal detriment</p>
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## 2. Scope

This policy applies to all employees, members, contractors, volunteers, and visitors involved in the operations of The Junction.

## 3. Policy Statement

The Junction must manage whistleblowing in accordance with the *Corporations Act 2001* (The Act). This policy will guide stakeholders, encourage ethical whistleblowing, and uphold protections for whistleblowers under The Act.

The Junction is committed to promoting and maintaining the highest standards of conduct, honesty, and ethical behaviour, and to promoting and supporting high-quality corporate governance and compliance. People who have a working relationship with The Junction are often the first to suspect that misconduct or acts of dishonesty may be occurring within the organisation. The Junction encourages the reporting of any instances of suspected unethical, illegal, fraudulent, or undesirable conduct involving the organisation, and provides protections and measures for people to report confidentially and without fear of intimidation, disadvantage, or reprisal.

Any retaliation against a person for making a disclosure will be treated as a serious wrongdoing under this policy and will be managed in accordance with The Junction's Performance Management and Improvement Policy.

When a person makes a disclosure:

- Their identity will remain confidential (unless they authorise otherwise)
- They will be protected from reprisal, discrimination, harassment, or victimisation
- An inquiry or investigation will be conducted into the disclosure
- Issues identified as a result of the investigation will be addressed and rectified
- The whistleblower will be informed of the outcome of the investigation (& any actions taken as a result)

## 4. Procedures

### 4.1 Making a disclosure

Whistleblowers (members, employees, visitors, volunteers, contractors, or other service providers who disclose an act/omission of wrongdoing) are encouraged to report their concerns to the Director of Operations for immediate response. Where the whistleblower does not believe the Director is the appropriate person to inform, they will disclose their concerns to the Chairperson of The Junction Board. Where this is inappropriate, the person may report their concerns to an *eligible recipient*. To receive 'whistleblower' status and consequent protection under The Act, the *eligible recipient* is any of the following:

- Company Directors, company secretaries, other company officers and senior managers

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- Company auditor, actuary, or any person specifically authorised by The Junction to receive whistleblower disclosures
- Your lawyer
- ASIC (Australian Securities & Investment Commission)
- APRA (Australian Prudential Regulatory Authority)
- A Commonwealth body nominated for the purpose of receiving whistleblower disclosures (this does not include the ACNC – Australian Charities and Not-for-Profits Commission)

Anonymous disclosures are accepted; however, this may inhibit a thorough inquiry/investigation process. Limitations on anonymous reporting include an inability gather further information to assist the inquiry/investigation, and to provide feedback on the outcome.

If you believe you may be a whistleblower or are unsure about what protections or rights to compensation may apply to you, it is important to seek legal advice. Only a properly accredited legal practitioner who understands your circumstances can give you legal advice.

### **4.2 Work-related grievance disclosures**

If you are a current or former officers, employee, or contractor of The Junction who has an employment dispute or work-related grievance with the organisation, you may wish to report misconduct about that work-related grievance. However, whistleblower protections do not cover a report of misconduct solely about your personal work-related grievance.

Generally, a personal work-related grievance will include:

- An interpersonal conflict with another employee
- A decision about your employment, transfer, or promotion
- A decision about the terms and conditions of your employment
- A decision to suspend or terminate your employment or otherwise discipline you

You may have rights and protections under employment or contract law instead. The Junction encourages you to seek your own legal advice about how you can resolve your personal work-related grievance.

### **4.3 Confidentiality**

The Junction will not disclose a whistleblower's identity, unless:

- It is necessary to further an investigation and the person authorises the disclosure, and/or
- The disclosure of identity is required or authorised by law

When a report is investigated it may be necessary to reveal its substance to stakeholders such as other employees, external persons or agencies involved in the investigation, and in appropriate circumstances, law enforcement.

It will be necessary to disclose the facts and substance of a report to a person who is the subject of the report, as it is essential for natural justice to prevail. It is important to note that even when confidentiality of a whistleblower's identity is maintained, the identity may be obvious to a person who is the subject of a report.

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The Junction will take reasonable precautions to securely store records relating to a whistleblower disclosure and restrict access to these records to authorised persons only. Unauthorised disclosure of information that could prejudice confidentiality and identify a whistleblower will be regarded seriously, and may result in disciplinary action and where applicable, notification to law enforcement.

### 4.4 Retaliation

The Junction will not tolerate any retaliatory action or threats of same against a whistleblower (or suspected whistleblower), or against a whistleblower's colleagues, employer, or relatives. Any retaliation or victimisation in reaction to a disclosure made under this Policy will be treated as serious misconduct and will result in disciplinary action which may include dismissal. Where circumstances require, The Junction will notify Police of retaliation or threats of same.

### 4.5 Investigation

All reports of alleged or suspected wrongdoing made under this Policy will be properly assessed and if appropriate, investigated further. Fair and independent investigations will be conducted with the objective of gathering evidence to substantiate or refute the claims made by the whistleblower. The Director of Operations will inform the Board of all Whistleblower reports.

### 4.6 Natural Justice

In line with the principles of natural justice and procedural fairness, during an investigation The Junction will support individuals against whom a report is made. The Junction will take reasonable steps to treat fairly any person who is the subject of a report.

Where a person has been suspected of potential wrongdoing, but preliminary investigations determine the suspicion is baseless/unfounded and no formal investigation is warranted, the whistleblower will be informed of this outcome and the matter considered finalised

### 4.7 Additional information

Criteria for protection as a whistleblower	
Criteria	Legislative requirement/s
Your role	<p>You must be a current or former:</p> <ul style="list-style-type: none"> <li>• Employee of the company or organisation your disclosure is about, or a related company or organisation</li> <li>• Officer (usually that means a director or company secretary) of the company or organisation your disclosure is about, or a related company or organisation</li> <li>• Contractor, or an employee of a contractor who has supplied goods or services to the company or organisation your disclosure is about, or a related company or organisation. This can be either paid or unpaid, and can include volunteers</li> <li>• Associate of the company or organisation, usually a person with whom the company or organisation acts in concert</li> </ul>

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	<ul style="list-style-type: none"> <li>• Trustee, custodian or investment manager of a superannuation entity, or an officer, employee, or a goods or service provider to a trustee, custodian, or investment manager, or</li> <li>• Spouse, relative or dependant of one of the people referred to above</li> </ul> <p>While you must hold (or have held) one of these roles to access the protections, you do not have to identify yourself or your role, and you can raise your concerns anonymously.</p>
<p>Company or organisation your disclosure is about</p>	<p>The organisation your disclosure is about must be:</p> <ul style="list-style-type: none"> <li>• A company</li> <li>• A bank</li> <li>• A provider of general insurance of life insurance</li> <li>• A superannuation entity or a superannuation trustee, or</li> </ul> <p>An incorporated association or other body corporate that is a trading or financial corporation. This includes not-for-profit organisations that trade in goods or services, lend or borrow money, or provide other financial services, and their trading or financial activities make up a sufficiently signification proportion of their overall activities. Not all not-for-profit organisations are subject to the whistleblower protections</p>
<p>Who you make the disclosure to</p>	<p>You must make your disclosure to:</p> <ul style="list-style-type: none"> <li>• A director, company secretary, company officer or senior manager of the company or organisation, or a related company or organisation</li> <li>• An auditor, or a member of the audit team of the company or organisation, or a related company or organisation</li> <li>• An actuary of the company or organisation, or a related company or organisation</li> <li>• A person authorised by the company or organisation to receive whistleblower disclosures</li> <li>• ASIC or the Australian Prudential Regulation Authority (APRA), or</li> <li>• Your lawyer</li> </ul> <p>While you must make your disclosure to one of these people or organisations, you can raise your concerns anonymously</p>

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<p>Subject of your disclosure</p>	<p>You must have reasonable grounds to suspect that the information you are disclosing about the company or organisation concerns:</p> <ul style="list-style-type: none"> <li>• Misconduct, or</li> <li>• An improper state of affairs or circumstances</li> </ul> <p>This information can be about the company or organisation, or an officer or employee of the company or organisation, engaging in conduct that:</p> <ul style="list-style-type: none"> <li>• Breaches the Corporations Act</li> <li>• Breaches other financial sector laws enforced by APRA or ASIC</li> <li>• Breaches an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months, or</li> <li>• Represents a danger to the public or the financial system</li> </ul> <p>'Reasonable grounds' means that a reasonable person in your position would also suspect the information indicates misconduct or a breach of the law.</p> <p>There are additional protections if your concerns relate to matters in the public interest or an emergency</p>
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<b>The Junction Clubhouse Cairns Ltd (The Junction) – Whistleblower Policy</b>		
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