Whistleblowing Policy

Introduction

Good Neighbours Australia ("GNAU") is committed to fostering an organisational culture of legal, ethical, and moral business conduct and corporate governance.

GNAU recognises the value of transparency and accountability in its operational and management practices and supports the reporting of improper conduct when and where required.

The Whistleblowing Policy ("**This Policy"**) has been developed so that staff can raise concerns regarding GNAU, including people connected with GNAU that may have acted in a way that constitutes serious wrongdoing, such as unethical, illegal, corrupt or other inappropriate conduct as set out below.

Purpose

This Policy aims to:

- provide a mechanism to report misconduct, dishonest, or illegal activity that has occurred or is suspected within the organisation, in the past, present or likely to occur in the future;
- encourage a person to report such improper conduct or conduct in good faith if they know or have reasonable grounds to suspect such conduct;
- enable GNAU to deal with reports from whistleblowers in a way that will protect the identity of the whistleblowers, and provide for secure storage of the information received;
- ensure that any Reportable Conduct is identified and dealt with appropriately and,
- help to ensure that GNAU maintains the highest standards of ethical behaviour and integrity during its operation.

Scope

This Policy applies to current and former employees, Committee directors, officers, contractors, volunteers, suppliers, and consultants of all entities within or associated with GNAU ("**GNAU Associates**"). This includes any third-party entity with whom GNAU collaborates to deliver programs outside Australia.

Although they are under no obligation to do so, an associate, family member, or dependent of any person in the above groups of people may also report or bring to our attention. If they do choose to report in line with this Policy, GNAU will extend to them the relevant rights and protections under this Policy.

While everybody is encouraged to speak up and report any concerns to GNAU, not everyone nor all types of conducts are intended to be covered by this Policy. This Policy does not apply to general complaints or personal work-related grievances unless the grievance includes victimisation because of the making of a 'Protected Disclosure'.[1] Those matters are dealt with under the Complaints Handling Policy and the Grievance Policy, which we already have in place.

Principles

- Higher Standard - This Policy is designed to comply with GNAU's legal obligations. If anything in this Policy is inconsistent with any law imposed on GNAU, that legal obligation or the "higher standard" will prevail over this Policy.
- All channels are open - Current workers at GNAU are always entitled to report their concerns via another channel such as through their supervisor or your manager.
- GNAU's Expectations - GNAU expects the whistleblower to act honestly and ethically, and to make a report on reasonable grounds.
- Confidentiality and Consent - GNAU will fully maintain confidentiality of the whistleblower's identity and their reports possible and permitted by law. While GNAU encourages the whistleblower to identify themselves by giving consent to the HR manager or the Committee Chair, they can still report anonymously.
- GNAU reserves its right to seek its own legal advice into any of these matters where and when required

Reportable Conduct

Who Can Make a Report?

A Whistleblower is a person who, whether anonymously or not, attempts to report, or reports misconduct or dishonest or illegal activity that has occurred in connection with GNAU, and wishes to avail themselves of protection against reprisal for having made the report.

A Whistleblower may fall within one of the categories identified under the "Scope" section, including those currently employed or previously held a role with GNAU in any capacity.

What is Reportable Conduct?

Reportable Conduct is defined as any past, present, and likely future activity, behaviour or state of affairs considered to be:

- dishonest;
- corrupt (including soliciting, accepting, or offering a bribe, facilitation payments, or other such benefits);

[1] ASIC: Whistleblower rights and protections | ASIC

- fraudulent;
- illegal (including theft, drug sale or use, violence or threatened violence, and property damage);
- in breach of regulation, internal policy, or code (such as GNAU's Code of Conduct);
- impending internal or external audit processes;
- improper conduct relating to accounting, internal controls, compliance, audit or other matters of concern to the whistleblower;
- a serious impropriety, or an improper state of affairs or circumstances;
- endangering health or safety;
- damaging or substantially risking damage to the environment;
- endangering the financial system;
- a gross mismanagement of GNAU's resources;
- detrimental to GNAU's financial position or reputation;
- an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory, or is based on improper motives;
- concealing Reportable Conduct.
- any comparable activity

Reportable Conduct usually relates to the conduct of employees or Committee directors, but it can also relate to the actions of another organisation, such as a third party with whom GNAU collaborates to deliver programs, a funder, donor, supplier, or service provider.

What Information Will the Whistleblower Need to Make a Report?

To make a report you must know of or have reasonable grounds to suspect the Reportable Conduct.

For a report to be investigated, it must contain serious information to form a reasonable basis for investigation. It is important therefore that the whistleblower provides as much information as possible. This includes any known details about the events underlying the report such as the:

- date;
- time;
- location;
- name of person(s) involved;
- possible witnesses to the events; and
- evidence of the events (e.g., documents, emails, photos, videos, etc).

The report will include any steps that may have already taken to report the matter elsewhere or to resolve the concern.

How Does the Whistleblower Make a Report?

There are two ways (email or phone call) the whistleblower can speak up in relation to Reportable Conduct. Whistleblowing protections will only apply to reports of Reportable Conduct made in accordance with this Policy and Procedure.

Where a whistleblower has reasonable grounds to suspect that an individual has engaged in Reportable Conduct, they should first aim to resolve the matter internally by reporting the concern to:

- the HR manager;
- a Committee Director;
- the Company Secretary;
- the Executive Director
- any other person authorised by GNAU to receive Whistleblower disclosures; or,
- the Australian Securities and Investments Commission ("ASIC").

HR Manager Contact Details: Email - josephine@goodneighbours.com.au, Phone: 02 - 9993 0312

How Are Reports Investigated?

After receiving the report, GNAU will:

- assess the report of Reportable Conduct;
- consider whether there are any conflicts of interest prior to investigating;
- determine whether external authorities need to be notified;
- determine whether and how to investigate; and
- appoint a Whistleblowing Investigator if appropriate.

If an investigation is deemed necessary, it will be conducted fairly, objectively, and in a timely manner. The investigation process will vary depending on the nature of the Reportable Conduct and the amount of information provided.

Any individuals who are accused of misconduct in a report (a "Respondent") will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken.

GNAU may need to speak with the whistleblower as part of an investigation. If their identity is known, GNAU will endeavour to keep them informed about the status of an investigation.

If there is insufficient information to warrant further investigation or the initial investigation identifies there is no case to answer, the whistleblower who reported the Reportable Conduct will be notified at the earliest possible opportunity.

If the Reportable Conduct cannot be resolved internally, it must be referred to another appropriate investigation mechanism under the approval and/or oversight of Executive Director or, for more serious allegations, under the approval and/or oversight of the Chair of the Committee Directors.

Outcome of an Investigation

At the conclusion of the investigation, a report will be prepared outlining:

- a finding of all relevant facts;
- a determination as to whether the allegation(s) have been substantiated or otherwise;
- the disciplinary or other action to be taken, which may include dismissal and/or reporting to relevant external enforcement authorities.
- The disciplinary action will be dependent on the severity, nature, and circumstances of the Reportable Conduct.
- where GNAU finds the conduct is serious, it reserves its rights to external authorities such as NSW or Federal police force.

Where possible and appropriate, and having regard to GNAU's privacy and confidentiality obligations, the whistleblower will be informed of the outcome in writing of any investigation into their concerns.

Protection

How Will the Whistleblower be Protected if They Speak Up About Reportable Conduct?

If there are reasonable grounds to suspect Reportable Conduct, even if it turns out the concerns are mistaken, GNAU will support and protect the whistleblower and anyone else assisting in the investigation. GNAU will not tolerate any detriment inflicted on them because they or somebody else have made, or might make, a report of Reportable Conduct. Examples of a detriment include:

- retaliation, dismissal, suspension, demotion, or having their engagement terminated;
- bullying, harassment, threats or intimidation;
- discrimination, subject to current or future bias, or derogatory treatment;
- harm or injury;
- damage or threats to their property, business, financial position, or reputation; or
- revealing their identity as a whistleblower without their consent or contrary to law;
- extortion
- money laundering
- threatening to carry out any of the above actions.

Anyone engaging in detrimental conduct will be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.

You may also be entitled to the following legal protections for making a report:

- protection from civil, criminal or administrative legal action where permitted by law;
- protection from having to give evidence in legal proceedings where permitted by law; and/or
- compensation or other legal remedy.

How Will GNAU Ensure Confidentiality?

The whistleblower may choose to report their concerns anonymously. However, if they choose to disclose their identity, their details will be treated confidentially to the fullest extent possible in connection with the investigation, and their identity will not be disclosed unless:

- they consent in writing to the disclosure;
- the disclosure is made to ASIC, APRA or the Australian Federal Police;
- the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
- the disclosure is authorised under the *Corporations Act 2001* (Cth); and
- disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

GNAU encourages all individuals to disclose their identity when raising a concern. This will assist in gathering further information on their report. All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.

False Reports or Disclosures

Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal. The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

Monitoring and Assurance

This Policy will be distributed and available to all GNAU Associates, i.e. GNAU website, and Induction Program.

To ensure effective protection under the Policy, GNAU's Executive Director will monitor this Policy annually.

Whistleblowing and Third-Party Programs

GNAU pursues its charitable purposes in part through collaborating with a third party or third parties to deliver programs overseas.

GNAU is required by ACNC's External Conduct Standards (**ECS**) to have oversight over the activities of third parties collaborating with GNAU outside of Australia.

As part of its ECS risk assessment, GNAU must consider what whistleblowing procedures are appropriate for third parties, with reference to matters including the:

- level of risk associated with the operations;
- relationship with the third party; and
- existing whistleblowing procedures and policies within the third party.
- GNAU may require third parties to:
  - produce a Whistleblowing Policy in respect of the programs on which they collaborate with GNAU;
  - distribute and make this Policy available to the third party's GNAU Associates;
  - notify GNAU of any disclosures of Reportable Conduct made to the third party, unless the whistleblower will not consent to GNAU receiving notice; and/or
  - provide similar protections to overseas whistleblowers (whether they make their disclosure to the third party or directly to GNAU).

Relevant Policies and Procedures

- Complaints Handling Policy
- Grievance Policy
- EEO, Anti-Discrimination, Harassment and Bullying Policy

Review

This policy will be reviewed every three years, or sooner if required.

External References:

- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Part 9.4AA of the Corporations Act 2001 (Cth)
- ASIC Whistleblowing Protections for NFP Organisations - https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-protections-for-not-for-profit-organisations/

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