

# WHISTLEBLOWER POLICY

<b>Title</b>	Whistleblower Policy
<b>Responsible Officer</b>	Senior Manager – Corporate Services
<b>Final Approver</b>	Board
<b>Quality Management Category</b>	Governance
<b>Review Frequency</b>	Every 2 Years
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<b>Next Review Date</b>	17 March 2023
<b>Requires Board Approval</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

## 1. INTRODUCTION

**Country SA PHN (CSAPHN)** is fully committed to the highest standards of conduct and ethical behaviour while promoting and supporting a culture of honest and ethical behaviour, corporate compliance, and good corporate governance.

People who have a working relationship with CSAPHN are often the first to realise that there may be something seriously wrong but may not wish to speak up for appearing disloyal or concerned about being victimised or subject to reprisals for reporting any wrongdoing.

CSAPHN is committed to the protection of individuals who disclose information about illegal or improper conduct occurring within CSAPHN.

This policy is to be read in conjunction with the attached '**ASIC – Whistleblower rights and protections**' (see Related Documents).

## 2. PURPOSE & SCOPE

The object of this policy is to provide a safe and confidential environment where you can raise concerns without fear of reprisal or detrimental treatment.

The policy will set out:

- Who is entitled to protection as a whistleblower under this policy (see below)
- The protections whistleblower are entitled to under this policy; and
- How disclosures are made by whistleblower in accordance with this policy will be handled by CSAPHN

This policy applies to any individual who is, or has been, a CSAPHN employee or officer, associate, supplier or service provider (or any employee of a supplier or service provider), which shall include a relative or dependent of the aforesaid (each an **eligible Whistleblower**).

## 3. DEFINITIONS

Unless the context otherwise requires, italicised bold terms in this policy have the following meanings:

**associate** means an individual who is an associate within the meaning of the **Corporations Act** or if the disclosure relates to our tax affairs, an associate within the meaning of section 318 of the *Income Tax Assessment Act 1936 (Cth)*

**Australian whistleblower laws** mean either or both regimes contained in Part 9, 4AAA of the *Corporations Act* and Part IVD of the *Taxation Administration Act 2001 (Cth)*

**Corporations Act** means the *Corporations Act 2001 (Cth)*

**CSAPHN** means Country SA PHN and its related bodies corporate.

**officer** means the same meaning as in the Corporations Act (which includes but is not limited to directors and company secretaries)

**relative** has the same meaning as in the Corporations Act

**spouse** means the married, de facto or registered partner of an individual

**tax affairs** mean affairs relating to any tax imposed by or under, or assessed or collected under, a law administered by the Australia Commissioner of Taxation

**whistleblower** means a person who is eligible for protection as a whistleblower under this policy or under Australian whistleblower laws

**whistleblower protection officer** means a person described in section 5.4

## 4. POLICY

### 4.1. Who is eligible for whistleblower protection under this policy?

To be treated as a whistleblower under this policy you must:

- be one of the individuals set out in section 5.2 below
- disclose information regarding the type of matters set out in section 5.3 and
- disclose that information to one of the persons set out in section 6

### 4.2. Who may make a disclosure?

Disclosures can be made by an **eligible Whistleblower** as below:

- officer or employee of CSAPHN
- contractor, service provider or supplier of goods & services to CSAPHN, or their current and former employees
- associate of CSAPHN or
- family member of an individual mentioned above

You may choose to disclose information anonymously if you wish

### 4.3. What type of matters can be disclosed?

You may make a report or disclosure under this policy if you have reasonable grounds to suspect that the information you are disclosing about the company, its directors, officers, employees or other persons who have business dealings with CSAPHN concerns :

- a) misconduct or
- b) an improper state of affairs or circumstances

This information can be about the organisation, or an officer or employees engaging in conduct that:

- breaches the Corporations Act
- breaches other financial sector laws enforced by ASIC or APRA
- breaches an offence against any other laws of the Commonwealth that is punishable by imprisonment of 12 months or more
- represents a danger to the public or financial system

These are defined as **Reportable Conducts**

**Reasonable grounds** mean that a reasonable person in your position would also suspect the information indicates misconduct of a breach of the law.

For the avoidance of doubt , **Reportable Conduct** does not include personal work-related grievances. These grievances should be reported to your line manager in accordance with CSAPHN's Grievance Policy (as amended and/or updated from time to time)

A personal work-related grievance is a grievance about any matter in relation to an employee's current or former employment, having implications (or tending to have implications) for that person personally and that do not have broader implications for CSAPHN.

Examples of **personal work-related grievances** are as follows:

- An interpersonal conflict between the employee and another employee;
- A decision relating to the engagement, transfer or promotion of the employee;
- A decision relating to the terms and conditions of engagement of the employee;
- A decision to suspend or terminate the engagement of the employee or otherwise to discipline the employee.

## 5. POLICY APPLICATION

### 5.1. Who should I disclose to?

CSAPHN relies on its employee maintaining a culture of honest and ethical behaviour. If you become aware of any **Reportable Conduct**, it is expected that you will make a disclosure under this policy. There are several ways you may report or disclose any issue or behaviour you consider to be **Reportable Conduct**

### 5.2. Internal Reporting

You may disclose any **Reportable Conduct** to the **whistleblower protection officers** listed below:

Title: Chief Operations Officer  
Mark Hartigan  
Phone Number: 0417 833 737  
[mhartigan@countrysaphn.com.au](mailto:mhartigan@countrysaphn.com.au)

Title: Chief Executive Officer  
Kim Hosking  
Phone Number: 0439 721 071  
[khosking@countrysaphn.com.au](mailto:khosking@countrysaphn.com.au)

Title: Chair of the Bord  
Dr A Edwards  
Phone Number: 0419 810 909  
[aedwards@countrysaphn.com.au](mailto:aedwards@countrysaphn.com.au)

The **whistleblower protection officers** will safeguard your interests and will ensure the integrity of the reporting mechanisms.

### 5.3. External Reporting

If you are not comfortable reporting any actions through the internal channels, you may make a report to CSAPHN's external independent whistleblowing service using the full online service at the following address:

<https://www.whistleblowingservice.com.au/countrysaphn>

To make an "Online" report please click on the above link and then click on the '**Make a Report**' button on the website. You will be redirected to the new page where you will need to enter 'SAPHN2020' in the '**Unique Key**' field. Click on 'next' and follow the prompt. You will then be asked for their "Client Reference Number" which is "**gu1vr2020**". You may then enter the details of your complaint. The requested information can be entered using the drop-down boxes or the free write facility.

The report may be made anonymously. The external service will prepare a report which details the issue reported by you. Such reports will describe the grounds for the report and provide as much detail as possible of all relevant facts and supporting documentation (if any). Any information in the report will be kept confidential, except as required by law or where disclosure is necessary to regulatory authorities, law enforcement agencies or professional advisors to CSAPHN.

#### **5.4. Reporting to regulators**

You may also make a disclosure to the Australian Securities and investment Commission (ASIC) or the Australia Prudential Regulation Authority (APRA) in relation to reportable conduct. You will be covered by the protections outlined in this policy if you have reported a concern to ASIC or APRA.

#### **5.5. Reporting to a Legal Practitioner**

You may choose to discuss your concerns with a legal practitioner for the purposes of obtaining legal advice or representation. You will be covered by the protections outlined in this policy if you have reported your concern to a legal practitioner.

### **6. PUBLIC INTEREST AND EMERGENCY DISCLOSURE**

In certain situations, the conduct or wrongdoing may be of such gravity and urgency that disclosure to the media or a parliamentarian is necessary.

A public interest and emergency disclosure can only be made to:

- a) A journalist, defined to mean a person who is working in a professional capacity as a journalist for a newspaper, magazine, or radio or television broadcasting service: or
- b) A Member of Parliament of the Commonwealth or of a State or Territory parliament.

You may only make a public interest and emergency disclosure if:

- You have previously disclosed the information to ASIC or APRA
- At least 90 days have passed since the previous disclosure was made
- You have reasonable grounds to believe that action is not being taken to address the matters you have disclosed
- You have reasonable grounds to believe making the further disclosure to a journalist or member of parliament would be in the public interest
- You have given written notification, including sufficient information to identify the previous disclosure to the authority to which the previous disclosure was made that you intend on making a public interest disclosure; and
- The extent of information disclosed is no greater than is necessary to inform the recipient of the misconduct or improper state of affairs.

You will be qualified for protection where you have made a public interest disclosure if:

- You have previously disclosed the information to ASIC or APRA
- You have reasonable grounds to believe that the information concerns a substantial and imminent danger to the health & safety of one or more persons, or to the natural environment; and
- You have given written notification, including enough information to identify the previous disclosure to the authority to which the previous disclosure was made that you intend on making a public interest disclosure; and
- No more information is disclosed than is reasonably necessary to inform the recipient of the substantial and imminent danger

### **7. PROTECTION OF CONFIDENTIALITY**

#### **7.1. Anonymity**

When making a disclosure you may do so anonymously. It may be difficult for CSAPHN to properly investigate the matters disclosed if a report is submitted anonymously and therefore CSAPHN encourages you to share your identity when making a disclosure, however you are not obliged to do so.

Where a disclosure has been made externally and you provide your contact details, those contact details will only be provided to a Whistleblower protection officer with your consent.

#### **7.2. Confidentiality**

All information received from a whistleblower will be treated confidentially and sensitively.

If you make a disclosure under this policy, your identity (or any other information which would likely identify you) will only be shared if:

- You give your consent to share the information; or
- The disclosure is allowed or required by law (for example where the concern is raised with a lawyer for the purposes of obtaining legal advice);
- The concern is reported to ASIC, APRA, Australian Tax Office (ATO) or the Australian Federal Police (AFP).

Where it is necessary to disclose information for the effective investigation of the matter, and this is likely to lead to your identification, all reasonable steps will be taken to reduce the risk that you will be identified.

## 8. PROTECTION OF WHISTLEBLOWERS

CSAPHN is committed to ensuring that any person who makes a disclosure is treated fairly and does not suffer detriment and that confidentiality is preserved in respect of all matters raised under this policy

### 8.1. Protection from Legal Action

You will not be subject to any civil, criminal, or administrative legal action (including disciplinary action) for making a disclosure under this policy or participating in any investigation.

Any information you provide will not be admissible in any criminal or civil proceedings other than for proceedings in respect of the falsity of the information.

However, a whistleblower may be held liable for any personal misconduct revealed by their disclosure or an investigation following a disclosure.

### 8.2. Protection against Detrimental Conduct

CSAPHN (or any person engaged by CSAPHN) will not engage in **Detrimental Conduct** against you if you have made a disclosure under this policy.

**Detrimental Conduct** includes actual or threatened conduct such as the following (without limitation):

- Termination of employment
- Injury to the employment including demotion, disciplinary action
- Alternation of position or duties
- Discrimination
- Harassment, bullying or intimidation
- Victimisation
- Harm or injury 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

CSAPHN will take all reasonable steps to protect you from **Detrimental Conduct** and will take necessary action where such conduct is identified

CSAPHN strictly prohibits all forms of **Detrimental Conduct** against any person who is involved in an investigation of a matter disclosed under this policy in response to their involvement in that investigation

If you are subject to **Detrimental Conduct** as a result of making a disclosure under this policy or participating in an investigation, you should inform the whistleblower protection officers in accordance with the reporting guidelines.

You may also seek remedies including compensation, civil penalties or reinstatement where you have been subject to **Detrimental Conduct**.

## **9. INVESTIGATIONS OF INFORMATION DISCLOSED UNDER THIS POLICY**

CSAPHN will investigate all matters reported under this policy as soon as is practicable after the matter has been reported. The whistleblower protection officer will investigate the matter and where necessary, appoint an external investigator to assist in conducting the investigation. All investigations will be conducted in a fair, independent and timely manner and all reasonable efforts will be made to preserve confidentiality during the investigation.

If the report is not anonymous, the whistleblower protection officer or external investigator will contact you to discuss the investigation process and any other matters that are relevant to the investigation.

Where you have chosen to remain anonymous, your identity will not be disclosed to the investigator or any other person and CSAPHN will conduct the investigation based solely on the information provided.

Where possible, the whistleblower protection officer will provide you with feedback on the progress and expected timeframes of the investigation. The person against whom any allegations have been made will also be informed of the concerns and will be provided with the opportunity to respond (unless there are any restrictions or other reasonable basis for not doing so).

To the extent permitted by law, the whistleblower protection officer may inform you and/or a person against whom allegation have been made, of the findings. Any report will remain the property of CSAPHN and will not be shared with you or any other person against whom allegations have been made.

## **10. REPORTING TO THE BOARD OR ITS DELEGATED COMMITTEE**

Subject to the confidentiality obligation in this policy, the CEO must provide the Board or its delegated sub-committee at a subsequent meeting, a reports on all whistleblower matters, including information on:

- the status of any investigation underway; and
- the outcome of any investigations completed, and actions taken as a result of those investigations.

## **11. HOW THIS POLICY INTERACTS WITH AUSTRALIA WHISTLEBLOWER LAWS**

By making a disclosure in accordance with this policy, you may be afforded protection under Australian whistleblower laws.

Any person who is a whistleblower under Australian whistleblower laws must be treated in accordance with, and is entitled to, protections afforded by this policy.

More information may be obtained on the ASIC website and the ATO website.

## **12. CONSEQUENCES FOR NONCOMPLIANCE WITH THIS POLICY**

Any breach of this policy by an officer or employee will be taken seriously by CSAPHN, and may the subject of a separate investigation and /or may result in disciplinary action, up to and including termination of employment

A breach of this policy may also amount to a civil or criminal contravention under Australian whistleblower laws, giving rise to significant penalties.

## **13. OTHER MATTERS**

In so far as this policy imposes any obligation on CSAPHN , those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlement for employees, they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in the employee's written employment contract.

## **14. SUPPORT AVAILABLE**

Any person who makes a disclosure under this policy or is implicated as a result of a disclosure that is made, may access CSAPHN's Employee Assistance Program (EAP) which is a free and confidential counselling service.

Where appropriate, CSAPHN may appoint an independent support person to deal with any on-going concerns you may have.

You may also access third party support such as Lifeline (13 11 14) or Beyond Blue (1300 22 4636)

#### **15. REFERENCE DOCUMENTS**

Code of Conduct

Grievance Policy & Procedure

Workplace Bullying Policy and Procedure

Employee Assistance Program

[ASIC Whistleblower Rights & Protections](#)

[Whistleblowers Protection Act SA 1993](#)

[Treasury Laws Amendment \(Enhancing Whistleblower Protections\) Act 2019](#)

[Taxation Administration Act 1953 \(TAA\)](#)

[Public Interest Disclosure Act 2018](#)

[Australian Prudential Regulation Authority \(APRA\)](#)

[Corporations ACT 2001](#)

[Australian Tax Office](#)

[Australian Federal Police](#)