



Whistleblower Policy

FAIRNESS | INCLUSION | RESPECT | EXCELLENCE | SAFEGUARDING

Document Version Control

Greenacres will maintain a high standard of quality and control of all documented information and records. All documents (either retained or referred to) within Greenacres Quality Management System (QMS) will be current, suitable for use, accessible, quality controlled, and stored in a safe and secure location.

Greenacres policy will be reviewed by the identified reviewer(s) when: a known change has occurred; an incident or complaint has been received; or prior to the mandatory three-year review period where no other reviews have occurred.

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1 PURPOSE

- 1.1 The Board of Greenacres Disability Services (Greenacres) is committed to good corporate governance, compliance and ethical behaviour.
- 1.2 The Whistleblowers Policy is designed to give persons the opportunity to report on any illegal breaches of governance or to report illegal or unethical behaviour. This Policy is in accordance with the Corporations Act 2001.
- 1.3 The Greenacres Whistleblower Policy (the 'Policy') is a tool by which Greenacres employees may voice serious matters confidentially without fear of reprisal, dismissal or discriminatory treatment in relation to the reporting of matters that may cause harm to individuals or financial or non-financial loss to Greenacres or damage to its reputation.
- 1.4 The Policy also allows members of the Board, participants and contractors, or a spouse or relative of any of these people to escalate matters of concern.

- 1.5 The Policy is aligned to Greenacres values and Code of Conduct which have also been implemented to support and promote honest and ethical behaviour.

2 SCOPE

- 2.1 This Policy covers all of Greenacres.
- 2.2 This Policy applies Whistleblowers who is, or has been, any of the following with respect to Greenacres:
 - 2.2.1 employees
 - 2.2.2 directors
 - 2.2.3 officers
 - 2.2.4 contractors (including employees of contractors)
 - 2.2.5 suppliers (including employees of suppliers)
 - 2.2.6 participants
 - 2.2.7 consultants, and/or
 - 2.2.8 relatives, dependants, spouses, or dependents of a spouse of any of the above.

3 POLICY OBJECTIVE

- 3.1 The objectives of the Greenacres Whistleblower Protection Policy are to:
 - 3.1.1 encourage the reporting of matters that may cause financial or non-financial loss to Greenacres or damage to Greenacres's reputation,
 - 3.1.2 enable Greenacres to effectively deal with reports from Whistleblowers in a way that will protect the identity of the Whistleblower and provide for the secure storage of the information provided,
 - 3.1.3 establish the policies for protecting Whistleblowers against reprisal by any person internal or external to Greenacres,
 - 3.1.4 encourage more disclosures of wrongdoing,
 - 3.1.5 help deter wrongdoing, in line with the Greenacres Constitution, Governance Principles Policy, Audit and Risk Committee Charter, Code of Conduct and all other relevant Greenacres Policy and Procedure,
 - 3.1.6 ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported,
 - 3.1.7 ensure disclosures are dealt with appropriately and on a timely basis,
 - 3.1.8 provide transparency around the Greenacres framework for receiving, handling and investigating disclosures,
 - 3.1.9 support Greenacres' values and Code of Conduct,
 - 3.1.10 support Greenacres long-term sustainability and reputation, and

- 3.1.11 meet Greenacres legal and regulatory obligations including requirements under the Corporations Act 2001.

4 DEFINITIONS

- 4.1 **Corruption:** dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.
- 4.2 **Entity:** a corporation, government agency, not-for-profit or other entity engaged in business activity, or transacting with other entities in a business-like setting.
- 4.3 **Fraud:** dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity.

It also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.

- 4.4 **Immunity:** an undertaking given by an entity to a Whistleblower in relation to action it intends not to take against the Whistleblower as a result of receiving a report of reportable conduct from the Whistleblower.
- 4.5 **Investigation:** a search for evidence connecting or tending to connect a person (either a natural person or a body corporate) with conduct that infringes the criminal law or the policies and standards set by the entity concerned.
- 4.6 **Investigations Officer (IO):** a person or persons being a director, manager, employee or contractor of an entity who has responsibility for conducting investigations into reports received from an informant or a Whistleblower.

Where appropriate, the IO may be the WPO, at the discretion of the CEO or Board.

- 4.7 **Reportable Disclosures:** conduct by a person or persons connected with an entity which, in the view of a Whistleblower acting in good faith, is:
 - 4.7.1 dishonest, including theft,
 - 4.7.2 fraudulent,
 - 4.7.3 corrupt,
 - 4.7.4 illegal (drug sale/use, violence or threatened violence and criminal damage against property),
 - 4.7.5 breach of Commonwealth or state legislation or local authority by-laws (e.g. Trade Practices Act or Income Tax Assessment Act),
 - 4.7.6 unethical (either representing a breach of the entity's code of conduct or generally),
 - 4.7.7 other serious improper conduct,
 - 4.7.8 an unsafe work-practice, or

4.7.9 other conduct, including harassment and bullying, which may cause financial or non-financial loss to the entity or be otherwise detrimental to the interests of the entity.

4.8 **Whistleblower:** a person who wishes to make a report in connection with reportable conduct and where the Whistleblower wishes to avail themselves of protection against reprisal for having made the report.

A Whistleblower may or may not wish to remain anonymous.

4.9 **Whistleblower Protection Officer (WPO):** a person and or organisation who has responsibility for protecting Whistleblowers within the meaning of this Policy

The Greenacres WPO will provide reports as necessary to the Audit and Risk Committee.

5 RESPONSIBILITIES

Compliance, monitoring and review

5.1 Greenacres' Executive and Board are responsible for ensuring this Policy:

5.1.1 aligns with relevant legislation, government policy and Greenacres values,

5.1.2 is implemented and monitored,

5.1.3 is reviewed to evaluate its continuing effectiveness, and

5.1.4 is complied with.

Reporting

5.2 The Whistleblower Protection Officer is responsible for reporting all related matters to the Greenacres Chief Executive Officer (CEO) or other nominated officers.

5.3 The Investigations Officer is responsible for providing investigation reports to the CEO and Board.

Records management

5.4 The CEO and Board are responsible for maintaining records related to this policy and to ensure secure storage of the information provided.

6 POLICY

Commitment and Policy

6.1 Greenacres is committed to the compliance of all applicable laws and practices, including this program, by people at all levels within Greenacres, including the board and senior management and to the effective reporting of corrupt and illegal practices and all behaviour that is contrary to the Code of Conduct.

6.2 The Greenacres Whistleblower Policy is provided to ensure that any Whistleblower who makes a complaint, in respect of reportable disclosures, in good faith and in accordance with the procedures contained in this Policy, will be protected and not disadvantaged by:

6.2.1 dismissal,

6.2.2 demotion,

- 6.2.3 any form of harassment,
 - 6.2.4 discrimination, and/or
 - 6.2.5 any current or future bias.
- 6.3 Where reprisals are taken or are claimed to have been taken against a Whistleblower, the Whistleblower shall have an automatic right of appeal to Greenacres.
- 6.4 The purpose of this Policy is to encourage the reporting of reportable conduct to enable the Whistleblower program to operate effectively resulting in:
- 6.4.1 more effective compliance with relevant laws,
 - 6.4.2 more efficient fiscal management of Greenacres, for example, the reporting of waste and improper tendering practices,
 - 6.4.3 a healthier and safer work environment through the reporting of unsafe practices,
 - 6.4.4 more effective management,
 - 6.4.5 improved morale within Greenacres, and
 - 6.4.6 an enhanced perception and the reality that Greenacres is taking its governance obligations seriously.
- 6.5 Adequate resources will be provided to implement the Greenacres Whistleblower Policy. These resources include the provision of:
- 6.5.1 Whistleblower Protection Officer (WPO) as defined by this Policy,
 - 6.5.2 an Investigations Officer (IO) as defined by this Policy,
 - 6.5.3 an internal reporting line,
 - 6.5.4 training for all relevant personnel, and
 - 6.5.5 Greenacres' Codes of Conduct sets out conduct Greenacres deems acceptable. Failure to comply with the code would be seen as reportable conduct within the meaning of this Policy.

Reportable Disclosures

- 6.6 A Whistleblower who has reasonable grounds to suspect the information they are disclosing concerns:
- 6.6.1 misconduct or
 - 6.6.2 an improper state of affairs or circumstances.
- 6.7 This information can be about the company or organisation, or an officer or employee of the company or organisation, engaging in conduct that
- 6.7.1 breaches the [Corporations Act 2001](#),
 - 6.7.2 breaches other financial sector laws enforced by ASIC or APRA,
 - 6.7.3 breaches an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months, or
 - 6.7.4 represents a danger to the public or the financial system.

Role of the Whistleblower Protection Officer (WPO)

- 6.8 The role of the WPO is to safeguard the interests of the Whistleblower in terms of this program, the policies of Greenacres and any applicable legislation.
- 6.9 The WPO will maintain the strictest confidentiality of the Whistleblower if requested.
- 6.10 The WPO is appointed by the Board.
- 6.11 The WPO is an independent external person.
- 6.12 Company Officers, Company Auditors, Directors and Executive Officers within Greenacres may also receive a report from a Whistleblower and have obligations under the corporations Act.

Appointment of an Investigation Officer

- 6.13 The role of the Investigation Officer (IO) is to investigate the substance of the report to determine whether there is evidence in support of the matters raised or, alternatively, to refute the report made.
- 6.14 The CEO will appoint an IO to investigate the suspected reportable conduct. In the event that the allegations of Reportable Conduct relate to the CEO then the Chairperson and or Board will appoint the independent Investigation Officer.

Confidentiality

- 6.15 A Whistleblower who reports or seeks to report reportable conduct shall be given a guarantee of anonymity (if anonymity is desired by the Whistleblower). Bearing in mind that in certain circumstances, the law may require disclosure of the identity of the Whistleblower in legal proceedings.
- 6.16 Confidentiality will be maintained by the WPO.
- 6.17 Files created on reports of reportable conduct will be kept secure. Information received from a Whistleblower will be held in the strictest confidence.
- 6.18 Only if the Whistleblower has been consulted and consents in writing to the disclosure, or if Greenacres, the WPO or IO are compelled by law so to do, will any information received from the Whistleblower be disclosed to a person or persons not connected to the investigation of the matters raised.

Communication with the Whistleblower

- 6.19 If a person making a report of reportable conduct is an employee the WPO shall ensure that the Whistleblower is kept informed of the outcomes of the investigation of the report subject to the considerations of privacy of those against whom the reports are made and customary practices of confidentiality within Greenacres.
- 6.20 If the person making a report of reportable conduct is not an employee, then this communication policy should apply once the person has agreed in writing to maintain confidentiality in relation to any information provided to him or her in relation to a report made by him or her.

Investigation

- 6.21 On receipt of a report the WPO, being satisfied that the report has been made in good faith, shall pass the report to the CEO or in his or her absence, the Chief Financial Officer (CFO) in

the case of non-financial/governance matters or the Chief People Officer (CPO) in relation to financial or governance matters.

- 6.22 Where the CEO is subject to an allegation the report will be made to the Board via the Company Secretary.
- 6.23 Where a report is considered worthy of investigation the CEO, or where appropriate, the Board, will delegate an Investigation Officer. If a matter is not considered worthy of investigation the CEO or the Chairman will advise the WPO who will inform the Whistleblower.
- 6.24 Where considered proper to proceed, reports of reportable conduct will be the subject of a thorough investigation with the objective of locating evidence that either substantiates or refutes the claims made by the Whistleblower.
- 6.25 Any investigation will follow best practice in investigations and be fair and independent.
- 6.26 As the investigation process may be open to administrative, operational and judicial review an audit trail must be maintained including documentation of critical decisions made during the course of the investigation.
- 6.27 At the completion of an investigation the Investigation Officer will provide a report to the CEO, or the Board, as appropriate.
- 6.28 The CEO will review the report of the IO and consider whether or not further action is required. If considered appropriate the matter will be reported to the Board and or the Police. The results of an investigation will be reported to the WPO who will advise the Whistleblower.
- 6.29 In the case that the investigation reflects adversely to the actions of a CEO the matter is to be referred to the Board via the Chairperson.

Immunity

- 6.30 A Whistleblower acting in good faith and who has not engaged in serious misconduct or illegal conduct may be provided with immunity from disciplinary proceedings.
- 6.31 Greenacres has no power to offer any person immunity against prosecution in the criminal jurisdiction.

False Reporting

- 6.32 Where it is shown that a person purporting to be a Whistleblower has made a false report then that conduct itself will be considered a serious matter and render the person concerned subject to disciplinary proceedings as provided for by Greenacres internal policies and procedures.

Visibility and Communication

- 6.33 Greenacres commitment to and requirements for reporting of reportable conduct will be continuously publicised to staff, agents, contractors and other relevant third parties.

Personal work-related grievance

- 6.34 Disclosures that relate solely to personal work-related grievances, and that do not relate to detriment or threat of detriment to the Whistleblower, do not qualify for protection under the Corporations Act.
- 6.35 Examples of grievances that may be personal work-related grievances include:
 - 6.35.1 an interpersonal conflict between the Whistleblower and another employee,

- 6.35.2 a decision that does not involve a breach of workplace laws,
- 6.35.3 a decision about the engagement, transfer or promotion of the discloser,
- 6.35.4 a decision about the terms and conditions of engagement of the discloser, and/or
- 6.35.5 a decision to suspend or terminate the engagement of the Whistleblower or otherwise to discipline the discloser.

6.36 Refer to Greenacres' Employment Policy for Staff for personal work-related grievances.

Compensation and other remedies

6.37 A Whistleblower can seek compensation and other remedies through the courts if:

- 6.37.1 they suffer loss, damage or injury because of a disclosure and
- 6.37.2 Greenacres failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

6.38 Greenacres encourages relevant persons to seek independent legal advice.

7 WHISTLEBLOWER PROTECTION OFFICER

7.1 Greenacres Board of Directors has approved the appointment of Stoplevel Pty Ltd (Stoplevel) as the organisation's external and independent Whistleblower Protection Officer.

7.2 Reports can be made to Stoplevel by the following means:

- 7.2.1 telephone: 1300 30 45 50 (in Australia),
- 7.2.2 email: makeareport@stopline.com.au,
- 7.2.3 on-line: <https://greenacres.stoplevelreport.com>,
- 7.2.4 mail: Greenacres c/o Stoplevel,
PO Box 403,
Diamond Creek VIC 3089, or
- 7.2.5 or via the Stoplevel 365 smartphone app, which can be downloaded for free from either the Apple iTunes store or Google Play.