



BOARD POLICY

WHISTLEBLOWER POLICY

PURPOSE: The objective of this policy is to:

1. encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct
2. provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation
3. enable Community Resources to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information
4. ensure that any Reportable Conduct is identified and dealt with appropriately
5. ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported, and
6. help to ensure that Community Resources maintains the highest standards of ethical behaviour and integrity.

POLICY REFERENCE	BP CS 3
POLICY OWNER	Corporate Support
APPROVED BY	Board of Directors
APPROVAL DATE	27 August 2020
REVIEW DATE	27 August 2022

WHISTLEBLOWER POLICY

1. INTRODUCTION

Community Resources is committed to fostering a safe culture of legal and ethical behaviour with good governance.

Community Resources recognises the value of transparency and accountability in its administrative and management practices, and supports the reporting of improper conduct.

The Whistleblower Policy has been developed so that people can raise concerns regarding situations where they believe that Community Resources or anybody connected with Community Resources has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct described in this Policy.

2. SCOPE AND RESPONSIBILITIES

The Policy applies to employees, directors, officers, contractors (including their employees), volunteers, suppliers and consultants of Community Resources.

The Policy should be read in conjunction with other Community Resources policies.

3. DEFINITIONS

“Reportable Conduct” means information that a Worker has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to Community Resources or a related body corporate of Community Resources, as further described in this Policy.

“Whistleblower” means a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with Community Resources, and wishes to avail themselves of protection against reprisal for having made the report.

“Whistleblower Protection Officer” means the officer/s nominated by the Chief Executive Officer to manage a report by a Whistleblower.

“Workers” means a person who carries out work in any capacity for Community Resources Ltd. This meaning includes: employees, contractors (including their employees), volunteers, suppliers of Community Resources. Work experience, apprentices and trainees may be included in the definition of ‘worker’ in some situations.

“You, your and yourself” means Workers.

“Our, we and us” means Community Resources (as a person conducting a business or undertaking). Directors and officers under the WHS legislation are included in this meaning.

4. POLICY

4.1. Guiding Principles

This Policy is designed to comply with Community Resources' legal obligations. If anything in this Policy is inconsistent with any law imposed on Community Resources, that legal obligation will prevail over this Policy.

Speak up and report it! We encourage Workers at Community Resources to report any concerns in line with our policies.

Our expectations of Workers: Community Resources expects Workers to act honestly and ethically, and to make any report on reasonable grounds.

Our responsibility to Whistleblowers: Our obligations to Workers are outlined in this policy.

Confidentiality and consent: Community Resources will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While Community Resources encourages Whistleblowers to identify yourself to our nominated Whistleblower Protection Officer, you may opt to report your concerns anonymously.

4.2. Reportable Conduct

Further to the definition above, Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:

- a. dishonest;
- b. corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
- c. fraudulent;
- d. illegal (including theft, drug sale or use, violence or threatened violence, or property damage);
- e. in breach of regulation, internal policy or code (such as our Code of Conduct);
- f. improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;
- g. a serious impropriety or an improper state of affairs or circumstances;
- h. substantial and imminent danger to someone's personal health or safety or the environment;
- i. a serious mismanagement of Community Resources' resources;
- j. detrimental to Community Resources' financial position or reputation;
- k. maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);
- l. concealing Reportable Conduct.

Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

4.3. What is not Reportable Conduct?

While everybody is encouraged to speak up and report any concerns to Community Resources, not all types of conduct are intended to be covered by this Policy or by the protections under the Corporations Act 2001 (Cth). This Policy does not apply to complaints by our clients and customers or personal work-related grievances (see below), unless the grievance includes victimisation due to whistleblowing.

Personal work-related grievances are those that relate to the discloser's current or former employment with Community Resources that might have implications for the discloser personally but do not:

- a. Have any other significant implications for Community Resources (or another entity); or
- b. Relate to any conduct or alleged conduct about Reportable Conduct.

Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

4.4. What information do I need to make a report?

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

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

- a. date;
- b. time;
- c. location;
- d. name of person(s) involved;
- e. possible witnesses to the events; and
- f. evidence of the events (e.g. documents, emails).

In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

4.5. How can I make a report?

While reports of any conduct of concern may be to your Manager, if you would like to rely on the Whistleblower protections outlined in this Policy, the report must be made to:

- a. The Whistleblower Protection Officer/s as nominated by the Chief Executive Officer or the Chair if appropriate.
- b. The organisation's auditor, or a member of the audit team.

Community Resources will also protect individuals who have made a report in connection with Community Resources:

- a. To the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA) or another Commonwealth regulatory body prescribed in legislation;
- b. To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections; or
- c. That qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that you understand the criteria for making a public interest or emergency disclosure and you may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

While Community Resources encourages you to identify yourself to our Whistleblower Protection Officer, you may opt to report your concerns anonymously such as by adopting a pseudonym.

4.6. How will I be protected if I speak up about Reportable Conduct?

If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, Community Resources will support and protect you and anyone else assisting in the investigation.

Community Resources will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:

- a. retaliation, dismissal, suspension, demotion, or termination of your role;
- b. bullying, harassment, threats or intimidation;
- c. discrimination, subject to current or future bias, or derogatory treatment;
- d. harm or injury;
- e. damage or threats to your property, business, financial position or reputation; or
- f. revealing your identity as a Whistleblower without your consent or contrary to law;
- g. threatening to carry out any of the above actions.

This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.

This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.

Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.

If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to the Whistleblower Protection Officer, or an external body under this Policy. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.

Anyone engaging in detrimental conduct may 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:

- a. protection from civil, criminal or administrative legal action;
- b. protection from having to give evidence in legal proceedings; and/or
- c. compensation or other legal remedy.

4.7. How will Community Resources ensure confidentiality?

A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. Community Resources will do all it can to protect confidentiality.

However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. Community Resources will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures.

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

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

It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. Community Resources may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

4.8. False reports and 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.

4.9. Handling and investigating a disclosure

Upon receiving a Protected Disclosure, within 14 days, Community Resources will endeavour to assess the disclosure to determine whether:

- a. It qualifies for protection; and
- b. A formal, in-depth investigation is required.

Community Resources will endeavour provide the discloser with regular updates. Community Resources may not be able to investigate a disclosure if it is unable to contact the discloser.

Community Resources will handle and investigate Protected Disclosures in accordance with Whistleblowing Procedures, as approved by the CEO.

5. MONITORING AND ASSURANCE

This Policy will be available to all Workers via the intranet, and on request for those that do not have intranet access.

To ensure effective protection under the Policy, Corporate Support will monitor and review this Policy every two years.

6. VERSION CONTROL

The Executive Assistant will ensure that following a review of a policy, version numbers are updated and obsolete versions are archived.

RELATED DOCUMENTS:

RELEVANT LEGISLATION, REGULATIONS AND STANDARDS:

- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Insurance Act 1973
- Life Insurance Act 1995
- Public Interest Disclosure Act 2013
- Superannuation Industry (Supervision) Act 1993
- Taxation Administration Act 1953

This policy is not intended to override any industrial instrument, contract, award or legislation.

REVISIONS

The following revisions have been made to this document.

DATE	REVISION	DESCRIPTION
27/08/2020	Version 1	Initial document prepared and adopted