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# WHISTLEBLOWER PROTECTION POLICY

## VERSION CONTROL

Version	Responsibility	Authorised By	Approved By	Sections Modified	Date Approved	Next Review Date
1	Director HR	Dean and CEO	Board	N/A	11.03.20	11.03.22
2	Director HR	Dean and CEO	Board	Various	09.09.24	09.09.26

## RELATED POLICIES AND PROCEDURES

Code of Conduct
Workplace Complaints and Grievance Policy and Procedure

## 1. PURPOSE

The purpose of this policy is to explain and provide guidance as to:

- a) What may constitute a reportable concern;
- b) ANZSOG's commitment to protecting whistleblowers who make a lawful whistleblower disclosure;
- c) Reporting Procedure; and
- d) How ANZSOG deals with whistleblower disclosures.

This Whistleblower Protection Policy is intended to encourage and enable employees and others to raise serious concerns internally so that ANZSOG can address and correct inappropriate conduct and actions. It is the responsibility of all staff and others engaged or closely associated with ANZSOG to report concerns about potential breaches of ANZSOG's *Code of Conduct* or suspected violations of law or regulations that govern ANZSOG's operations.

## 2. SCOPE

This policy applies to all employees of ANZSOG, Board members, seconded academic staff, visitors, contractors, and program participants. Under Victorian law any person can make a whistleblower disclosure.

This Policy does not cover personal or employment related grievances. Please refer to the *Workplace Complaints and Grievance Policy and Procedure* for guidance.

Whether or not the Victorian law or the Commonwealth law applies, a person or persons making a whistleblower disclosure to ANZSOG will be subject to this policy.

## 3. LEGISLATION

The principal pieces of legislation governing ANZSOG are the *Corporations Act 2001* (Cth) and the *Australian Charities and Not-for-profits Commission Act 2012* (Cth). Other sources of information that can assist include:

- Commonwealth Legislation – Australian Public Service
- Serious Fraud Office – New Zealand
- *Public Interest Disclosures Act 2012* (Vic)
- *Independent Broad-based Anti-corruption Commission Act 2011* (Vic)
- *Ombudsman Act 1973* (Vic)
- *Corporations Act 2001* (Cth), and
- *Taxation Administration Act 1953* (Cth).

## 4. POLICY, PROCEDURE AND GUIDELINES

ANZSOG is committed to promoting and supporting a culture of corporate compliance, honest and ethical behaviour, good corporate governance and expects transparency and accountability in its administrative, management and academic practices. It does not tolerate fraud, corruption, misconduct, criminal or improper conduct.

ANZSOG requires directors and employees to observe high standards of business and personal ethics in the proper conduct of their duties and responsibilities. As employees and representatives of ANZSOG, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

### 4.1. Reportable concerns

ANZSOG encourages the reporting of misconduct and/or reasonable suspicions that any of the following have taken place, are taking place, an intent exists to carry any of the following out in the future, or that any of the following have been concealed:

- fraud, that is, a deliberate deception in order to secure personal gain, or to cause disadvantage to ANZSOG; this includes theft, bribery and facilitation of payments and money laundering;

- corruption, that is, the improper use of influence or position and/or improper use of information by commission or omission;
- unauthorised use or misuse of ANZSOG property, equipment or materials;
- criminal offences by ANZSOG staff or third parties;
- damage to the environment;
- undeclared conflicts of interest;
- unethical or other serious improper conduct, including such conduct that is in breach of ANZSOG policies and procedures.

#### 4.2. Anonymous reporting

Anonymous reports of misconduct are accepted under this policy. However, such reports may have limitations that inhibit a proper and appropriate inquiry or investigation. These limitations include the inability to provide feedback on the outcome and/or to gather additional particulars to assist the investigation.

If an anonymous report is made, ANZSOG will do its utmost to conduct a proper investigation, but it remains at ANZSOG's discretion as to whether it can or will proceed with a full investigation because of the limited ability to interview the whistleblower to seek further information.

#### 4.3. Protected Disclosure Act 2012

Those who make disclosures are fully protected from any civil, criminal or administrative liability (including disciplinary action) for making the disclosure in good faith and are covered by the *Protected Disclosure Act 2012*. Protection is available to those who make a disclosure that is:

- serious in nature;
- made in good faith;
- made with reasonable grounds to believe it is true.

Whistleblowers, as far as possible, will not be disadvantaged for making a report. Any adverse action, harassment, discrimination, or reprisals for a protected disclosure made under this policy or procedure will be treated by ANZSOG as serious misconduct and may result in disciplinary action against the perpetrator.

For example, a whistleblower must not be disadvantaged for having made the report by:

- dismissal;
- demotion;
- discrimination, victimisation or harassment;
- current or future bias;
- threats of any of the above.

Any reporting person who believes that they have been subject to detriment as a consequence of making a disclosure should report the details to the independent, external hotline.

#### 4.4. What legal protections do disclosers receive?

ANZSOG is committed to protecting and respecting the rights of anyone who has made a disclosure as outlined in 4.3 if your complaint is assessed as a public interest disclosure:

- we will never publicise your name;
- you and your family, friends and colleagues will be protected from being fired or bullied for making a complaint;
- you will receive protection from defamation and detrimental action in reprisal for making a public interest disclosure;
- you will receive immunity from:

- civil or criminal liability as well as administrative action (including disciplinary action) for making the disclosure;
- breaching any other obligation (made by oath or rule of law or practice) requiring the maintenance of confidentiality or otherwise restricting the disclosure of information.

#### 4.5. Acting in Good Faith

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations which prove to have been made maliciously or knowingly to be false will potentially be viewed as a disciplinary issue and appropriate action taken against the individual/s concerned.

#### 4.6. Reporting Procedure

ANZSOG provides employees with access to an independent, external hotline as a channel for reporting of any suspected misconduct, unethical behaviours, or violations of company policies or applicable laws confidentially and anonymously, without fear of retaliation. ANZSOG will ensure that the contact information for the external hotline is widely disseminated through various channels such as intranet, internet and onboarding processes.

Reports and disclosures can be made verbally or in writing and can be anonymous. However, whistleblowers are encouraged to make such reports in writing. All reports are subject to the confidentiality provisions set out in this policy. Reports or disclosures should be made to the independent, external hotline, Stopleveline. Stopleveline can be contacted by:

- Telephone: 1300 30 45 50 (Australia only)
- Email: [makeareport@stopleveline.com.au](mailto:makeareport@stopleveline.com.au) On-line: <https://anzsog.stoplevelinereport.com>
- Mail: Australia and New Zealand School of Government (ANZSOG) c/o Stopleveline, PO Box 403, Diamond Creek, VIC 3089

When making a report, the whistleblower should clearly outline:

- the issue or concern;
- the alleged misconduct;
- the individual(s) involved;
- their reasons for believing that the misconduct has occurred, including when and how it occurred; and
- the nature and whereabouts of any further evidence that would substantiate their allegation if known.

This is to ensure that the recipient has sufficient information to take appropriate action without delay. The whistleblower should ensure that their report is:

- factually accurate, noting the suspected misconduct and their own actions;
- based on firsthand knowledge;
- objectively based on reasonable grounds; and
- contains all relevant details, including any relevant documentation.

The whistleblower must keep secure any relevant documents as possible evidence and must ensure they are not altered in any way.

The Dean and CEO will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated, and appropriate corrective action will be taken, if warranted, following investigation.

If the complaint is about the Dean and CEO, the Director HR will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation.

#### 4.7. Internal investigation

All disclosures, including those relating to Board directors, must be referred to the Dean and CEO to determine what further action, if any, is to be taken, including the investigation process that will apply.

Following a disclosure being made, the Dean and CEO and Director HR will be responsible for:

- assessing whether this policy applies to the disclosure;
- coordinating an investigation into any protected disclosure received;
- documenting and handling all matters related to the disclosure and investigation, noting the Dean and CEO may not be able to conduct the investigation personally; and
- keeping the whistleblower or reporting person properly informed verbally or in writing (as they determine is appropriate) of the progress and final outcome of the investigation, and the actions taken or to be taken in response, subject to considerations of the privacy of all those concerned.

If a disclosure does not relate to a reportable conduct the matter may be dealt with in accordance with ANZSOG's *Workplace Complaints and Grievance Policy and Procedure* or other applicable policies and procedures.

Where an investigation is deemed warranted by the Dean and CEO, an independent investigator must be appointed.

The appointed investigator must be external to ANZSOG or a person who is completely at arm's length from the management and administration of ANZSOG and the matters raised by the report or disclosure.

The appointed investigator will be required to:

- take all reasonable steps to ensure that the investigation is fair, timely and that the rules of procedural fairness are applied;
- provide regular and timely feedback on the status of an investigation and the outcome of the investigation to the parties involved; and
- report the findings of the investigation to the Dean and CEO.

If the complaint is about the Dean and CEO, the Director HR will refer the disclosure to the Board Chair to determine what further action, if any, is to be taken, including the investigation process that will apply, and any subsequent action needed. The Board Chair may involve other staff, Board directors or specialist advisors as required.

#### **4.8. Contravention of laws and regulations**

If the Dean and CEO is of the opinion that the reported misconduct could be considered to be illegal or criminal, they may first seek legal advice before taking further action. This may result in the matter being referred to the police or other appropriate authority (with or without legal advice). If the legal advisor is of the opinion that there is insufficient information and/or evidence to take to an external authority, then the misconduct will be treated as an internal matter.

#### **4.9. Confidentiality and privacy protection**

ANZSOG will not use or disclose a whistleblower's identity unless:

- it is necessary to further an investigation and the whistleblower consents to the disclosure,
- the disclosure is required or authorised by law.

Personal information may be used or disclosed where:

- it is made with the individual's express or implied consent;
- it is necessary to prevent or lessen a serious threat to a person's health or safety; or
- it is necessary to protect or enforce ANZSOG's legal rights or interests, or to defend itself against any claims.

#### **4.10. Confidentiality**

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an appropriate investigation.