



WHISTLE-BLOWER PROTECTION POLICY

1. PURPOSE

The *Corporations Act 2001* (Cth) (Corporations Act) provides a whistle-blower protection regime for Australia's corporate sector. That regime requires identified public companies to have a whistle-blower protection policy and to make the policy available to its officers and employees.¹

Because QPASTT is a company that must comply with the regime, it is required to establish a whistle-blower policy that complies with the Corporations Act and the requirements in the Australian Securities and Investments Commission (ASIC) Regulatory Guide 270: 'Whistle-blower Policies'.

A whistle-blower is any person who, whether anonymously or not, makes, attempts to make, or wishes to make a disclosure regarding alleged serious misconduct.

The purpose of this document is to encourage, support and protect anyone connected with QPASTT who makes such a disclosure of alleged serious misconduct.

2. PRINCIPLES

QPASTT is committed to:

- (a) observing the highest standards of fair dealing, honesty and integrity in its activities; and
- (b) protecting whistle-blowers from detriment (harm) arising from making a disclosure of alleged serious misconduct.

To achieve this policy's purpose, QPASTT has adopted the following principles:

- (a) We will encourage disclosure of any alleged serious misconduct;
- (b) We will investigate alleged serious misconduct in an objective, independent and confidential manner. We will take appropriate corrective action where needed;
- (c) We will not tolerate any detriment against those who act honestly and reasonably to disclose actual or suspected serious misconduct;
- (d) We will not take any action against a whistle-blower who makes an untrue disclosure as long as it was made with an honest, genuine or reasonable belief regarding the conduct alleged;
- (e) We may pursue legal or disciplinary action against a whistle-blower acting with malicious intent.

3. DEFINITIONS

Term	Meaning
Detriment	Harm that may arise as a result of a whistle-blower's disclosure, including: (a) dismissal from employment; (b) injury of an employee in his or her employment;

¹ *Corporations Act 2001* (Cth), s 1317AI(1).

Term	Meaning
	(c) alteration of an employee's position or duties to his or her disadvantage; (d) discrimination, harassment or intimidation of a person; (e) psychological harm; (f) damage to a person's property; (g) damage to a person's reputation; (h) damage to a person's business or financial position; or (i) any other damage to a person.
Disclosure	Deliberate and voluntary communication or attempted communication of information that alleges serious misconduct.
Serious misconduct	Serious misconduct is the actual or suspected misconduct of any individual or entity of QPASTT including any behaviour that may be: (a) dishonest; (b) fraudulent; (c) corrupt; (d) unethical; (e) threatening or violent; (f) misleading or deceptive conduct or representations which amount to improper or misleading accounting or financial reporting practices or impeding internal or external audit processes; (g) a serious risk to the health and safety of another person or the environment; (h) likely to cause financial or non-financial loss to QPASTT or be otherwise harmful to the interests of QPASTT, including to its reputation; (i) contrary to any laws, codes of conduct or other regulations; contrary to professional ethical standards (such as the AASW Code of Ethics); or contrary to other policies and procedures of QPASTT (including our Code of Conduct).
Discloser or Whistle-blower	Any person who, whether anonymously or not, makes, attempts to make, or wishes to make a disclosure regarding alleged serious misconduct.
QPASTT Contact Officers	Those responsible for: (a) receiving and assessing reports from whistle-blowers to determine whether further investigation is appropriate; (b) protecting and supporting whistle-blowers from any detriment that may arise as a result of disclosing alleged serious misconduct; and (c) providing advice to QPASTT employees prior to, during, or after a disclosure of alleged serious misconduct is made.

4. SCOPE OF THIS POLICY

4.1 Who does this Policy apply to?

This Policy applies to anyone with a connection to QPASTT. This includes QPASTT Directors, employees, contractors, consultants, suppliers, third party providers, labour hire workers, advisors, students, volunteers, former employees of QPASTT, and includes relatives, spouses and dependents of any such persons. Note that QPASTT is not able to extend the full level of protections and support set out in this policy to whistle-blowers who are not employed by QPASTT.

4.2 What is excluded from this Policy?

This Policy does not apply to a disclosure about:

- (a) a personal issue arising in the workplace of the whistle-blower; or
- (b) a complaint or report of an incident or near-miss for work health and safety purposes (or for work health and safety issues generally, other than as indicated above),

where such conduct does not amount to serious misconduct.

These types of issues are dealt with in other QPASTT policies and procedures.

5. MAKING A DISCLOSURE

5.1 Things to consider before making a disclosure

QPASTT takes its responsibilities under this policy very seriously.

When making a disclosure under this policy, you must have reasonable grounds to suspect the alleged serious misconduct has occurred or is likely to occur. The disclosure must be based on information directly known to you. It cannot just be based on a rumour or hearsay.

Disclosures which are knowingly untrue or made maliciously may result in disciplinary action (which could include, for example, termination of employment.)

5.2 What information and supporting documentation do I need for my disclosure?

When making a disclosure of alleged serious misconduct, you are encouraged to provide as much information as possible so we can investigate the allegation, including:

- (a) known details: e.g. date, time, location of the alleged serious misconduct;
- (b) evidence: e.g. documents or emails;
- (c) names of possible witnesses; and
- (d) whether you have tried to resolve your concerns previously and how you tried to do that.

You are not expected to investigate or prove your concerns about alleged serious misconduct before you disclose.

5.3 Who can I make a disclosure to?

Disclosures to an internal source

If you become aware of any behaviour or issue that you think is serious misconduct, you should notify a QPASTT Contact Officer:

Name	Position	Email
Sally Stewart	Co-CEO, QPASTT	sallystewart@qpastt.org.au 3391 6677
Vivienne Braddock	Co-CEO, QPASTT	viviennebraddock@qpastt.org.au 3391 6677

This can be done in person or over the phone during business hours, or by email at any time.

Disclosures to an external source

QPASTT encourages you to make your disclosure internally in the first instance, however we recognise that there may be circumstances where you may want to make a disclosure to an external source. The following external individuals, groups and entities are eligible to receive disclosures:

- (a) an auditor of QPASTT;
- (b) a lawyer;
- (c) ASIC, APRA, AHPRA or an Australian Commonwealth prescribed body (e.g. the ATO for tax-related Reportable Conduct).

Further information is available from ASIC Information Sheet 239 *How ASIC handles whistleblower reports* (INFO 239).

5.4 Public interest disclosures and emergency disclosures

- (a) You can make a disclosure to a journalist or parliamentarian under certain circumstances and still qualify for protection. It is important that you understand the criteria for making a public interest or emergency disclosure and to contact an independent legal adviser before doing so.
- (b) A **public interest disclosure** is the disclosure of information to a journalist or a parliamentarian, where:
 - (i) at least 90 days have passed since the discloser made the disclosure to ASIC, or another Commonwealth body prescribed by regulation; and
 - (ii) the discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure;
 - (iii) the discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest; and

- (iv) before making the public interest disclosure, the discloser has given written notice to the body in [1.1(b)(i)] above that:
 - (A) includes sufficient information to identify the previous disclosure; and
 - (B) states that the discloser intends to make a public interest disclosure.
- (c) An **emergency disclosure** is the disclosure of information to a journalist or parliamentarian, where:
 - (i) the discloser has previously made a disclosure of the information to ASIC, or another Commonwealth body prescribed by regulation; and
 - (ii) the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons, or to the natural environment; and
 - (iii) before making the emergency disclosure, the discloser has given written notice to the body in [1.1(c)(i)] that:
 - (A) includes sufficient information to identify the previous disclosure; and
 - (B) states that the discloser intends to make an emergency disclosure; and
 - (iv) the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

Before deciding whether to make a disclosure, you can contact the QPASTT Contact Officers or an independent legal adviser to find out more information about what might happen as a result of your disclosure.

5.4 Can I make an anonymous disclosure?

Disclosures can be made anonymously and still be protected under whistle-blower protection legislation. You can make an anonymous disclosure by:

- (a) calling a QPASTT Contact Officer from an unlisted phone number;
- (b) emailing a QPASTT Contact Officer from an email address which does not identify you; or
- (c) contacting an external service as above, who agrees to submit the disclosure on your behalf.

Anonymous disclosures may limit our ability to investigate fully, and also our capacity to provide protection and support. Some of the ways QPASTT may protect your anonymity are by:

- (d) redacting personal information and references to you;
- (e) referring to the you in a gender-neutral context;
- (f) where possible, contacting you to help identify parts of your disclosure that could accidentally identify you;

- (g) restricting the coordination and investigation of disclosures to those authorised under this policy; and
- (h) securely storing all paper and electronic documents relating to disclosures.

It is illegal for a person to identify a whistle-blower, or disclose information which is likely to lead to the identification of the whistle-blower, unless the identity is disclosed in the following circumstances:

- (i) To ASIC, APRA, AHPRA, or a member of the Australian Federal Police;
- (j) To a legal practitioner, for the purposes of obtaining legal advice or legal representation about whistle-blower laws; or
- (k) With the consent of the discloser.

6. INVESTIGATING DISCLOSURES

6.1 Investigations generally

QPASTT will thoroughly investigate all disclosures of alleged serious misconduct to locate evidence that either substantiates or refutes the allegations made by the whistle-blower.

The QPASTT Contact Officers are responsible for the overall coordination of the investigation. The investigations will be conducted by appropriately qualified internal or external investigators depending on the nature of the allegations. Internal investigators may be one of the QPASTT Contact Officers or a senior manager.

Natural justice will be observed. Investigations will be conducted in a timely, thorough, confidential and unbiased manner in accordance with best practice.

Appropriate records and documentation will be maintained and kept confidential at all stages of the investigation. The method of documenting and reporting findings will depend on the nature of the disclosure.

The timeframe for the investigation may vary depending on the nature of the disclosure.

Once the investigation begins, the fact that a disclosure has been made will be kept confidential (subject to any legal requirements).

6.2 The Investigation Process - preliminary investigation

The appointed investigator will contact you within 10 business days of receiving your disclosure to discuss your welfare and the information you provided in your disclosure. The investigator will determine:

- whether your disclosure qualifies for protection; and
- whether there is sufficient information or evidence for a formal in-depth investigation.

The length of time taken to do this will depend on the nature of the disclosure.



Where there is insufficient evidence/information to warrant further investigation, you will be informed and no further action will be taken.

However, if after conducting the preliminary investigation into the disclosure, the investigator considers further investigation is warranted, a formal investigation may be commenced.

The Investigation Process - formal investigation

The formal process will begin as soon as possible after the decision is made that there is sufficient evidence to warrant further investigation. This formal process is designed to be more rigorous and comprehensive than preliminary inquiries and is typically used for disclosures concerning matters of an extremely serious nature.

The investigation process may vary depending on the nature of the disclosure. For example, QPASTT may not be able to undertake an investigation or a full investigation if it is not able to contact the discloser and the disclosure has been made anonymously.

Where practicable, formal investigations will be independent of any person who is the subject of the alleged serious misconduct. The investigator will conduct the formal investigation process in consultation with the Co-CEOs (where the Co-CEO is not the investigator).

Where possible, the investigator will provide you with feedback about the progress of the investigation. This will be subject to the privacy of those against whom allegations of serious misconduct are made.

6.3 What actions may be taken after an investigation?

Where investigations find that an allegation of serious misconduct has been successfully proven, the matter will be dealt with according to QPASTT's disciplinary procedures, which may result in disciplinary action, including termination of employment or engagement. Where QPASTT has a contractual obligation to inform its funding bodies if serious misconduct has occurred, those funding bodies will be informed.

In all instances, the findings from an investigation will be documented and reported to the Co-CEOs (or if the disclosure relates to the Co-CEOs, the Chair), whilst preserving whistle-blower confidentiality.

The method for documenting and reporting the findings from any investigation will depend on the nature of the disclosure. There may be circumstances where it may not be appropriate to provide details of the outcome to the discloser.

7. CONFIDENTIALITY

QPASTT commits to confidentiality and impartiality in respect of any genuine disclosures of alleged serious misconduct made under this policy, including ensuring confidentiality in the investigation and protecting, as far as legally and practically possible, the identity of the whistle-blower.



This is subject to any regulatory or legislative requirements or where the alleged serious misconduct involves a threat to life or property or may involve, or potentially involve, illegal activity.

8. PROTECTION FROM MAKING DISCLOSURES

QPASTT will not tolerate any detrimental treatment, directly or indirectly, against anyone who makes a disclosure of serious misconduct, provided the disclosure is made honestly, reasonably and with a genuine belief about the serious misconduct.

It is a breach of this policy for any employee to cause detriment to a whistle-blower for making a disclosure under this policy.

Ways in which QPASTT can protect whistle-blowers from detrimental treatment are:

- (l) Ensuring internal and external support is available to whistle-blowers;
- (m) Implementing strategies to help a whistle-blower minimise and manage stress or other challenges resulting from the disclosure or its investigation;
- (n) Enabling whistle-blowers to make a complaint if they have suffered detriment; or
- (o) Intervening where a detriment has already occurred.

In addition to the protections described in this policy, whistle-blowers may have the benefit of protections available under legislation in relation to whistleblowing. For example, there are broad whistle-blower protection regimes under Commonwealth legislation, including the following:

- (a) *Corporations Act 2001* (Cth) – see the Fact Sheet in the annexure for further information;
- (b) *Taxation Administration Act 1953* (Cth);
- (c) *Banking Act 1959* (Cth);
- (d) *Insurance Act 1973* (Cth);
- (e) *Life Insurance Act 1995* (Cth); and
- (f) *Superannuation Industry (Supervision) Act 1993* (Cth);

Disclosures which are not about ‘disclosable matters’ may not qualify for protection under legislation. QPASTT is required to ensure the fair treatment of employees who are mentioned in a protected disclosure, including those who are the topic of a disclosure. QPASTT commits to ensuring the objective, fair, and independent assessment of disclosures, and investigating in line with the principles of natural justice and procedural fairness.

9. COMMUNICATION

- (a) A copy of this policy is available in the electronic policies and procedures folder and also on the QPASTT website. It will also be provided as part of the induction process for new employees and board members.
- (b) For further information, refer to other related policies or contact the Manager, Capability and Governance.

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10. POLICY COMPLIANCE

If you consider that your disclosure of alleged serious misconduct has not been dealt with in accordance with this policy, or that you have been subjected to harm as a result of making a disclosure under this policy, the matter should be raised with one of the QPASTT Contact Officers. The Contact Officer will determine the most appropriate course for handling the matter which may include informal resolution options or a formal investigation.

In circumstances where you believe the QPASTT Contact Officers have not acted in accordance with this policy, you can make a complaint under the QPASTT Complaints Policy which is found on the QPASTT website.

Any matters of a criminal nature will be reported by the QPASTT Contact Officers to the police and, if appropriate, other relevant regulatory authorities.

QPASTT employees who cause, or threaten to cause, detriment to a whistle-blower, or who directly or indirectly cause the identity of a whistle-blower to be made known, may be subjected to disciplinary action up to and including termination of employment or engagement. Such persons may also be found to be civilly or criminal liable.

11. RELATED POLICIES

This policy should be read in conjunction with the following QPASTT policies:

- Disciplinary Policy and Procedures
- Code of Conduct

WHISTLE-BLOWER DISCLOSURE FLOW CHART

