



Policy		Whistle-Blower		NP-97
Service/Function Area	People & Culture	Created Date	December 2019	
Custodian	People & Culture Manager	Reviewed		
Review Period	3 Years	Review Date	December 2022	

Policy Statement

Ngala is committed to the highest standards of conduct and ethical behaviour in all of its business activities and to promoting and supporting a culture of honesty and ethical behaviour, as well as good corporate governance.

Scope

This Policy applies to all Ngala. It encompasses all directors and personnel including executives, line managers, employees, contractors, consultants, volunteers, students and extends to clients and suppliers, regardless of entity name and type.

Purpose

The objective of this Policy is to encourage the reporting of any instances or suspected unethical, illegal, fraudulent or undesirable conduct involving Ngala's businesses, and provides protections and measures so that individuals who make a report under this Policy, may do so confidentially and without fear of intimidation, disadvantage and reprisal.

What is Reportable Conduct?

A report can be made under this Policy, if an individual has reasonable grounds to suspect that a Ngala director, officer, manager, employee, consultant, volunteer, student, contractor, supplier, or other person who has business dealings with Ngala has engaged in "Reportable Conduct" which is or is suspected to be:

- dishonest, fraudulent or corrupt, including bribery;
- illegal activity (such as theft, violence, harassment or intimidation, criminal damage to property) or any other breach of state or federal law;
- unethical or in breach of Ngala's policies (such as altering company records or data, breaching the Code of Conduct);
- potentially damaging to Ngala, a Ngala employee or a third party, such as unsafe work practices, environment damage, health risks or abuse of Ngala's property or resources;
- at risk of causing financial and/or reputational damage to Ngala or otherwise detrimental to Ngala's interests;

- involves harassment, discrimination or bullying, other than personal work-related grievances as defined in the *Corporations Act 2001 (Cth)* or;
- involves any other kind of misconduct or an improper state of affairs or circumstances.

Reporting

For the purpose of this Policy, to ensure appropriate escalation and timely investigations, Ngala requests that reports are made in the first instance, to Ngala's **People & Culture Manager** who is the appointed **Whistle-blower Protections Officer ("WPO")** who has been appointed by the Chief Executive Officer.

Whistle-blower Governance Officer/s

Alternatively, reports can be made to one of the **"Whistle-blower Governance Officer/s" ("WGO")** as listed below:

- Chief Executive Officer
- Quality & Risk Manager
- Risk & Compliance Committee

If the allegation made involves the Chief Executive Officer, Executive or Board member, Ngala may appoint an Independent External Reviewer.

For serious allegations, such matters will be forwarded to the relevant Board Sub Committee.

A report may be made verbally or in writing. A Whistle-blower making a report should have reasonable grounds for believing that the information provided is accurate. The report should provide adequate information and evidence, where possible, including:

- the nature of the alleged improper conduct and where this has occurred
- how the alleged conduct occurred
- the people involved in the conduct

Line Managers

All Line Managers who receive a disclosure about wrongdoing, must notify the **WPO**, provide particulars, and maintain confidentiality about the disclosure as soon as is practicable.

External Reporting Entities

Ngala may nominate external persons or Agencies to which disclosures may be made under the protections offered under this Procedure. Where such a nomination is made, the Whistle-blower shall be informed by any appropriate method.

Ngala recommends the normal channels of reporting are favoured.

Internal Whistleblowers

(Directors, employees, volunteers, students, contractors or consultants)

Occasionally, a suspicion of wrongdoing may arise from a misunderstanding that is not in fact wrongdoing; or is a matter where communication has been restrained by confidentiality requirements of other legitimate circumstances.

Consequently, internal Whistle-blowers are encouraged to check with their Line Manager to seek an immediate response. Where the internal Whistle-blower believes this is not appropriate, then an alternative reporting mechanism is available, by contacting the **People & Culture Manager** who is the appointed **WPO**.

External Whistleblowers

(Other people with a relationship with Ngala eg: clients, families, suppliers)

Where an external Whistle-blower is reluctant to report the disclosure to line management for fear of retribution, they can report their concerns to a higher level of management than the person in Ngala that they ordinarily deal with. There may be a simple explanation that they had not considered. Where this is not appropriate, an alternative reporting mechanism is available. They can report their concerns to the **WPO**, alternatively, an external Whistle-blower may also submit a report via complimentsandcomplaints@ngala.com.au.

Other Complaint Mechanisms

This Policy is in addition to:

- **Resolution of Complaints/Grievances Procedure (OP-P38)** for all Ngala employees to raise matters that relate to an employee's work or work environment. This Policy does not replace other reporting structures such as those for dispute resolution, discrimination, victimisation or matters relating to workplace bullying or harassment.
- Standard complaint mechanisms for clients or volunteers.
- Any exercising of rights under the terms of their contract by contractors and suppliers.

Exceptions

Where the issue is wrongdoing of a serious nature; and/or

- the existing reporting system failed to attend to the issue; and/or
- the issue has been processed in a substantially inappropriate and/or a grossly unfair manner.

Investigation of Reportable Conduct

Ngala will investigate all matters reported under this Policy, as soon as practicable after the matter has been reported. A **WPO** may with consent, appoint a person to assist with the investigation of a report (“Investigator”). Where appropriate, Ngala will provide feedback to the Whistle-blower regarding the investigation’s progress and/or outcome (subject to considerations of the privacy of those against whom the allegations are made).

The investigation will be conducted in an objective and fair manner, and otherwise as is reasonable and appropriate, having regard to the nature of the Reportable Conduct and the circumstances.

While the particular investigation process and enquiries adopted will be determined by the nature and substance of the report, in general, as soon as practicable upon receipt of the report. If the report is not anonymous, the **WPO** or Investigator will contact the Whistle-blower to discuss the investigation process, including who may be contacted, and such other matters as are relevant to the investigation.

Confidentiality/Anonymity

A Whistle-blower may elect to make a disclosure anonymously. As far as possible, Ngala will respect the Whistle-blower’s request to not identify themselves. Ngala may not be able to investigate certain disclosures without the identity of the Whistle-blower becoming known, whether directly or by inference, to Ngala or to the person about whom the allegations are made. Where criminal matters are involved, Ngala may be required to report certain allegations to the police (or other relevant agency) and to give the identity of the Whistle-blower. However, even if the identity of a Whistle-blower is known or becomes known, Ngala will continue to ensure that all reasonable steps are taken to protect the Whistle-blower from reprisal.

Others who know of or suspect that another person has made a disclosure under this protocol, should protect and maintain the confidentiality of that person. Employees, who breach confidentiality in relation to a known or suspected disclosure, may be subjected to disciplinary proceedings, which can include summary dismissal.

Protection of Whistle-blowers

Ngala will:

- take all reasonable steps to protect and respect the rights of a person who reports alleged improper conduct and/or eligible disclosure
- take all reasonable steps to protect the Whistle-blower
- not tolerate any retaliatory action to the detriment of any person who has made or who is believed to have made an eligible disclosure
- ensure all files and records created from investigation will be retained securely

Any such detriment to the Whistle-blower may include:

- dismissal of an employee
- injury of an employee in his or her employment
- alternation of an employee’s position or duties to a disadvantage
- discrimination between an employee and other

- harassment or intimidation
- harm or injury, including psychological harm
- damage to property
- damage to reputation
- damage to business or financial position
- any other damage to a person

Where it is established that the Whistle-blower is an employee of Ngala and has knowingly made a false disclosure of improper conduct, he/she will be subjected to disciplinary proceedings; which may include summary dismissal.

Investigation

All reports of alleged or suspected wrongdoing made under this Policy to the **WPO** will be appropriately assessed, and if applicable, inquired into or independently investigated; with an objective of gathering evidence relating to the claims made by the Whistle-blower. The evidence presented may substantiate or refute the claims of suspected wrongdoing.

In some cases, an external investigator/s may be appointed to conduct the investigation. The investigators will be able to consult with any other external expert advisors as considered necessary.

All investigations will be conducted in a fair, independent and timely manner that affords procedural fairness to all involved.

If the reported matter involves an allegation of a criminal nature, the matter may be referred directly to Ngala's Legal Counsel and/or appropriate authorities.

False Reporting

Anyone making a report must act in good faith and have reasonable grounds for believing the information disclosed constitutes improper conducted.

If it is found a Whistle-blower has knowingly made a false or vexatious report, or not made a report in good faith; the conduct will be considered a serious matter and may lead to disciplinary action, including termination of employment.

Reporting of Findings

On completion of an investigation, a written report of the findings will be provided to the Chief Executive Officer and Board Committee.

Failure to Comply

Any breach of this Policy may result in disciplinary action that could result in termination of employment.

Definitions

Whistle-blowing	Disclosure by (or for) a witness of actual or suspected wrongdoing.
Whistle-blower	A person who reports wrongdoing in accordance with this Policy.
Whistle-blower Governance Officer	<p>is the person/s named within this policy and is responsible or receiving Whistle-blower disclosures of wrongdoing and overseeing resolution.</p> <p>Whistle-blower Governance Officers must (after reasonable preliminary inquiry):</p> <ul style="list-style-type: none"> • notify the Whistle-blower Protection Officer of disclosure allegations. • be satisfied that each disclosure of wrongdoing they received was appropriately inquired into and/or investigated. • be satisfied that action taken in response to the inquiry/investigation is appropriate to the circumstance. • provide governance oversight over any inquiry/investigation into retaliatory action taken against the Whistle-blower.
Wrongdoing	<p>Conduct that:</p> <ul style="list-style-type: none"> • breaches legislation, regulations or local government by-laws or its otherwise illegal (including corporations law, theft, drug sale/use, violence or threatened violence or criminal damage against property) • is corrupt or is an abuse of public trust or position as a public official • is dishonest or fraudulent • perverts the course of justice • unreasonably endangers health and safety or the environment • is maladministration (e.g. Unjust, based on improper motives, is unreasonable, oppressive or negligent) • is serious or substantive waste (including public money or public property) • is gross mismanagement or repeated breaches of administrative procedures • has financial or non-financial loss detrimental to the interests of Ngala • is an unethical breach of the Code of Conduct • is serious improper conduct that could give reasonable grounds for disciplinary action

Relevant Legislation/Compliance

Legislation / Compliance

Corporations Act 2001

<https://www.legislation.gov.au/Details/C2013C00605>

Fair Work Act 2009

<https://www.legislation.gov.au/Details/C2009A00028>

Treasury Laws Amendment (Enhancing Whistle-blower Protections) Act 2019

<https://www.legislation.gov.au/Details/C2017B00259/Explanatory%20Memorandum/Text>

Privacy Act 1988

<https://www.legislation.gov.au/Details/C2014C00076>

Support Documents

Document Number	Document Description
OP-P06	Privacy Procedure
OP-P34	Code of Conduct Procedure
OP-P38	Resolution of Complaints/Grievances Procedure
OP-P66	Prevention of Discrimination, Harassment Procedure
OP-P74	Managing Performance & Disciplinary
OP-P104	Whistle-blower Procedure

Reference List

References

The Australian Standard AS 8004. (2003). *Whistle-blower Protection Programs for Entities*

[www.aphref.aph.gov.au/house_committee_laca_whistleblowing_subs_attachments/attachment16%20\(3\).pdf](http://www.aphref.aph.gov.au/house_committee_laca_whistleblowing_subs_attachments/attachment16%20(3).pdf)

KPMG, 2019. *Whistle-blower Reforms*

<https://home.kpmg/au/en/home/insights/2017/09/whistleblowing-reform-in-australia.html>

Mission Australia, 2019. *Whistle-blower Policy*

<https://www.missionaustralia.com.au/documents/governance/55-whistleblower-policy>

Westfarmers, 2019. Whistle-blower Policy

<https://www.wesfarmers.com.au/docs/default-source/corporate-governance/whistleblower-policy---august-2019>