



Policy		Whistleblower		NP-97
Service/Function Area	People & Culture	Created Date	December 2019	
Custodian	Chief Executive Officer	Reviewed	March 2024	
Review Period	3 years	Review Date	March 2027	

Policy Statement

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

Scope

This Policy applies to and encompasses board directors and personnel, including executives, line managers, staff, contractors, consultants, volunteers, and 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/or reprisal.

Implementation

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 '[Wrongdoing](#)'. The wrongdoing may be ascribed through various Acts/Laws/Codes that Ngala is required to comply with according to, but not limited to, the Ngala Obligations Register.

Reporting

To ensure appropriate escalation and timely investigations, Ngala requests that reports are made in the first instance to Ngala's **Manager People & Culture**, who is the appointed **Whistleblower Protections Officer (WPO)** appointed by the Chief Executive Officer.

Whistleblower Governance Officer/s

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

- Chief Executive Officer
- Manager Quality & Impact
- Risk & Compliance Committee (RACC)

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

Serious allegations will be forwarded to the relevant Board Sub Committee.

A report may be made verbally or in writing. A whistleblower 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** as soon as is practicable, providing particulars, and maintain confidentiality about the disclosure.

External Reporting Entities

Ngala may nominate external persons or agencies to which disclosures may be made under the protections offered under this Policy. Where such a nomination is made, the whistleblower shall be informed by any appropriate method.

Ngala recommends the normal channels of reporting are favoured.

Internal Whistleblowers

Directors, staff, 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 whistleblowers are encouraged to check with their Line Manager to seek an immediate response. Where the internal whistleblower believes this is not appropriate, then an alternative reporting mechanism is available, by contacting the **Manager People & Culture** as the appointed **WPO**.

External Whistleblowers

Other people with a relationship with Ngala e.g. clients, families, suppliers

Where an external whistleblower 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 whistleblower can submit a report via complimentsandcomplaints@ngala.com.au.

Other Complaint Mechanisms

This Policy is in addition to:

- **Ngala's Resolution of Complaints/Grievances Procedure (OP-P38)**, where all Ngala staff can 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 whistleblower 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 whistleblower to discuss the investigation process, including who may be contacted, and such other matters as are relevant to the investigation.

Confidentiality/Anonymity

A whistleblower may elect to make a disclosure anonymously. As far as possible, Ngala will respect the whistleblower's request to not identify themselves. Ngala may not be able to investigate certain disclosures without the identity of the whistleblower 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 whistleblower. However, even if the identity of a whistleblower is known or becomes known, Ngala will continue to ensure that all reasonable steps are taken to protect the whistleblower 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. Staff who breach confidentiality in relation to a known or suspected disclosure, may be subjected to disciplinary proceedings, which can include summary dismissal.

Protection of Whistleblowers

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 whistleblower.
- 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 whistleblower 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 another.
- 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.

Investigation

All reports of alleged or suspected wrongdoing made under this Policy to the **WPO** will be appropriately assessed. If applicable, reports will be inquired into or independently investigated, with an objective of gathering evidence relating to the claims made by the whistleblower. 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 conduct.

If it is found a whistleblower 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

Whistleblowing	Disclosure by (or for) a witness of actual or suspected wrongdoing.
Whistleblower	A person who reports wrongdoing in accordance with this Policy.
Whistleblower Governance Officer	<p>One of the persons named within this policy as responsible for receiving whistleblower disclosures of wrongdoing and overseeing resolution if, in the first instance, the disclosure allegation/s was not received by the Whistleblower Protection Officer (WPO).</p> <p>Whistleblower Governance Officers (WGOs) must (after reasonable preliminary inquiry):</p> <ul style="list-style-type: none">• notify the WPO of disclosure allegations.• be satisfied that each disclosure of wrongdoing 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 over any inquiry/investigation into retaliatory action taken against the whistleblower.
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 serious improper conduct that could give reasonable grounds for disciplinary action.

Relevant Legislation/Compliance

Legislation / Compliance

Corporations Act 2001

<https://www.legislation.gov.au/C2004A00818/latest/text>

Fair Work Act 2009

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

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019

<https://www.legislation.gov.au/C2019A00010/latest/versions>

Privacy Act 1988

<https://www.legislation.gov.au/C2004A03712/latest/text>

Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022

https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a147356.html

Support Documents

Document Number	Document Description
OP-P06	Privacy Procedure
OP-P34	Code of Conduct Procedure
OP-P38	Grievance Resolution Procedure
OP-P74	Managing Performance & Disciplinary
OP-P104	Whistleblower Procedure
RG-01	Obligations Register