

Whistleblower Policy & Guidelines

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1. Policy Statement

It is important for Service and Creative Skills Australia (SaCSA) to maintain a high standard of legal and ethical business behaviour and create an environment where individuals are able to make Protected Disclosures and are supported and protected throughout the process.

If there are reasonable grounds to believe that a breach under the laws referred to in the Whistleblower provisions of the *Corporations Act 2001 (Cth)* (**Act**) has occurred, the disclosure may be protected under this Policy in accordance with the Act.

1.1 Objectives

The key objectives of this Policy are to:

- confirm SaCSA’s commitment to maintaining a workplace and business that is free from fraudulent and dishonest activity;
- foster a culture of honest and ethical behaviour; and
- encourage professional, ethical behaviours and corporate compliance throughout SaCSA.

SaCSA understands that these objectives can only be achieved and maintained with the support and commitment of its stakeholders. The expectation is that all stakeholders will conduct themselves in a manner that achieves these key objectives and behavioural standards. Stakeholders should be prepared to draw attention to any behaviour that they have reasonable grounds to believe is in breach of this policy, so that the conduct can be addressed and investigated as necessary.

1.2 Scope

This Policy covers Protected Disclosures by any Whistleblowers (as defined below), and relevantly includes past and present staff, company Officers and service providers. Whistleblowers can report their concerns via [an online form](#), which can be completed anonymously.

1.3 Definitions

Term	Meaning
Act	<i>Corporations Act 2001 (Cth)</i>
Eligible Recipient	<p>A Protected Disclosure can be made to:</p> <ul style="list-style-type: none"> • Any member of the SaCSA Executive Leadership Team; • an auditor or member of an audit team conducting an audit of SaCSA; • ASIC; • a Commonwealth Authority prescribed by the regulations of the Act; • a legal practitioner if the Protected Disclosure is made for the purposes of obtaining legal advice or representation in relation to the operation of the whistleblower provisions in the Act; or • in certain circumstances, a journalist or a member of the Commonwealth, State or Territory Parliament if the Protected Disclosure is a public interest or emergency disclosure made in accordance with the Act. These

	<p>circumstances may include that the person making the Protected Disclosure has reasonable grounds to believe that actions have not been made to address their concerns within a 90-day timeframe, and that it may be a matter of public interest or has substantial information that poses imminent danger to a person or group of persons.</p>
Protected Disclosure	<p>A Protected Disclosure is one made by a Whistleblower to an Eligible Recipient in circumstances where the Whistleblower has reasonable grounds to suspect misconduct or an improper state of affairs or circumstances in relation to SaCSA, including information that indicates that SaCSA or an Officer or Team Member of SaCSA has engaged in conduct that:</p> <ul style="list-style-type: none"> • Constitutes an offence against, or a contravention of, a provision of one of the following: <ul style="list-style-type: none"> ○ the <i>Corporations Act 2001</i> (Cth); ○ the <i>Australian Securities and Investments Commission Act 2001</i> (Cth); ○ the <i>Banking Act 1959</i> (Cth); ○ the <i>Financial Sector (Collection of Data) Act 2001</i> (Cth); ○ the <i>Insurance Act 1973</i> (Cth); ○ the <i>Life Insurance Act 1995</i> (Cth); ○ the <i>National Consumer Credit Protection Act 2009</i> (Cth); ○ the <i>Superannuation Industry (Supervision) Act 1993</i> (Cth); or ○ regulations or other instruments made under those laws; • constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; • represents a danger to the public or the financial system; and/or • is prescribed by the regulations of the Act. <p>For the avoidance of doubt, a disclosure that relates solely to a personal work-related grievance is not a Protected Disclosure and will not qualify for protection under this Policy in accordance with the Act, this includes, for example, a grievance about:</p> <ul style="list-style-type: none"> • an interpersonal conflict with another Team Member; • a decision regarding engagement, transfer or promotion; • the terms and conditions of engagement; and/or • a decision regarding suspension, termination or other disciplinary action.
SaCSA	SaCSA and each of its related bodies corporate
Whistleblower	<p>An individual is an eligible whistleblower if the individual is or has been any of the following in relation to SaCSA:</p> <ul style="list-style-type: none"> • an Officer; • a Team Member; • an individual who supplies goods or services or their Team Member; • an Associate;

	<ul style="list-style-type: none"> • a Relative or Dependant of the above, or of their Spouse, and makes a Protected Disclosure to an Eligible Recipient.
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1.4 Confidentiality

A Whistleblower can make a Protected Disclosure anonymously.

SaCSA will endeavour to ensure that in making a Protected Disclosure the confidentiality of the Whistleblower’s identity is maintained. In this regard, unless an exception exists, SaCSA will endeavour not to disclose the Whistleblower’s identity or any information that is likely to lead to identification.

Exceptions to this include where:

- the Whistleblower gives consent;
- SaCSA is required or authorised by law to disclose; and/or
- it is reasonably necessary for the purpose of investigating the Protected Disclosure.

If there is no opportunity to speak with the whistleblower to gain more information, an investigation may be limited by the information available and by confidentiality requirements.

1.5 Liability

A Whistleblower who makes a Protected Disclosure, subject to legislative exceptions, cannot be subject to:

- civil, criminal or administrative liability (including disciplinary action) for the making of the Protected Disclosure;
- contractual or any other remedies which may be enforced or exercised against the Whistleblower on the basis of making the Protected Disclosure;
- the information disclosed in the making of the Protected Disclosure being used against the Whistleblower as evidence in criminal proceedings or in proceedings for the imposition of a penalty.

However, a Whistleblower will not be immune from liability if:

- the Whistleblower has provided false information; or
- misconduct that the Whistleblower was involved in is revealed in making of the Protected Disclosure.

1.6 Victimization

SaCSA will endeavour to ensure that a Whistleblower does not face actual or threatened detrimental conduct because of the Protected Disclosure. Detrimental conduct may include:

- dismissal;
- any actions that may result in injury;
- disadvantageous alteration to the Whistleblower’s position or duties;
- discrimination against the Whistleblower;
- harassment or intimidation against the Whistleblower;
- harm or injury to the Whistleblower, including mental harm; and/or
- damage to the Whistleblower’s property, reputation, business or financial position.

2. Supporting the Whistleblower

SaCSA recognises that Whistleblowers who make a Protected Disclosure may require support during the handling and investigation of that disclosure. SaCSA encourages the Whistleblower and any other party named as a potential wrongdoer in a Protected Disclosure, to utilise the services of SaCSA's EAP or alternatively reach out to the Director, Operations or CEO for assistance as soon as possible.

Further, SaCSA will endeavour to ensure that the Whistleblower, and/or any other party named as a potential wrongdoer in a Protected Disclosure are afforded an opportunity to properly respond to the allegations raised.

3. Investigation

While SaCSA recognises that all Protected Disclosures are unique, it endeavours to provide a fair and thorough fact-finding investigation process that is appropriate and reasonable to the circumstances surrounding the Protected Disclosure, to ultimately determine what has happened.

Where a Protected Disclosure has been made, SaCSA may conduct an investigation or undertake initial enquiries based on the information provided to it. This may include the Whistleblower and/or other participants, or witnesses being interviewed. However, if a Protected Disclosure has been made anonymously, anonymity may prevent SaCSA from taking the issue further if SaCSA is not able to obtain further information from the source of the disclosure.

4. Access

This Policy is available to SaCSA's Team Members and Officers on the HRIS and on request from the Director, Operations or CEO.

5. Guidelines

For a disclosure to receive protection, it must be a Protected Disclosure reported by a Whistleblower to an Eligible Recipient as defined above. This can be done anonymously.

6. Breach of Policy

Non-compliance with this policy will be viewed as a serious matter. Where an actual or suspected breach of the policy occurs, SaCSA may take disciplinary action up to and including termination of employment or services.

7. Version Control

Version	2.1
Owner:	Director, Operations
Approved By:	Board
Approved Date:	