

Whistleblower Procedure

Contents

Document Control	1
Purpose	2
Scope	2
Procedural Information	2
1. Procedure	2
2. Protections.....	3
3. Investigation	3
4. Review of Policy and Procedure	4
Definitions	4
More Information	6
Amendment History	6

Document Control

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Purpose

This procedure sets out the processes by which WQPHN’s Whistleblower Policy will be implemented and by which WQPHN will work to sustain an organisational culture which is resistant to misconduct and offers a safe and secure means for disclosure of possible misconduct.

Scope

The Whistleblower Policy and Procedure applies to any person who is or has been any of the following with respect to WQPHN or a related body corporate:

- a. an officer or employee (e.g. current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers, and directors);
- b. a supplier of services or goods to the entity (whether paid or unpaid), including their employees (e.g. current and former contractors, consultants, service providers and business partners);
- c. an associate of the entity;
- d. a spouse, relative or dependant of any of the above (e.g. relatives, dependants or spouse of current and former employees, contractors, consultants, service providers, suppliers and business partners).

(Section 1317AAA Corporations Act 2001)

Procedural Information

1. Procedure

- 1.1. A disclosure must be made to an eligible recipient. The role of an eligible recipient is to receive disclosures that qualify for protection. Any person who is seeking to make a disclosure of disclosable material is encouraged to contact our internal or external Whistleblower Complaints Officers (“WCO”) via their contact information provided below.

Internal WCO	Sandy Gillies Chief Executive Officer	Mobile: 0456 001 673 Email: confidential-ceo@wqphn.com.au
External WCO	Intensive Group Rachel Portelli	Mobile: 0418 179 714 Email: cosec@wqphn.com.au

- 1.2. Disclosures made to WQPHN WCOs are confidential.

- 1.3. Disclosures can also be made to:

- a. an officer or senior manager of WQPHN;
 - where an officer refers to a director or company secretary of WQPHN, and a senior manager would be a manager who makes or participates in making decisions that affect the whole, or a substantial part, of WQPHN, or has the capacity to significantly affect WQPHN’s

financial standing

- b. the Australian Securities and Investments Commission (ASIC), Phone: 1300 300 630;
- c. the Australian Prudential Regulation Authority (APRA); phone 1300 558 849;
- d. a legal practitioner for the purposes of obtaining legal advice or representation.

While any of the eligible recipients listed above may be contacted to disclose Reportable Conduct, the process of review and investigation may be handled more efficiently if it is made to the WCO in the first instance. This would enable a wrongdoing to be identified and addressed as early as possible and would help to build confidence and trust in the Whistleblower policy, processes and procedure. In spite of this, if a disclosure is made to an eligible recipient outside of WQPHN, it will still qualify for protection under the Act.

In order to qualify for protection under the Act, the disclosure must be made to one of the eligible recipients referred to above.

- 1.4. Disclosures can be made anonymously and will qualify for protection under the WQPHN Whistleblower Policy and under the Corporations Act.
- 1.5. In the event that the person who makes the disclosure of Reportable Conduct suffers harm for making that disclosure, they may be entitled to compensation.
- 1.6. Further information is available in relation to the Whistleblower Policy from the Whistleblower Contact Officer (“WCO”) or another Eligible Recipient prior to disclosing Reportable Conduct. Information is also available from the ASIC website, <https://asic.gov.au/>, and the [ASIC Regulation Guide 270 Whistleblower Policies](#).
- 1.7. Conduct that is not Reportable Conduct is not eligible for protection under the Whistleblower Policy or the Act. For the avoidance of doubt, Reportable Conduct does not include personal work-related grievances. Personal work-related grievance should be reported in accordance with WQPHN’s Grievance Policy outlined in WQPHN Employee Handbook.
- 1.8. It is a breach of the Whistleblower Policy to deliberately make a false report or to make a report without reasonable grounds. Any such report will be dealt with under WQPHN’s disciplinary policies.

2. Protections

- 2.1. The identity of a person making a disclosure of Reportable Conduct will be kept confidential, unless the discloser has given their permission for their identity to be disclosed.
- 2.2. Any person who make a disclosure of Reportable Conduct will be treated fairly and will be protected from any Detrimental Conduct.

3. Investigation

- 3.1. As soon as possible, the WCO must determine whether a disclosure falls within the scope of the Policy. If the WCO determines that it is appropriate, the WCO may authorise an investigation. If an investigation is authorised, the WCO must consider and control any risk of Detrimental Conduct to the discloser.
- 3.2. In the first instance, the internal WCO will be appointed as the Decision Maker of the investigation. If he or she is unable or unwilling to act, for example due to a conflict of interest, the WQPHN Board Chair will be appointed. If the Board Chair is unable or unwilling to act, the External WCO will be

appointed. The Decision Maker may, where appropriate, appoint an external investigator to assist in conducting the investigation.

- 3.3. Following an investigation, the Decision Maker may decide to close the investigation or forward a report on the investigation to the Board. The Board may adopt or reject the findings of the report and any recommendation of the Decision Maker. If required, the Board will notify any relevant external body.
- 3.4. Any investigation into Reportable Conduct will be conducted in accordance with the rules of natural justice.
- 3.5. Any person who is mentioned in a disclosure, including those who are the subject of a disclosure, will be treated fairly and will be offered support through Employee Assistance Program (EAP) outlined in WQPHN Employee Handbook.
- 3.6. To the extent possible, the Decision Maker will keep the discloser informed regarding the process of an investigation and the outcome of an investigation. The discloser will be offered support through the Employee Assistance Program (EAP) outlined in WQPHN Employee Handbook.
- 3.7. WQPHN's internal policy included here sets out the circumstances where:
 - a. the WCO or the Board Chair will be the Decision Maker; and
 - b. the Board or an authorised committee of the Board must be informed of the outcome of an investigation.

4. Review of Policy and Procedure

- 4.1. Employees may be appropriately consulted on an annual basis to ensure their awareness of Whistleblower processes and to seek feedback regarding the efficacy of the processes.
- 4.2. Whistleblower documentation will be reviewed and updated as required, including after any implementation of the processes.

Definitions

Term	Definition
Detrimental Conduct	<p>Refer to section 1317ADA Corporations Act</p> <p>Detriment Conduct includes (without limitation) any of the following:</p> <ol style="list-style-type: none"> a. dismissal of an employee; b. injury of an employee in his or her employment; c. alteration of an employee's position or duties to his or her disadvantage; d. discrimination between an employee and other employees of the same employer; e. harassment or intimidation of a person; f. harm or injury to a person, including psychological harm; g. damage to a person's property; h. damage to a person's reputation; i. damage to a person's business or financial position; j. any other damage to a person.

<p>Eligible Recipient</p>	<p>Refer to section 1317AAC Corporations Act Each of the following is an eligible recipient in relation to a regulated entity that is a body corporate:</p> <ul style="list-style-type: none"> a. officer or senior manager of the body corporate or a related body corporate; b. an auditor, or a member of an audit team conducting an audit, of the body corporate or a related body corporate; c. an actuary of the body corporate or a related body corporate; d. a person authorised by the body corporate to receive disclosures that may qualify for protection under Part 9.4AAA of the <i>Corporations Act</i>.
<p>Reportable Conduct or Disclosable Matters</p>	<p>Refer to section 1317AA(4)-(5) Corporations Act</p> <p>(4) This subsection applies to a disclosure of information if the discloser has reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances, in relation to:</p> <ul style="list-style-type: none"> a. the regulated entity; or b. if the regulated entity is a body corporate—a related body corporate of the regulated entity <p>(5) Without limiting section (4), this subsection applies to a disclosure of information if the discloser has reasonable grounds to suspect that the information indicates that any of the following:</p> <ul style="list-style-type: none"> a. the regulated entity, or an officer or employee of the regulated entity; b. if the regulated entity is a body corporate—a related body corporate of the regulated entity, or an officer or employee of a related body corporate of the regulated entity; <p>has engaged in conduct that:</p> <ul style="list-style-type: none"> c. constitutes an offence against, or a contravention of, a provision of any of the following: <ul style="list-style-type: none"> (i) the Corporations Act 2001; (ii) the Australian Securities and Investment Commission Act 2001; (iii) the Banking Act 1959; (iv) the Financial Sector (Collection of Data) Act 2001; (v) the Insurance Act 1973; (vi) the Life Insurance Act 1995; (vii) the National Consumer Credit Protection Act 2009; (viii) the Superannuation Industry (Supervision) Act 1993; (ix) an instrument made under an Act referred to in any of subparagraphs (i) to (viii); or d. constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or e. represents a danger to the public or the financial system; or f. is prescribed by the regulations for the purposes of this paragraph.
<p>Whistleblower Policy</p>	<p>Refer to Australian Securities and Investment Commission (ASIC) Regulation Guide 270 Whistleblower policies and other guiding information.</p> <p>WQPHN's Whistleblower Policy includes:</p> <ul style="list-style-type: none"> a. Whistleblower Policy; b. Whistleblower Procedure; and c. Whistleblower Information Guide.
<p>WQPHN</p>	<p>Western Queensland Primary Care Collaborative Limited trading as WQPHN or Western Qld PHN</p>

More Information

The procedure is to be read in conjunction with the WQPHN Whistleblower Policy and other policies including Privacy, Risk Management, Code of Conduct and Grievance, which are separately held in WQPHN's SharePoint, in the WQPHN Employee Handbook or the WQPHN Quality Management Systems Manual.

Refer to the WQPHN Whistleblower Information Guide for additional information on how the Whistleblower policy and procedure operates.

Amendment History

Version	Date	Author	Description
1	3 Apr 2020	Fox Lawyers	Initial version approved by Board
2	21 Nov 2023	Senior Quality & Compliance Advisor	Updated version approved by Board