

Policy name	Whistleblower Policy
Policy date	11 March 2021
Authorisation	Board Audit and Risk Committee (BARC)
Policy owner	Company Secretary
Policy type	Enterprise Policy and Governance
Policy Setting	Ethics

## 1 Purpose

- 1.1 Mission Australia is committed to fostering a 'speak up' culture in which honesty, integrity and business ethics are a part of everyday behavior.
- 1.2 Mission Australia encourages the reporting of any matters which may be considered unethical, illegal or an act of serious wrongdoing, ('**Reportable Conduct**'). Mission Australia provides protections and measures so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage or reprisal.
- 1.3 This Policy provides a framework which helps to identify instances of wrongdoing and provide guidance on how to raise a concern about suspected or actual unethical or unlawful behavior.

## 2 Scope

- 2.1 This Policy applies to:
  - Mission Australia (which comprises Mission Australia and its controlled entities);
  - Mission Australia's Workers (as defined below);
  - suppliers and contractors (and their employees) to Mission Australia; and
  - relatives and dependents of any of the persons mentioned above.
- 2.2 This Policy forms part of Mission Australia's Ethics Policy Suite including the [Speak Up and Speak Out Statement](#) and [Code of Conduct](#).
- 2.3 Any Worker who makes, or is the subject of, a report under this Policy is encouraged to contact Mission Australia's EAP and/or Chaplaincy services for support if required.

## 3 Definitions

### 3.1 Reportable Conduct:

Reportable Conduct includes any past, present or likely future activity which:

- Is dishonest, corrupt or unethical
- Involves theft, fraud, money laundering or misappropriation of funds

- Is a systemic, willful or serious breach of the law as it relates to Mission Australia, or its internal policies or processes
- Involves offering or accepting a bribe from any person
- Is illegal (e.g. illicit drug sale or use, violence or threatened violence and criminal property damage)
- Presents a significant or serious threat to the health and safety of workers
- Involves a serious mismanagement of Mission Australia's resources
- Involves victimisation of someone for reporting a Reportable Conduct
- Involves any instruction to cover up or attempt to cover up serious wrongdoing
- Interferes with any impending internal or external audit processes
- Presents a serious risk to the reputation or financial wellbeing of Mission Australia.

### 3.2 What is Not Reportable Conduct:

This Policy is not intended to apply to disclosures relating to conduct concerning a person's individual employment (other than as set out in Reportable Conduct) such as:

- personal, work-related grievances such as those relating to harassment, discrimination or disciplinary matters;
- alleged workplace discrimination or bullying;
- personal disputes between staff; or
- decisions regarding the engagement, transfer or promotion of staff.

These matters will not be deemed to be Reportable Conduct and will typically be investigated or addressed separately under the [Good Working Relationships Policy](#) and the [Grievance Management Policy](#). Any Worker that has concerns about these matters, please refer to the [Grievance Management Policy](#) and Procedure or contact the People and Culture Team.

This Policy is also not intended to apply to reporting concerns involving children and young people (other than as set out in Reportable Conduct). To respond to such concerns please refer to [Mission Australia's Working with Children and Young People Policy](#) and the [Responding to Concerns or Allegations of Misconduct towards Children and Young People Policy](#).

Reports that do not fall under or relate to Reportable Conduct will be handled under separate relevant policies as referenced in the [Speak Up and Speak Out](#).

### 3.3 Disclosable conduct:

In circumstances where Mission Australia is engaged under Federal or State Government contracts, Reportable Conduct may extend to include "disclosable conduct" such as conduct that:

- perverts, or attempts to pervert, the course of justice;
- constitutes maladministration (i.e. conduct that breaks the law, is unreasonable, unjust, or improperly discriminatory, or based wholly or partly on improper motives);
- is an abuse of public trust;
- results in the wastage of any public money or money held by the Commonwealth / a corporate Commonwealth entity;

- results in the wastage of any property (other than money) that is owned by or held by the Commonwealth / a corporate Commonwealth entity; or
  - results in a danger, or a risk of danger, to the environment.
- 3.4 **Detrimental Conduct:** any reprisal, discrimination, harassment, victimisation, retaliation or threats of retaliation against a person making a report. This may include: dismissal, suspension or demotion; alteration of a person's position or duties to their disadvantage; disciplinary action; harassment or intimidation; discrimination; harm (including psychological harm) or injury; damage to the person's reputation; or damage to the person's property, business or financial position.
- 3.5 **Eligible Public Recipients:** is a person that is a member of Commonwealth Parliament, a member of a State Parliament, a member of the legislature of a Territory or a journalist.
- 3.6 **Integrity Line:** Is a hotline to receive Reportable Conduct disclosures as well as unresolved reports of wrongdoing by calling (toll free) on 1800 021 673 or emailing at [integrity@missionaustralia.com.au](mailto:integrity@missionaustralia.com.au).
- 3.7 **Whistleblower Protection Officer:** is the Executive Governance, Legal and Risk or a person appointed by that Executive.
- 3.8 **Worker:** Any person performing work for a Mission Australia group entity regardless of whether it is paid or voluntary. All Board Directors, Board Committee Members, Executives, employees (including current or former employees), volunteers, students, contractors and consultants are workers for the purposes of this Policy.

## 4 Policy

### 4.1 Reporting 'Reportable Conduct'

4.1.1 Mission Australia encourages a culture of speaking up and coming forward if a person is aware, has knowledge of, or reasonably suspects, that someone has, or will, commit Reportable Conduct.

4.1.2 A Worker can make a report by:

- calling Mission Australia's Integrity Line (toll free) on 1800 021 673 or emailing at [integrity@missionaustralia.com.au](mailto:integrity@missionaustralia.com.au); or
- by email to the Chair of Board Audit and Risk Committee (**BARC**) at [missionaustralia.whistleblower@gmail.com](mailto:missionaustralia.whistleblower@gmail.com);

4.1.3 A Worker can also make a report to:

- a director, company secretary, CEO or member of the Executive;
- an auditor or a member of an audit team conducting an audit of Mission Australia;
- the Australian Securities and Investment Commission (ASIC); and
- a legal practitioner for the purposes of determining if the protections will apply to them.

4.1.4 A person who is not a Worker of Mission Australia can make a report via:

- the Integrity Line;
- by email to the Chair of BARC; or
- an auditor or member of an audit team conducting an audit of Mission Australia.

4.1.5 Reports and disclosures can be made verbally or in writing and can be anonymous. They

should include as much information as possible, including the details of the misconduct, people involved, dates, locations and any other evidence that exists.

4.1.6 A person making a report must not make a false or vexatious claim. Protections under this Policy will not be applied to false reports or vexatious claims. Mission Australia may apply disciplinary proceedings to any Worker making them.

## 4.2 Anonymous Reporting and Confidentiality

4.2.1 All reports can be made anonymously and still receive the protection provided under this Policy. However, when deciding whether to make a report anonymously, please be aware that anonymity may limit Mission Australia's ability to investigate the matters reported. Mission Australia encourages you to disclose your identity when making a report under this Policy, as this will also enable us to monitor your wellbeing and protect you from any retaliation or detriment.

4.2.2 Mission Australia will treat all reports, as well as all confidential information acquired in the course of investigating a report, with the strictest confidence. Subject to compliance with legal requirements Mission Australia will only disclose the identity of the person who made the report, or any other information that is likely to lead to the identification of that person, with their prior consent or otherwise in the limited circumstances listed below.

4.2.3 In limited circumstances, Mission Australia may need to disclose the identity of the person making the report without their consent to certain third parties, including:

- Mission Australia's lawyers;
- the Australian Securities and Information Commission;
- the Australian Charities and Not-for-profits Commission;
- the Australian Federal Police / State Police;
- the Commonwealth Ombudsman (where we are engaged under a relevant Federal Government contract);
- the Inspector-General of Intelligence and Security (where we are engaged under a relevant Federal Government Contract);
- any third party where the investigating authority, public authority, officer or public official is of the opinion that disclosure of your identity is necessary to investigate the matter effectively, or it is otherwise in the public interest to do so (where we are engaged under a relevant Federal or State Government contract).

## 4.3 Protection from Detrimental Conduct

4.3.1 Mission Australia understands that the decision to make a report can be a difficult one to make. We are committed to ensuring any person feels safe in making a report. When a report in relation to Reportable Conduct is made, the identity of the person making the report will remain confidential and the person will be protected from Detrimental Conduct for making the report.

4.3.2 Under this Policy, any Detrimental Conduct against a person reporting Reportable Conduct will be treated as a serious wrongdoing. These protections will apply even where it is subsequently determined that a report was mistakenly made or not substantiated.

4.3.3 If a person makes a report and subsequently face any kind of Detrimental Conduct, they are encouraged to notify the Whistleblower Protection Officer. The Whistleblower Protection Officer will ensure the matter is investigated promptly. If a person is found to have

disadvantaged or retaliated against a person because of the submission of a report, that will be grounds for disciplinary action, up to and including dismissal.

4.3.4 Mission Australia understands that there may also be some serious repercussions for individuals who are mentioned in a report. Accordingly, Mission Australia will ensure their fair treatment and will extend the protections stated above to these individuals where appropriate.

#### 4.4 Responding to Reportable Conduct

4.4.1 The Whistleblower Protection Officer will assess all reports that are received and will determine whether the matter falls under this Policy.

4.4.2 If the Whistleblower Protection Officer determines a report does not fall under or relate to Reportable Conduct, they will advise the person making the report and advise them of how the report will be handled under a separate policy as referenced in the [Speak Up and Speak Out Statement](#).

#### 4.5 Investigating Reportable Conduct

4.5.1 Any Worker who makes, or is the subject of, a report is encouraged to contact Mission Australia's EAP and/or Chaplaincy services for support if required.

4.5.2 A report made that is assessed as falling within this Policy will be investigated:

- The Whistleblower Protection Officer will determine whether the investigation will be conducted by an internal or external investigator, depending on the nature of the report.
- The investigator will conduct the investigation as soon as practicable and will ensure it is fair and independent from any persons to whom the disclosure relates.
- The investigator will conduct the investigation promptly, and in an objective and fair manner, ensuring that every individual subject to the investigation is granted sufficient opportunity to reply to allegations before any findings are made.
- Issues identified from the investigation will be resolved or otherwise finalised.
- The Whistleblower Protection Officer will inform you of the outcome of the investigation.
- The details of investigation and the outcome will be informed to BARC, on a confidential and anonymous basis.

#### 4.6 Public Interest and Emergency Disclosure Reporting

4.6.1 Mission Australia encourages a person to make a report by contacting the Integrity Line in the first instance where possible.

4.6.2 Reports made in "public interest" and "emergency disclosure" situations are also protected. Under these circumstances, reports can be made to an Eligible Public Recipient. It is important that a person making a report understands the criteria for making a public interest or emergency disclosure and we suggest that independent legal advice is sought on the relevant requirements for these types of disclosures.

4.6.3 Reports made in the public interest are protected from Detrimental Conduct if a person:

- has already made a report to Mission Australia concerning Reportable Conduct (**Initial Report**) and at least 90 days have lapsed since the Initial Report was made; and
- has no reasonable grounds to believe that action is being, or has been, taken to address the matters relating to the Initial Report; and

- has reasonable grounds to believe that making a further report would be in the public interest; and
- gives a written notification to Mission Australia after the 90 days mentioned above have lapsed, that easily identifies the Initial Report and the intention to make a public interest report; and
- makes the public interest report to an Eligible Public Recipient and the extent of the information reported is no greater than is necessary to demonstrate the misconduct or improper state of affairs or circumstances.

4.6.4 Reports made in emergency situations are protected from Detrimental Conduct if a person:

- has already made an Initial Report to Mission Australia; and
- has reasonable grounds to believe that the information in the Initial Report concerns a substantial and imminent danger to the health or safety of person(s) or the natural environment; and
- has given to Mission Australia written notification that easily identifies the Initial Report and the intention to make an emergency report; and
- makes the emergency report to an Eligible Public Recipient and the extent of the information reported is no greater than is necessary to inform the Eligible Public Recipient of the substantial and imminent danger.

## 5 Failure to comply with this Policy

- 5.1 Any breach of this Policy by a Worker may be regarded as misconduct and may result in disciplinary action (up to and including dismissal where relevant).
- 5.2 A breach of this Policy may also amount to a civil or criminal contravention under the Australian whistleblower protection laws (in particular, the regime contained in the Corporations Act and the Taxation Administration Act), giving rise to significant penalties.

## 6 Related Policies

- 6.1 Other organisational policies and guidelines that should be read in conjunction with this Policy include:
- *Mission Australia Values & Behaviors*
  - *Statement of Enterprise Ethics*
  - *Code of Conduct*
  - *Speak Up Statement*
  - *Conflicts of Interests Policy*
  - *Fraud Control & Corruption Prevention Policy*
  - *Gifts & Benefits Policy*
  - *Good Working Relationships Policy*
  - *Grievance Management Policy*

## 7 Contacts

For questions about this Policy, please email the Mission Australia Whistleblower Protection Officer via Mission Australia's Integrity Line

## 8 Responsibilities

### 8.1 Person making a Report

- Report any past, present or likely future activity or behaviour which is defined as Reportable Conduct as per this Policy.

### 8.2 Recipient of Report

- Any person who receives a report for the purposes of this Policy must maintain the confidentiality of the person making the report and notify the Integrity Line by phone or email.

### 8.3 Investigator

- As directed by Whistleblower Protection Officer Investigate reports received from whistleblowers
- Update Whistleblower Protection Officer with their investigation results in a timely manner
- Maintain confidentiality when handling reports when practical and appropriate in the circumstances, and be objective, fair and independent throughout the investigation process.
- Conduct a sufficient and proper inquiry into the content of a Whistleblower report.
- Maintain Investigator training and competency

### 8.4 Whistleblower Protection Officer

- Provide mentoring and other support to persons making a report of Reportable Conduct.
- Provide protection to persons making a report of Reportable Conduct according to this Policy.
- Keeping persons making a report of Reportable Conduct informed of the progress and outcomes of the inquiry/ investigation subject to considerations of privacy of those against whom a disclosure has been made.
- Regularly review and report to BARC Whistleblower reports to determine whether and what type of organisational action is required to address any underlying trends or patterns.