

Whistleblower Policy

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1	1 Sep 22	Initial Issue	Rick Vine
2	Oct 2024	replacing Whistleblower Statement and Whistleblower Guidelines documents	CEO& Head of People

1. Purpose

In compliance with the *Corporations Act 2001*, St John Ambulance Queensland (SJAQ) is classified as a large proprietary entity. As such, we are legally obligated to implement a Whistleblower Policy. This policy ensures that we meet our regulatory responsibilities while fostering a transparent and accountable workplace culture.

SJAQ is dedicated to upholding a culture that places a high value on ethical conduct and behaviour, guided by our Values of Humanity, Excellence, Respect & Integrity, Diversity and Collaboration & Innovation. The standards of conduct and behaviour expected an Eligible Person are outlined in the Code of Conduct ("**Code of Conduct**") and other policies which have been developed to ensure SJAQ representatives observes the highest of standards in its business activities. SJAQ acknowledges the significance of supporting and safeguarding individuals who bring forward instances of Reportable Conduct. Offering a secure and streamlined method for reporting such conduct is essential for fostering transparency, accountability, and adherence to our policies, procedures, contracts, and overarching principles and values

2. Statement

This policy seeks to:

- a) Foster an environment where every eligible individual feels comfortable disclosing instances of reportable behaviour, free from any fear of intimidation, disadvantage, or retaliation.
- b) Offer safeguarding measures for all eligible individuals who come forward with reports of such conduct.
- c) Clearly delineate the processes for reporting and investigating reported incidents.
- d) Specify the protective measures in effect for whistleblowers.

3. Scope

This policy applies to disclosures of Reportable Conduct by an Eligible Person. This policy does not apply to Grievances, which are more appropriately dealt with under the SJAQ Grievance Policy.

4. Definition

4.1 Eligible Person

This policy applies to an Eligible Person, which includes a person who is, or has been:

- a) an employee of SJAQ (including apprentices, trainees etc) or an individual contractor supplying goods and services to SJAQ;
- b) a Board member and/or officer of SJAQ;
- c) a relative, dependant or spouse of a person in (a) and/or (b) above; and
- d) any volunteer or member of SJAQ.

4.2 Grievances

A Grievance includes a grievance about any matter in relation to the discloser's employment, or former employment, which does not concern conduct, or alleged conduct, that falls within the description of Reportable Conduct as defined in section 4.3 of this policy.

Grievances may include but are not limited to, complaints regarding:

- a) inappropriate behaviour;
- b) discrimination, harassment and bullying;
- c) interpersonal conflicts and communication issues;
- d) decisions relating to the terms and condition of engagement/employment;

- e) decisions regarding engagement, transfer, training, promotion or remuneration;
- f) decisions regarding leave requests and flexible working arrangements;
- g) performance management processes;
- h) outcome of internal recruitment processes;
- i) workload, working hours or allocations of duties and responsibilities or
- j) reasonable management action taken in a reasonable way..

A person wishing to make a complaint about these types of matters should refer to the SJAQ Grievance Policy as such grievances do not fall within the scope of this policy.

4.3 Reportable Conduct

Reportable Conduct that can be the subject of a protected Whistleblower report under this policy, is anything the Eligible Person has reasonable grounds to suspect concerns of misconduct, wrongdoing or an improper state of affair or circumstances.

Examples of things that may be considered wrongdoing, misconduct or an improper state of affair or circumstances includes, but is not limited to:

- a) illegal breaches of SJAQ policies, protocols or code of conduct;
- b) dishonesty, fraud or corruption; unethical behaviour;
- c) unsafe work practices (including environmental damage, health risks and serious and substantial waste of SJAQ resources;
- d) acts or omissions in breach of commonwealth or state legislation or local authority by-laws;
- e) other serious improper conduct (including gross mismanagement or repeated breaches of administrative procedures);
- f) any other conduct or wrongdoing which may cause financial or non-financial loss to SJAQ or otherwise damage or be detrimental to its reputation or interests, or any of its employees; or
- g) the deliberate concealment of information tending to show any of the matters listed above..

4.4 Good Faith

Good Faith means to report a matter without having regards for one's own interests, and acting in a fair, open and honest manner. Whistleblowers must conduct themselves in good faith with reasonable belief in the accuracy of matters they raise.

4.5 Whistleblower

Whistleblower means an Eligible Person who discloses an allegation or concern of Reportable Conduct to SJAQ

5. Reporting

5.1 Reporting

Any Eligible Person who in good faith has reasonable grounds to suspect that Reportable Conduct, as defined in clause 4.3 of this policy, has occurred should report the conduct in accordance with this policy to:

- a) their direct line manager;
- b) SJAQ Board;
- c) SJAQ CEO or ELT Member(s);
- d) a designated Whistleblower protection officer; or
- e) Third party provider – Stopline

Listed below are the internal contact channels for reporting to the SJAQ Whistleblower protection officer:

f) Email: whistleblowerofficer@stjohnqld.com.au

g) In writing to: Private and Confidential
Whistleblower Protection Officer
St John Ambulance Qld
PO Box 540, Virginia Qld 4014

Listed below are the contact details for reporting the conduct to external party provider Stopline:

h) Website: [St John Ambulance QLD Online Reporting | Externally Managed Disclosure Portal](#)

i) Phone: 1300 304 550

f) Email: makeareport@stopline.com.au

All disclosures should provide specific, adequate information and particulars with respect to, among other things, dates, places, persons, witnesses, supporting documentation and evidence, and other relevant information, in order to allow for a reasonable investigation to be conducted.

Allegations of Reportable Conduct will be investigated based on sufficient evidence and information being supplied.

An Eligible Person can also report Reportable Conduct to:

- a) the Australian Securities and Investments Commission;
- b) the Australian Prudential Regulation Authority; or
- c) a legal practitioner for the purpose of seek advice on the application of Part 9.4AAA within the Corporations Act 2001.

5.2 Confidential and anonymity

A Whistleblower may report suspected or actual Reportable Conduct anonymously and/or confidentially. An Eligible Person may also choose to remain anonymous over the course of the investigation of the allegation(s), until the investigation is finalised.

If the Whistleblower chooses to remain anonymous SJAQ notes that:

- a) the information disclosed may be disclosed to others, for the purposes of investigating the allegation; and
- b) all reasonable steps will be taken to ensure that information provided is not likely to lead to the identification of the Whistleblower, for example through document redaction or the use of pseudonyms.

If a Whistleblower chooses to remain anonymous, they can refuse to answer questions they feel could reveal their identify at any time, including during any follow-up conversations.

In order for the Whistleblower to ensure availability to provide SJAQ feedback or further details, while protecting their anonymity, an Eligible Person may adopt a pseudonym for the purpose of their disclosure, and/or communicate through anonymous telephone number or email address.

Privacy and confidentiality will be maintained as far as reasonably possible.

Failure to report suspected or actual cases of Reportable Conduct may result in disciplinary action.

6. Actioning the Report

Once a disclosure has been received from a whistleblower, SJAQ will consider the most appropriate action. Every disclosure will be dealt with on a case-by-case basis.

Typically, subject to the circumstances of the case, the following steps may be taken upon receipt of a report by a Whistleblower:

- a) Preliminary assessment of whether the disclosure relates to Reportable Conduct. The Whistleblower will be notified if the disclosure is not considered to relate to Reportable Conduct and if the matter is better dealt with under another policy;
- b) If the disclosure has been assessed as Reportable Conduct, an investigation of the alleged conduct may be commenced, either by an appropriate person or a group of people, such as a committee, either internally or externally, depending on the type of conduct reported;
- c) A whistleblower may be asked to provide further particulars (such as the date, time, and circumstances of the conduct suspected to be Reportable Conduct) and/or provide relevant supporting documents;
- d) Relevant witness may be interviewed, and evidence may be collected;
- e) Persons named in the allegations may be given an opportunity to respond to any allegations concerning them;
- f) A finding may be made as to whether any allegations are substantiated;
- g) Disciplinary action may be considered and taken if allegations of wrongdoing are substantiated; and
- h) Subject to confidentiality considerations, SJAQ may share with the Whistleblower (and any person named in the allegations) the investigation has been completed and whether any allegations raised have been found to be substantiated or not substantiated, to the extent permitted by law.

Any investigation in relation to a disclosure of Reportable Conduct will be conducted promptly and fairly, with due regard for the nature of the allegation and the rights of the persons involved in the investigation.

The length of time it will take to deal with a report of Reportable Conduct will depend on the circumstances of the case. SJAQ aims to deal with allegations of Reportable Conduct as expeditiously as practicable in the circumstances.

Any evidence gathered during an investigation, including any materials, documents or records, must be held by the investigator, and held securely, to ensure confidentiality and to preserve the protection afforded under this policy.

If a Whistleblower makes a report of Reportable Conduct anonymously, which does not contain sufficient information to investigate, and the Whistleblower has not provided a means of contact, SJAQ may not be able to conduct an investigation

7. Protection of Whistleblowers

7.1 Protection

To the maximum extent possible, Whistleblowers who report suspected or actual Reportable Conduct with reasonable grounds under this policy will be protected from adverse action because of their report, including but not limited to:

- a) dismissal;
- b) injury to an employee in their employment (including but not limited to demotion, suspension or alteration of position or duties to the employees' disadvantage);

- c) any form of bullying, harassment or intimidation;
- d) harm or injury, including psychological harm;
- e) damage to property, reputation or business or financial position;
- f) discrimination; or
- g) current or future bias.

Any adverse action against a Whistleblower is a serious breach of this policy and may result in disciplinary action, including dismissal. Under the Corporations Act, it is a criminal offence to victimise or cause detriment to a Whistleblower because of their disclosure and civil penalties may also apply.

As such, any persons who participate, or assist in, an investigation involving reportable conduct will also be protected pursuant to this policy. Any such persons involved in an investigation, including the Whistleblower, must maintain confidentiality in respect of the matters being investigated.

For a disclosure to attract the protection of the whistleblower laws, whistleblowers must have 'reasonable grounds' to suspect conduct that qualifies for protection under the Corporations Act or the Tax Administration Act, including misconduct or an improper state of affairs in relation to a 'regulated entity'.

'Reasonable grounds' means that a reasonable person in the same position as the person making the disclosure would also suspect that the information shows misconduct or a breach of the law.

The requirement for 'reasonable grounds' means that vexatious and groundless claims will not be protected. There must be a reasonable basis for the concerns that the company or their officers or employees have engaged in misconduct, breached certain laws or acted improperly.

An individual's reasons for reporting the misconduct or their personal opinion about the people involved do not stop you from being protected. The test is whether the discloser has reasonable grounds. Whistleblowers will be protected, even if the allegations prove to be incorrect or unsubstantiated. Although, an Eligible Person who maliciously or vexatiously makes a disclosure of Reportable Conduct, makes a report other than in good faith, who makes a false or misleading allegation of Reportable Conduct, or who breaches confidentiality, may be subject to disciplinary action in accordance with the SJAQ Counselling and Disciplinary Procedure.

SJAQ will not take any adverse action against a Whistleblower because they have made a disclosure of actual or suspected Reportable Conduct, which is suspected with reasonable grounds, unless the Whistleblower is a participant of the Reportable Conduct with respect to which the disclosure is made. The fact that the Whistleblower has made the disclosure may be considered in determining the severity of the disciplinary measures, if any, that may eventually be taken against such Whistleblower.

However, Whistleblower protections do not extend to actions, issues or conduct which is unrelated to the Reportable Conduct. For example, if a Whistleblower reports a fraud, and is later, in an unrelated manner accused of bullying, the bullying allegation may be investigated, and remedial or disciplinary action may be taken.

7.2 Liability Protection

A Whistleblower will be protected from any of the following in relation to their report of Reportable Conduct:

- a) civil liability (including but not limited to breach of contract, duty of confidentiality or other contractual obligation);
- b) criminal liability (except in cases of false disclosures); and
- c) administrative liability.

For the avoidance of doubt, the protections outlined in this Policy do not grant immunity for any misconduct a Whistleblower has engaged in which is revealed in their report.

7.3 Compensation and Other Remedies

A Whistleblower may seek compensation and/or other remedies through the courts if:

- a) they suffer loss, damage or injury because of a disclosure; and
- b) SJAQ failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

8. Fair Treatment of Persons named in a Disclosure

SJAQ endeavours to provide natural justice and procedural fairness to any person named, including the person subject of the allegations of Reportable Conduct.

Although every eligible disclosure will be dealt with on a case-by-case basis, the process may include providing the person with:

- a) notice and details of any allegations that have been made about them that are not trivial and that have potentially been made on reasonable grounds;
- b) a reasonable opportunity to respond to the allegations within a reasonable timeframe;
- c) the opportunity to attend a meeting to respond to allegation/s against them with a support person present;
- d) referral to a counsellor, an Employee Assistance Program (if appropriate) or other support; and
- e) subject to confidentiality considerations, notice that the investigation has been completed and whether any allegation against the person has been found to be substantiated or not substantiated, to the extent permitted by law.

9. Review

This policy:

- a) This document will be accessible to
 - i. all Workers via Employment Hero and/or SJAQ Intranet
 - ii. all Volunteers via Better Impact
 - iii. and the general public via our website
- b) It will undergo periodic reviews and necessary updates; and
- c) SJAQ reserves the right to alter this document at its absolute discretion, without prior notice or limitation.

10. Non-Compliance

Any breach of the obligations contained in this policy may result in disciplinary action being taken up to and including termination of employment in line with the SJAQ Counselling and Disciplinary Procedure.

11. Related Documents

SJAQ Related Documents
Grievance Policy
Counselling and Disciplinary Procedure
Code of Conduct