



WHISTLEBLOWER POLICY



WHISTLEBLOWER POLICY

TABLE OF CONTENTS

1. PURPOSE	3
2. EXAMPLES OF DISCLOSURES THAT MAY BE PROTECTED UNDER THIS POLICY	3
3. EXAMPLES OF DISCLOSURES THAT DO NOT QUALIFY PROTECTION UNDER THIS POLICY.....	3
4. WHO CAN BE AN ELIGIBLE WHISTLEBLOWER.....	4
5. WHO CAN RECEIVE A DISCLOSURE.....	4
6. HOW DISCLOSURES MAY BE MADE.....	4
7. HANDLING AND INVESTIGATION OF DISCLOSURES.....	5
8. PROTECTION AGAINST VICTIMISATION.....	6
9. VEXATIOUS AND DELIBERATELY FALSE DISCLOSURES	6
10. FAIR TREATMENT OF INDIVIDUALS NAMED IN A DISCLOSURE	6
11. CONSEQUENCES FOR BREACH OF THIS POLICY	7
12. ACCESS TO THIS POLICY	7
13. REPORTING OF MATERIAL MATTERS TO THE WIOA LTD BOARD	7
14. REGULAR REVIEW OF POLICY.....	7

1. PURPOSE

The purpose of this policy is:

- a) To set out the scope of, and protections available under, the Whistleblower Protection Regime and how disclosures may be made by eligible whistleblowers and handled by the Water Industry Operators Association of Australia (WIOA);
- b) Ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- c) Ensure disclosures are dealt with appropriately and on a timely basis;
- d) Provide transparency around the association's framework for receiving, handling, and investigating disclosures;
- e) Promote a positive culture of openness, honesty, and transparency and to encourage more disclosures of wrongdoing; and
- f) Help deter wrongdoing, promote better compliance with the law and promote a more ethical culture, by increasing awareness that there is a higher likelihood that wrongdoing will be reported.

2. EXAMPLES OF DISCLOSURES THAT MAY BE PROTECTED UNDER THIS POLICY

- Illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property
- Fraud, money laundering or misappropriation of funds
- Offering or accepting a bribe
- Financial irregularities
- Failure to comply with, or breach of, legal or regulatory requirements
- Victimization – see section 7.

3. EXAMPLES OF DISCLOSURES THAT DO NOT QUALIFY PROTECTION UNDER THIS POLICY

Concerns a personal work-related grievance of the eligible whistleblower like:

- a) An interpersonal conflict between the discloser and another employee; and
- b) Decisions that do not involve a breach of workplace laws:

- About the engagement, transfer, or promotion of the discloser;
- About the terms and conditions of engagement of the discloser; or
- To suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

4. WHO CAN BE AN ELIGIBLE WHISTLEBLOWER

- a) A volunteer or an employee of the Association (including without limitation a part time, fixed term, or temporary employee);
- b) Members of the Association;
- c) A person who supplies goods or services to the Association (whether paid or unpaid), and employees of those suppliers;
- d) An individual who is an associate of the Association; or
- e) A relative, dependent or a dependent of the spouse of any individual referred to in paragraphs (a) to (d) above.

5. WHO CAN RECEIVE A DISCLOSURE

For protections under the Whistleblower Protection Regime to apply, a disclosure must be made directly to an 'eligible recipient', regardless of whether the eligible whistleblower or the recipient recognises that the disclosure qualifies for protection at that time.

The association encourages disclosures be made internally to the persons referred to below (Authorised Recipient), each of whom has relevant experience to deal with such matters. Authorised Recipients can be contacted via email.

- Dean Barnett, WIOA Chief Executive Officer dean@wioa.org.au
- Mat Greskie, WIOA Chair director@greskie.com.au

6. HOW DISCLOSURES MAY BE MADE

Disclosures may be made anonymously or on a confidential basis by eligible whistleblowers including through anonymous telephone hotlines and anonymised email addresses. They can refuse to answer questions that they feel could reveal their identity during follow-up conversations. A discloser may choose to adopt a pseudonym for the purposes of disclosure and not use their true name.

However, eligible whistleblowers are encouraged to consent in writing to having their identity disclosed as this will assist in a more effective investigation of the matter and will enable the association to keep the eligible whistleblower informed of the progress of the investigation.

At the least, anonymous disclosers should maintain two-way communication with their Authorised Recipient so the association can ask follow-up questions or provide feedback.

The association's approach is intended to help build confidence and trust in this Policy as well as its processes and procedures.

7. HANDLING AND INVESTIGATION OF DISCLOSURES

The WIOA Board will be responsible for handling and investigating a disclosure.

If the association determines that it will need to investigate a disclosure, the association will need to determine:

- a) The nature and scope of the investigation;
- b) The persons within and/or outside the association that should lead the investigation;
- c) The nature of any technical, financial, or legal advice that may be required to support the investigation; and
- d) The timeframe for the investigation.

The association will acknowledge a discloser after receiving their disclosure and provide updates during the key stages, comprising:

- a) When the investigation process has begun;
- b) While the investigation is in progress; and
- c) After the investigation has been finalised.

The association will aim to keep the eligible whistleblower regularly updated and informed of the progress of the investigation. However, due to obligations of confidentiality, the association may be prohibited from providing details of the investigation or any disciplinary action taken as a result of an investigation. In addition, the frequency and timeframe may vary depending on the nature of the disclosure.

8. PROTECTION AGAINST VICTIMISATION

For disclosures which qualify for protection under Policy, it is unlawful for a person to:

- a) Engage in conduct that causes any detriment to an eligible whistleblower or another person because the person engaging in the conduct believes or suspects that the eligible whistleblower or another person made, may have made, proposes to make, or could make, a disclosure; or
- b) Make a threat (whether express or implied, conditional, or unconditional, intentional, or reckless) to cause any detriment to an eligible whistleblower or another person because the whistleblower or another person has made, or may make, a disclosure.

For the purposes of this Policy, detriment includes:

- a) Dismissal of an employee;
- b) Injury of an employee in their employment;
- c) Alteration of an employee's position or duties to their disadvantage;
- d) Discrimination between an employee and other employees;
- e) Harassment or intimidation of a person;
- f) Harm or injury to a person, including psychological harm;
- g) Damaging a person's property, reputation, business, or financial position; and any other damage to a person.

Penalties apply for engaging in any of the conduct referred to above.

9. VEXATIOUS AND DELIBERATELY FALSE DISCLOSURES

A discloser will only be protected by the association if they have objectively reasonable grounds to suspect that the information that they disclose concerns misconduct or an improper state of affairs or circumstances.

The protections available under the Whistleblower Protection Regime will not extend to deliberately false or vexatious disclosures or complaints.

10. FAIR TREATMENT OF INDIVIDUALS NAMED IN A DISCLOSURE

It is important that all investigations of disclosures made under this Policy are conducted in a procedurally fair and confidential manner, to ensure the fair treatment of any individuals named in the protected disclosure or to whom the protected disclosure relates.



11. CONSEQUENCES FOR BREACH OF THIS POLICY

All employees of the association are responsible for understanding and complying with this Policy.

Breach of this Policy may be regarded as misconduct and may lead to disciplinary action up to and including termination of employment or engagement, as applicable.

12. ACCESS TO THIS POLICY

This Policy including any updates to this Policy will be made available to employees of the association via a staff meeting. In addition, this Policy will be published on the association website, and will be incorporated in employee induction information packs and training for new starters.

13. REPORTING OF MATERIAL MATTERS TO THE WIOA LTD BOARD

The WIOA Ltd Board will be notified of any material matters reported under this Policy at each of its scheduled meetings, having regard to the obligations of confidentiality set out in this Policy.

14. REGULAR REVIEW OF POLICY

This Policy must be reviewed as required from time to time to ensure it remains consistent with the association's objectives and existing regulatory requirements and recommendations.