



# Whistleblower Policy

Document number: *PO2023-013*

## Approval

Policy owner	Executive Director responsible for Legal and Governance		
Approved by	State Council SVDP NSW Board		
Date approved	State Council 17.08.2023  SVDP NSW Board 03.08.2023	Review date	17.08.2026

## Purpose

1. The Society of St Vincent de Paul (NSW) and the company titled the St Vincent de Paul Society NSW (together the Society) are committed to operating legally, ethically and with best practice governance systems.
2. The Society is subject to Whistleblower Protection provisions of the *Corporations Act 2001* (Cth).
3. Under this Policy, all **Society Personnel** have a responsibility to promptly report any actual or suspected wrongdoing that may cause damage or loss to the Society, whether financial or non-financial (for example, reputational).
4. The purpose of this Policy is to:
  - encourage the reporting of matters that may cause harm to individuals, or financial or non-financial loss to the Society, or damage to its reputation
  - provide guidance to Society Personnel regarding how to manage **Qualified Disclosures** from whistleblowers in a way that will protect the identity of the whistleblower and provide for the secure storage of the information provided
  - establish procedures for protecting whistleblowers against reprisal by any person internal or external to the Society to maintain the highest standards of ethical behaviour and integrity.

## Scope

5. This policy applies to all Society Personnel (including members, volunteers and employees).
6. This Policy provides **Whistleblower Protections** to any individual who is an **Eligible Whistleblower** making a Qualified Disclosure to an **Eligible Recipient**.
7. This Policy also applies to an Eligible Whistleblower making a public interest disclosure or an emergency disclosure, where the requirements of section 1317AAD (1) and (2) of the *Corporations Act 2001* (Cth) are met.
8. An individual is not covered under Whistleblower Protections if their disclosure is not a **Disclosable Matter**.
9. A disclosure is not a Disclosable Matter if it concerns **Personal Work-Related Grievances**, unless it concerns a contravention or an alleged contravention of section 1317AC of the *Corporations Act* that involves **detriment** caused to the discloser or a threat made to the discloser. For personal work-related grievances, see the Workplace Concerns (Employee) Policy and the Members and Volunteers Grievance Policy.
10. This policy does not include general complaints covered by the Feedback and Complaints Policy.
11. A copy of this policy will be made publicly available on the Vinnies NSW website.

## Related policies and procedures

12. Related policies and procedures include:
  - Code of Conduct
  - Feedback and Complaints Policy

- Conflict of Interest Policy
- Managing Fraud and Dishonest Behaviour Policy
- Internal Grievance Policy

## Policy principles

13. The Society is committed to upholding and maintaining an ethical work environment.
14. Society Personnel who are aware of misconduct, an improper state of affairs or wrongdoing should be able to make a Qualified Disclosure as soon as practicable.
15. The Society will provide appropriate support to whistleblowers.
16. The Society is committed to protecting the rights of whistleblowers and does not tolerate any retaliatory actions or threats against whistleblowers, their colleagues or relatives. Any individual who takes any reprisal action against whistleblowers may be subject to disciplinary action.
17. All investigations will comply with the requirements of procedural fairness.
18. This policy does not replace, but rather complements arrangements for workplace grievances, discrimination, harassment, bullying or managing fraud and dishonest behaviour as well as normal communication channels between individuals, managers and supervisors to address questions, concerns, suggestions and complaints.

## Roles and responsibilities

19. Society Personnel are required to:
  - comply with this policy
  - act in accordance with the Code of Conduct and professional ethical work practices at all times
  - identify, disclose and manage misconduct, improper state of affairs or wrongdoing
  - report any such activities as required in this policy.
20. See **Appendix 3** for details of specific roles and responsibilities.

## Review

21. This policy and its implementation will be reviewed every three years, or as required including to align with legislative or practice changes.

## Further assistance

22. Society Personnel should speak with the Whistleblower Officer regarding any questions about the implementation of this Policy.
23. The Society suggests that potential whistleblowers consider personally obtaining legal advice before making a disclosure, if they have any concerns about whether they will be eligible for Whistleblower Protections in relation to a specific disclosure. Please note the costs associated with seeking legal advice will not be compensated by the Society.

24. Feedback regarding the implementation of this policy can be provided to the Director, Legal and Complaints.

## References

25. Legislation, regulations and guides relevant to this Policy include:

- Australian Standard AS 8004-2003-Whistleblower Protection Programs for Entities
- *Corporations Act 2001* (Cth) Pt 9.4AAA, s9, 45A, 1311(1), 1317AA, 1317AAA, 1317AAC, 1317AAD, 1317AADA, 1317AAE, 1317AB(1), 1317AC, 1317AD, 1317ADA, 1317AE(3)(b), 1317AI, 1317AJ
- *Treasury Laws Amendment (Enhancing Whistleblower Protection) Act 2019* (Cth)
- ASIC's approach to enforcement. Information Sheet 151 (INFO 151)
- How ASIC handles whistleblower reports [Information Sheet 239](#) (INFO 239).

## Approval and amendment history

Version	Approval authority	Date	Amendment summary
Doc 1	Board of Directors	14 February 2015	NA
Doc: PO 2019-013	Executive Leadership Team	December 2019	Updated to align with <i>Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019</i> (Cth) and reformatting into new policy template.
Doc: PO2019-013	Board of Directors & State Council NSW	5 February 2020 & 22 February 2020	Minor amendments to ensure that any matters concerning complaints about Members are referred to the appropriate Council President for consideration and action
Doc: PO2019-013	Board of Directors and State Council	9 December 2020	Changes to reflect change in ownership and responsibilities and further changes following a review by the legal team.
Doc: PO2023-013	Board of Directors and State Council	3 August 2023 & 17 August 2023	Minor amendments to reflect change in ownership and responsibilities, changes in Whistleblower Officers and any other organisational changes.

## Appendix 1: Definitions

Relevant definitions include:

<p><b>Detriment</b></p>	<p>Types of detriment that could be suffered by a whistleblower may include the following non-exhaustive list of actual or threatened conduct:</p> <ul style="list-style-type: none"> <li>• dismissal of Society Personnel</li> <li>• injury of Society Personnel in their employment</li> <li>• alteration of Society Personnel’s position or duties to their disadvantage</li> <li>• discrimination against Society Personnel</li> <li>• harassment or intimidation of a person</li> <li>• harm or injury to a person, including psychological harm</li> <li>• damage to a person’s property</li> <li>• damage to a person’s reputation</li> <li>• damage to a person’s business or financial position</li> <li>• any other damage to a person.</li> </ul>
<p><b>Disclosable Matter</b></p>	<p>Information is a Disclosable Matter if it is made in good faith and meets the following criteria:</p> <ul style="list-style-type: none"> <li>• The whistleblower has reasonable grounds to suspect the information: <ul style="list-style-type: none"> <li>▪ concerns misconduct, or an improper state of affairs or circumstances, which the Society has engaged in or facilitated, or a related body corporate of the Society (as defined in the <i>Corporations Act 2001</i> (Cth)); or</li> <li>▪ indicates the Society or related body corporate (including each entity’s respective Personnel) has engaged in conduct that is: <ul style="list-style-type: none"> <li>○ an Offence</li> <li>○ represents a danger to the public or the financial system; or</li> <li>○ is prescribed by the relevant regulations.<sup>1</sup></li> </ul> </li> </ul> </li> </ul>
<p><b>Eligible Recipient</b></p>	<p>An Eligible Recipient includes:</p> <ul style="list-style-type: none"> <li>• the Society’s internal or external Auditor</li> <li>• an Officer of the Society (Board Director, Company Secretary or CEO) or</li> <li>• a Senior Manager (Executive Director, or Chief Financial Officer)</li> </ul>

<sup>1</sup> *Corporations Regulations 2001* (Cth).

	<ul style="list-style-type: none"> <li>• an individual authorised by the Society to receive disclosures of this kind (the Whistleblower Officer)</li> <li>• the Society’s appointed independent third-party Whistleblower Hotline and its employees</li> </ul>
<b>Eligible Whistleblower</b>	<p>An individual is an Eligible Whistleblower if they are:</p> <ul style="list-style-type: none"> <li>• Society Personnel</li> <li>• formerly Society Personnel</li> <li>• an individual, or an employee of a company, which supplies services or goods to the Society (whether paid or unpaid)</li> <li>• a relative or dependent of an above individual, or a dependent of an above individual’s spouse.</li> </ul>
<b>Investigator</b>	<p>An Investigator is an employee of the Society who has received formal investigation training, or a third party engaged externally by the Society, who is tasked with undertaking an investigation in relation to this policy.</p>
<b>Member</b>	<p>The term Member includes Conference, Associate and Volunteer members as per <i>The Rule</i>.</p>
<b>Offence</b>	<p>For the purposes of this Policy an Offence is any act contravening a provision of:</p> <ul style="list-style-type: none"> <li>• the <i>Corporations Act 2001</i> (Cth)</li> <li>• the <i>ASIC Act 2001</i> (Cth)</li> <li>• the <i>Banking Act 1959</i> (Cth)</li> <li>• the <i>Financial Sector (Collection of Data) Act 2001</i> (Cth)</li> <li>• the <i>Life Insurance Act 1995</i> (Cth)</li> <li>• the <i>National Consumer Credit Protection Act 2009</i> (Cth)</li> <li>• the <i>Superannuation Industry (Supervision) Act 1993</i> (Cth)</li> <li>• an instrument made under any of the above Acts</li> <li>• any Commonwealth Act which is punishable by 12 months imprisonment or more.</li> </ul>
<b>Officer of the Society</b>	<p>An ‘officer’ is defined in the <i>Corporations Act 2001</i> s 9 as:</p> <ul style="list-style-type: none"> <li>• a director or secretary of St Vincent de Paul Society NSW; or</li> <li>• a person: <ul style="list-style-type: none"> <li>▪ who makes, or participates in making, decisions that affect the whole or a substantial part of the business; or</li> <li>▪ has the capacity to affect the organisation’s financial standing.</li> </ul> </li> </ul>
<b>Personal Work-Related Grievance</b>	<p>Personal Work-Related Grievances include any grievances relating to an employee’s current or former employment,</p>

	<p>which has implications for the employee personally but does not have significant implications for the Society, or does not concern an Offence or an alleged Offence.</p> <p>Grievances such as personal conflicts, workplace bullying disputes etc. should be addressed under the Workplace Concerns (Employee) Policy.</p>
<b>Qualified Disclosure</b>	<p>A disclosure meets the criteria for being a Qualified Disclosure if the:</p> <ul style="list-style-type: none"> <li>• individual is an Eligible Whistleblower in relation to the Society</li> <li>• disclosure is made to an Eligible Recipient</li> <li>• disclosure concerns a Disclosable Matter.</li> </ul> <p>A disclosure of information by an individual also qualifies for protection where a disclosure is made to a legal practitioner for the purpose of obtaining legal advice on whether a person should make a Qualified Disclosure.</p>
<b>Society Personnel</b>	<p>Any person (or group of people) engaged by the Society to assist in its works. This includes members, volunteers, employees, contractors and consultants.</p>
<b>Support Person</b>	<p>A Support Person's role is to support any individual Society Personnel during an investigation. They may be a union representative or a family member or friend. A Support Person may provide personal not professional support, and may not speak on behalf of the person whom they are supporting.</p>
<b>Volunteer</b>	<p>This is an individual who performs unpaid work for the Society such as many of the people who volunteer in Vinnies Shops or with Vinnies Services. In this document 'volunteer' does not include 'members'.</p>
<b>Whistleblower</b>	<p>An individual who meets the criteria to be an Eligible Whistleblower and who makes a Qualified Disclosure.</p>
<b>Whistleblower Hotline and Website</b>	<p>This is a confidential telephone line (1300 304 550) and email facility (<a href="mailto:vinniesnsw@stoline.com.au">vinniesnsw@stoline.com.au</a>) managed and staffed by an independent third party (STOPLINE) for anyone to call between the hours of 6.00am and 8.00pm (Monday to Friday) for advice and making Qualified Disclosures for investigation. Disclosure can also be made through STOPLINE by e-mailing: <a href="mailto:vinnies@stoline.com.au">vinnies@stoline.com.au</a></p>
<b>Whistleblower Officer</b>	<p>The individual authorised to receive whistleblower complaints and who is responsible for safeguarding the whistleblower's interests and the interests of any supporting</p>

	<p>witnesses. The Whistleblower Officer’s responsibilities are outlined in Appendix 3.</p> <p>The Society has two Whistleblower Officers: Director, Legal and Complaints and Director, Governance and Risk.</p>
<b>Whistleblower Protection</b>	<p>This refers to protections outlined in Whistleblower Procedures, Appendix 2, paragraphs 40-44.</p>



## Appendix 2: Whistleblower Procedures

### Making a disclosure of information under this policy

1. A **Qualified Disclosure** can be made by an **Eligible Whistleblower** to an **Eligible Recipient**:
  - the Society's Whistleblower Officers:
    - Email: [whistleblower@vinnies.org.au](mailto:whistleblower@vinnies.org.au)
    - Postal address: PO Box 5, Petersham NSW 2049
  - the Society's internal or external auditor
  - the Whistleblower Hotline (external independent provider):
    - Phone: 1300 304 550
    - Email: [vinniesnsw@stoline.com.au](mailto:vinniesnsw@stoline.com.au)
    - Website: [www.stoline.com.au](http://www.stoline.com.au)
  - an **Officer of the Society** or a Senior Manager of the Society (Executive Director or above)
2. A **Qualified Disclosure** can also be made by an **Eligible Whistleblower** to:
  - The Australian Securities and Investments Commission (ASIC)
  - The Australian Prudential Regulation Authority (APRA)
  - any Commonwealth authority prescribed in the *Corporations Act 2001* (Cth).
  - a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to Part 9.4AAA of the Corporations Act.

### Public Interest and Emergency Disclosures

3. Public interest disclosures and emergency disclosures can be made to a journalist or a parliamentarian under certain circumstances and qualify for protection under the *Corporations Act, 2001* (Cth). These kinds of disclosures must meet several legal requirements under s1317AAD of the *Corporations Act* in order for the discloser to be subject to the whistleblower protections under the law. A discloser should obtain independent legal advice to ensure that they understand the criteria for making an emergency disclosure or a public interest disclosure that qualifies for protection.

### Making a Qualified Disclosure

4. Individuals considering making a disclosure under this policy should consider whether the matter of concern may be more appropriately raised under either the Feedback and Complaints Policy or the Internal Grievance Policy.
5. In order for a matter to meet the criteria of being a Qualified Disclosure, it must be:
  - made by an Eligible Whistleblower; and
  - a Disclosable Matter, which relates to:
    - concerns of misconduct or an improper state of affairs
    - indicate involvement in an Offence, represent danger to the public or financial system, or be prescribed by relevant regulations.
6. When making a Qualified Disclosure in good faith, an Eligible Whistleblower should include the following details, as appropriate:

- the nature of the alleged breach
  - the person or persons responsible or involved in the breach
  - the facts on which the belief that a breach has occurred are founded
  - the nature and whereabouts of any further evidence that would substantiate the allegations, if known.
7. Any evidence to support the concerns should be presented when the complaint is made.
  8. The absence of such evidence will be considered when determining whether to proceed with an investigation. However, the absence of such evidence will not prevent an investigation. Rather, the existence of the concern is sufficient to trigger reporting responsibilities.
  9. A disclosure that does not meet the criteria of a Qualified Disclosure will not be afforded the Whistleblower Protections under the *Corporations Act 2001* (Cth). The Society recommends potential whistleblowers to seek legal advice before making a disclosure, if they are unsure whether the Whistleblower Protections apply to them.
  10. If the disclosure is about one of the Whistleblower Officers a disclosure can be made to the other Whistleblower Officer or to another Eligible Recipient.

## Confidentiality and Anonymity

11. Whistleblower Protections under the *Corporations Act* are available when a discloser chooses to remain anonymous. A person making a disclosure may refuse to answer any questions that they feel could reveal their identity should the discloser wish to remain anonymous.
12. Disclosers may be encouraged where appropriate (but not required) to disclose their identity when making a report. Providing their identity will assist in:
  - a. monitoring their wellness and protections against detriment
  - b. investigating their report and obtaining further information from them as is necessary to complete the investigation.
13. Even where a discloser consents to the disclosure of their identity, reports must be handled confidentially, and the discloser's identity should only be disclosed where there is a need to know that information.
14. If the discloser has not consented to the disclosure of their identity, the matter may still be referred for investigation, but the investigator will be required to take all reasonable steps to reduce the risk that the discloser will be identified as a result of the investigation.
15. Information about a disclosers' identity may only be disclosed without consent in the following circumstances:
  - a. where the information is disclosed to ASIC, APRA, the Australian Federal Police or to a person or body prescribed by regulations
  - b. where the information is disclosed to a legal practitioner for the purpose of obtaining legal advice in relation to the operation of applicable whistleblowing protection laws.

16. Anonymous reports have significant limitations that may inhibit a proper and appropriate inquiry or investigation. These limitations may include the inability to assess whether they are an Eligible Whistleblower, inability to provide feedback on the outcome and/or to gather additional particulars to assist the inquiry/investigation. Eligible Whistleblowers need to be made aware of the impact if they choose to remain confidential.
17. Information that may be likely to lead to the identification of the discloser may be disclosed without consent if:
  - a. the information does not include the discloser's identity;
  - b. all reasonable steps have been taken to reduce the risk that the discloser will be identified from the information; and
  - c. it is reasonably necessary for investigating the issues raised in the report

## Handling allegations and Qualified Disclosures

18. When an Eligible Recipient receives a disclosure, the Eligible Recipient will conduct an initial assessment to determine if the disclosure meets the criteria for a Qualified Disclosure under this policy.
19. If appropriate in the circumstances, an Eligible Recipient may discuss with the discloser whether the matter may be handled by a Whistleblower Officer. If the Eligible Whistleblower provides consent, the handling of a disclosure may be referred to a Whistleblower Officer as the Eligible Recipient.
20. In assessing the disclosure, an Eligible Recipient may obtain legal advice including from the Society's legal team in relation to the obligations relating to the whistleblower provisions in the *Corporations Act*.
21. The Eligible Recipient will acknowledge receipt of the allegation as disclosed.
22. If the disclosure does not meet the criteria of a Qualified Disclosure, it will be managed under appropriate Society policies, such as the Feedback and Complaints Policy or the Internal Grievance Policy. The Eligible Recipient will advise the person who made the disclosure of the approach taken and the reason for that approach.
23. The Eligible Recipient will ensure that appropriate support is available to the whistleblower which may include the appointment of a protection officer.
24. The Eligible Recipient will assign an allegation to a suitably qualified and trained **Investigator** to undertake an investigation following consultation with the Executive Director responsible for Governance and Legal or Executive Director, People, Culture and Safety in relation to the appointment of the investigator.
25. All Qualified Disclosures will be investigated within 42 days of receipt of all information. When an investigation cannot be completed within 42 days the Eligible Whistleblower and the person under investigation will be informed of the reasons for the delay and provided with a date when it is expected that the investigation will be completed.
26. The Eligible Whistleblower will be kept informed of the progress of the investigation including any delays.

27. Following investigation, if recommended, appropriate corrective action must be undertaken.

## Investigation

28. The investigation should seek to clarify details of the Qualified Disclosure and obtain any new information.

29. The investigation must comply with procedural fairness, including:

- the right to a fair hearing
- the opportunity for all parties involved to be heard
- the investigation process being conducted by an independent and unbiased investigator
- an opportunity to have the decision reviewed.

30. The investigation may include interviews with relevant individuals for clarification or additional information.

31. A formal interview should be held with the person alleged to have engaged in wrongdoing unless the matter has been reported to the police. If the matter has been reported to the police, the advice of the police is to be sought before an interview is conducted.

32. In preparation for a formal interview, the person under investigation must be provided with at least 48 hours' notice before the interview and with the following details:

- information regarding the nature of the concern raised
- they have a right to have a **Support Person** present during interview
- the investigation will be based on relevant evidence
- the interview and investigation process will be conducted by an independent Investigator.

## Investigation report

33. The Investigator's completed report must detail the findings, conclusions and recommendations of the investigation.

34. When the report is received, the Eligible Recipient, having regard to the obligations of confidentiality and anonymity set out in this policy, must:

- review the report and recommendations
- endorse the report and recommendations and/or make comments
- if the investigation concerns staff or volunteers:
  - submit a copy of the report to the Chief Executive Officer, or to the Chair of the Board if the report involves the Chief Executive Officer
  - forward a copy of the report to the Executive Director, Enabling Services, if any disciplinary action is recommended (unless the report involves the Executive Director, Enabling Services)
- if the investigation concerns Members:
  - forward a copy of the report to the State Council President and the Executive Director, Membership, Volunteers and Regional Operations for information.
- if the investigation concerns a member of the Board:

- submit a copy of the report to the Chair of the Board in addition to the Chief Executive Officer, unless the report involves the Chair, in which case the report should be submitted to the State Council President and the Chief Executive Officer
- if the investigation concerns a member of State Council:
  - submit a copy of the report to the State Council President in addition to the Chief Executive Officer, unless the report involves the State Council President, in which case the report should be submitted to the National Council President and the Chief Executive Officer.

## Disciplinary Action

35. Once the investigation has concluded and having regard to the obligations of confidentiality and anonymity set out in this policy:
- where the investigation concerns staff or volunteers, the Chief Executive Officer (or the Chair of the Board, if it is not appropriate to include the Chief Executive Officer) will determine what action will be taken
  - where the investigation concerns Members, the relevant Central Council President (or the State Council President, if it is not appropriate to include the Central Council President), in consultation with the Executive Director, Members, Volunteers and Regional Operations, will determine what action will be taken.

## Reporting to the Governance, Risk and Nominations Committee and the Audit and Finance Committee

36. A confidential de-identified report register of Qualified Disclosures will be maintained by the Whistleblower Officers following the receipt of de-identified reports from Eligible Recipients and the register will be provided at least annually to the Executive Director responsible for Legal and Governance.
37. The Executive Director responsible for Legal and Governance will provide a report to the Governance, Risk and Nominations Committee and the Audit and Finance Committee (where relevant) summarising the Qualified Disclosures received at least once a year, or more frequently at the discretion of the Executive Director.
38. The Executive Director responsible for Legal and Governance will provide a report to the Membership and Youth Committee, summarising the Qualified Disclosures received concerning Members at least once a year, or more frequently at the discretion of the Executive Director.
39. All reports must ensure that the whistleblower's confidentiality and any information which might lead to the whistleblower's identification, is protected.

## Whistleblower Protections

### Using disclosed information confidentially

40. If anonymity is requested, the Society must protect the confidentiality of the discloser's identity. The whistleblower may adopt a pseudonym for the purpose of their disclosure. The full details will only be known by the Eligible Recipient (in most cases the Whistleblower Officer) and the Investigator.<sup>2</sup>
41. The Eligible Recipient who receives the Qualified Disclosure must not disclose the Qualified Disclosure to anyone, unless:
- they take all reasonable steps to ensure the disclosure does not contain information that is likely to lead to the identification of the whistleblower
  - the disclosure contains information that may lead to the identification of the whistleblower, but one of the following circumstances apply:
    - the whistleblower gave their consent; or
    - the disclosure is to:
      - APRA
      - ASIC
      - the Australian Federal Police or
      - a legal practitioner.
42. Qualified Disclosures must be kept confidential as far as possible, subject to the need to meet legal and regulatory requirements (for example, if the matter is of a criminal nature and is referred to the Police).
43. Qualified Disclosures that involve illegal acts, violence or physical abuse of any kind do not allow for complete anonymity.
44. A discloser can still qualify for Whistleblower Protection, if made in good faith, even if their disclosure turns out to be incorrect or unsubstantiated.

### Protection from Proceedings

45. If an individual makes a Qualified Disclosure:
- the individual cannot be subject to any civil, criminal or administrative liability for making the disclosure
  - no contractual or other remedy may be enforced or exercised against the individual on the basis of the disclosure
  - the information is not admissible in evidence against the individual in criminal proceedings, unless it concerns whether the Qualified Disclosure was false.

### Protection from Detriment

46. The Society does not condone and will not tolerate any retaliatory action or threats of retaliatory action against whistleblowers or their colleagues, employer (if a contractor) or relatives; or any individuals investigated regarding the Qualified Disclosure.

47. Any Society Personnel who takes any reprisal action against a whistleblower who has made a Qualified Disclosure may be subject to disciplinary action.
48. If an individual believes retaliatory action has been taken against them as a result of making a Qualified Disclosure, they can report the matter immediately to the Whistleblower Officer, or to the Executive Director, Enabling Services (if they are a volunteer or an employee) or to their Central Council President or the NSW State President (if they are a member).
49. A whistleblower of any other employee or person can seek compensation and other remedies through the courts if:
  - a. they suffer loss, damage or injury because of a disclosure; and
  - b. the Society failed to take reasonable precautions and exercise due diligence to prevent detrimental conduct.
50. ASIC recommends whistleblowers seek legal advice if they feel victimised or are subject to litigation.<sup>2</sup>
51. Reporting misconduct does not guarantee immunity from liability for any part played by the whistleblower in that misconduct. Whistleblowers may still be liable for any misconduct they took part in, regardless of whether they later report it.

---

<sup>2</sup> See ASIC: <http://www.asic.gov.au/for-business/running-a-company/company-officeholder-duties/whistleblowers-company-officeholder-obligations/whistleblowers-and-whistleblower-protection/>

## Appendix 3: Roles and Responsibilities

Roles	Responsibilities
<b>Audit and Finance Committee</b>	<ul style="list-style-type: none"> <li>• Receive and respond to reports from Executive Director responsible for Legal and Governance where whistleblower reports concerning financial matters are raised.</li> </ul>
<b>Board of St Vincent de Paul Society NSW</b>	<ul style="list-style-type: none"> <li>• Oversee the effectiveness of the whistleblower reporting and protection arrangements.</li> </ul>
<b>Chief Executive Officer</b>	<ul style="list-style-type: none"> <li>• Appoint the Society’s Whistleblower Officer.</li> <li>• Determine action to be taken at the conclusion of an investigation regarding staff or volunteers.</li> <li>• Promote a culture that:               <ul style="list-style-type: none"> <li>▪ encourages and supports ethical workplace practices and encourages individuals to ‘speak up’ and report actual or suspected wrongdoing</li> <li>▪ ensures procedures and systems are in place to protect Whistleblowers</li> <li>▪ does not tolerate detriment against those who make such reports.</li> </ul> </li> </ul>
<b>Executive Director responsible for Legal and Governance</b>	<ul style="list-style-type: none"> <li>• Present a report on the effectiveness of the policy and any protected disclosures at least once a year to the Governance, Risk and Nominations, and to the Audit and Finance Committee when relevant.</li> <li>• Assure the Governance, Risk and Nominations and the Audit and Finance Committee that the Society has appropriate whistleblower arrangements in place and that these are operating effectively.</li> <li>• Report to the NSW State President, the Chief Executive Officer, the Chair of the Society’s Audit and Finance Committee and the Chair of the Governance, Risk and Nominations Committee, Central Council Presidents and Regional Directors as required.</li> <li>• In consultation with the NSW State President and Chief Executive Officer, facilitate the reporting of criminal offences to the police.</li> <li>• Receive complaints from any individuals who feel they are being victimised as a result of an allegation that has been made under this policy.</li> <li>• Review the effectiveness of this policy at least every two years.</li> <li>• Liaise with the Australian Charities Not-for-profit Commission with respect to fraud allegations as detailed in ‘Protect your charity from fraud’ (2019).<sup>3</sup></li> <li>• Ensure that this Policy is available on the Society’s Staff Portal and web page.</li> </ul>

<sup>3</sup> <https://www.acnc.gov.au/tools/guides/protect-your-charity-fraud>



	<ul style="list-style-type: none"> <li>• Ensure Society Personnel are notified that this Policy is available on the Society’s Staff Portal and available to anyone outside the Society requesting a copy.</li> <li>• Ensure that information regarding the Whistleblower Policy and Procedures is included in all Personnel inductions.</li> </ul>
<b>Regional Directors/Directors/Executive Directors</b>	<ul style="list-style-type: none"> <li>• Promote a workplace culture which encourages individuals to ‘speak up’ and report actual or suspected wrongdoing, protects those who make legitimate reports and ensures discrimination against those who make such reports is not tolerated.</li> <li>• Treat all Qualified Disclosures seriously and ensure they are dealt with in accordance with this policy.</li> <li>• Co-operate with any investigation into an allegation of a suspected or actual wrongdoing.</li> </ul>
<b>Executive Director, Members, Volunteers and Regional Operations</b>	<ul style="list-style-type: none"> <li>• As above, and in addition, determine action to be taken at the conclusion of an investigation regarding members in consultation with the relevant State or Central Council President.</li> </ul>
<b>Governance, Risk and Nominations Committee</b>	<ul style="list-style-type: none"> <li>• Receive and respond to reports from Executive Director responsible for Legal and Governance</li> <li>• Assure the Society’s Board of the appropriateness of the Society’s Whistleblower reporting and protection arrangements.</li> </ul>
<b>Investigator</b>	<ul style="list-style-type: none"> <li>• Undertake an investigation into the Qualified Disclosure at the request of an Eligible Recipient</li> <li>• Present a report and recommendations on the Qualified Disclosure to the Eligible Recipient.</li> <li>• Keep the Eligible Recipient informed of the progress of any investigations being undertaken.</li> </ul>
<b>Managers</b>	<ul style="list-style-type: none"> <li>• Promote a workplace culture which encourages individuals to ‘speak up’ and report actual or suspected wrongdoing, protects those who make legitimate reports and ensures discrimination against those who make such reports is not tolerated.</li> <li>• Treat all Qualified Disclosures seriously and ensure they are dealt with in accordance with this policy</li> <li>• Co-operate with any investigation into an allegation of a suspected or actual wrongdoing.</li> </ul>
<b>NSW State President, Central Council Presidents and Regional Presidents</b>	<ul style="list-style-type: none"> <li>• In consultation with the Executive Director, Members Volunteers and Regional Operations, determine action to be taken at the conclusion of an investigation regarding members.</li> <li>• Receive complaints from individuals (Members) of their respective Council or Conference who feel they have been victimised as a result of an allegation that has been made under this policy.</li> </ul>

	<ul style="list-style-type: none"> <li>• Promote a culture: <ul style="list-style-type: none"> <li>▪ that encourages and supports ethical workplace practices and encourages individuals to ‘speak up’ and report actual or suspected wrongdoing</li> <li>▪ that protects whistleblowers</li> <li>▪ where discrimination against those who make such reports is not tolerated.</li> </ul> </li> </ul>
<b>Society Personnel</b>	<ul style="list-style-type: none"> <li>• ‘Speak up’ and immediately report actual or suspected allegations of wrongdoing by anyone working for or representing the Society.</li> <li>• Co-operate with any investigation into an allegation of a suspected or actual wrongdoing.</li> <li>• Protect and maintain the confidentiality of Qualified Disclosures including the identity of people they know or suspect may have made the disclosure or who are the subject of the allegation.</li> <li>• Be vigilant at all times to prevent and detect wrongdoing in your own work area.</li> <li>• Behave in a lawful manner and comply with relevant legislation and Society policies and procedures.</li> </ul>
<b>Whistleblower Hotline</b>	<ul style="list-style-type: none"> <li>• Third party provider who provides advice to whistleblowers and reports all received Qualified Disclosures to the Society’s Whistleblower Officer within one business day of receipt.</li> </ul>
<b>Whistleblower Officer and/or Eligible Recipient</b>	<ul style="list-style-type: none"> <li>• Receive Disclosable Matters under this Policy and acknowledge receipt of each allegation.</li> <li>• Conduct an initial assessment to determine if the disclosure meets criteria as a Qualified Disclosure.</li> <li>• Protect the whistleblower’s identity .</li> <li>• Ensure the investigation is concluded within 42 days of receipt.</li> <li>• Provide advice and support to whistleblowers with respect to making Qualified Disclosures.</li> <li>• Safeguard whistleblower’s interests and the interests of any supporting witnesses throughout the investigation, as well as after the investigation’s conclusion and any resultant action has been recommended.</li> <li>• In consultation with the Executive Director responsible for Legal and Governance or Executive Director, People, Culture and Safety, appoint an Investigator to inquire into any allegations received.</li> <li>• Ensure whistleblowers are protected from detriment.</li> <li>• Keep the whistleblower informed of progress of the investigation and advise if the investigation is expected to take longer than 42 days to be completed.</li> <li>• Inform the whistleblower of the investigation’s outcome.</li> </ul>

	<ul style="list-style-type: none"><li>• Assist other Eligible Recipients with information and materials to support the handling of matters under this policy including the appointment of investigators.</li><li>• Subject to the obligations of confidentiality and anonymity, where the Qualified Disclosure involves a Central Council President, the NSW State President, a Regional Director, Executive Director, or the Chief Executive Officer, the Whistleblower Officer must raise the matter with the Executive Director responsible for Legal and Governance. However, if the Qualified Disclosure involves the Executive Director responsible for Legal and Governance, the matter must be raised with the Chief Executive Officer.</li></ul>
--	---