

Board Governance System

Policy 1.11 – Whistleblower Policy

Principle 1 – Legislative & Organisational Parameters

This policy is grouped under ‘Principle 1 – Legislative & Organisational Parameters’. This Principle, along with the other Principles, form the Board’s governance framework.

Policy 1.11 – Whistleblower Policy

Directors, as the custodians and stewards of the organisation and its resources, on behalf of its internal and external stakeholders and in particular members, will at all times remain vigilant and be prepared to listen, initiate actions and have the courage and tenacity to follow through on intelligence received from Whistleblowers.

Procedural Actions 1.11

The board will ensure that:

- it understands the requirements of Local, State and Commonwealth government Whistleblower legislation, regulations, associated industry or government standards, quality systems.
- Whistleblowers’ identities are protected in line with the requirements outlined in the Corporations Act 2001 s1317A1, and the Taxation Administration Act 1953 Part IVD and any other related legislative or regulatory requirements.
- They, together with the CEO, cause the development of a Whistleblower Framework outlining the policy and procedures to be followed when disclosure has been received.
- upon receiving information, intelligence or a disclosure from one or more persons about potential or actual illegal activities, events or incidents they will, together with the chief executive officer (if appropriate), either as a whole board or a through the use of a board taskforce, investigate or provide oversight of an investigation into the disclosure as per the Whistleblower Framework.
- following the investigation (above), they review the findings from the investigation and determine or endorse the recommended actions to be taken, and determine if the matter is, according to the legislative framework, a matter for the organisation, the board or a matter for the police, government departments, financial auditors, security consultants, investigators, or insurance/risk assessors and, where necessary, cause the referral to the appropriate agency.

The chief executive officer will ensure that:

- they understand the requirements of State and Commonwealth government Whistleblower legislation, regulations and associated industry or government standards.
- They, together with the Board, develop a Whistleblower Framework that meets legislative, regulatory and government standards.
- they cause the implementation and distribution of the Whistleblower Framework.

Board Governance System

Policy 1.11 – Whistleblower Policy

- the senior leadership team, staff and volunteers undertake the necessary organisational training to ensure they are aware of, and understand, the Whistleblower Framework.
- upon receiving information, intelligence, or a disclosure from one or more persons about potential or actual illegal activities, events or incidents they will (if appropriate), with the whole board or a board taskforce, commence an investigation into issues raised as per the Whistleblower Framework.
- following the investigation, ensure that the Board receive a comprehensive report outlining the findings from the investigation together with recommended remedial actions to be taken (if any). This may include referring the matter to external agencies such as the police, government departments, financial auditors, security consultants, investigators, or insurance/risk assessors.
- ensure that all documentation relating to a Whistleblower disclosure remains confidential and is stored securely and in accordance with legislation.

Key Performance Indicators 1.11

The following elements and characteristics may be indicative of how the board could present, describe and demonstrate its approach to Whistleblowing and the ensuing actions and results:

- Board minutes and associated documentation relating to the investigation of and decisions about intelligence received from Whistleblowers.
- Special reports, findings, recommendations, and associated documentation relating to the investigation of, and decisions made in relation to Whistleblower disclosures including the results of internal and/or external investigations.
- A Whistleblower Framework has been developed and implemented across all areas of the organisation and is available on the organisation's website.

Definitions

Organisation Benevolent Aged Care Ltd and its related entities.

Related Policies, Forms or Documents

Policy 1.11A Whistleblower Framework.

Corporations Act 2001

Taxation Administration Act 1953