

Whistleblower Policy

1. Purpose

The Brotherhood of St Laurence (“BSL”) is committed to the highest standards of legal, ethical and moral behaviour. We recognise that any genuine commitment to detecting and preventing illegal or unethical conduct must include a mechanism whereby Our People can report their concerns freely and without fear of repercussion. This policy provides such a mechanism and encourages the reporting of such conduct. This policy prohibits retaliation against you because of reporting *suspected or actual wrongdoing*.

2. Scope

This Policy applies to Our People, (together, “you”) who have reasonable grounds to suspect *Potential Misconduct*. BSL will not tolerate anyone from being discouraged from speaking up or being adversely affected because they have reported misconduct in accordance with this policy. BSL will consider disciplinary action, which may include termination of employment or engagement, where anyone has caused detriment to another because they have or want to make a disclosure in accordance with this policy.

3. What is Potential Misconduct?

Potential Misconduct is any suspected or actual misconduct or an improper state of affairs or circumstances in relation to BSL. This includes if you believe that a BSL director, executive, manager, team member, contractor, supplier, tenderer or other person who has dealings with BSL has engaged, or attempted to engage in conduct which:

- constitutes an offence against or a contravention of a law;
- represents a danger to the public or the financial system;
- Is illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damaged against property;
- is fraudulent or involves the misappropriation of funds;
- involves the offering or accepting of a bribe;
- is systemic harassment or unlawful discrimination;
- endangers the health or safety of Our People or the public; or
- is threatening against a person who has made a disclosure or is believed to have made, or be planning to make, a disclosure.

Note: Reasonable grounds to suspect is based on the objective reasonableness of the reasons for the discloser’s suspicion. An allegation with no supporting information is not likely to be considered as having ‘reasonable grounds to suspect’. However, you do not have to prove the allegation and you can still qualify for protection even if the disclosure turns out to be incorrect.

4. Personal work-related grievances

This policy **does not** apply to personal Work-Related Grievances. BSL can provide better support and address concerns raised by BSL staff about interactions at work (work-related grievances) if the matter is raised with your line manager or Human Resources directly.

Personal work-related grievances are issues in relation to your employment with BSL that have implications for you personally, which may include a conflict between you and another employee or a decision relating to a promotion/transfer or termination of your employment.

5. How to report

A report involving *Potential Misconduct* should include as much detail as possible to enable a thorough investigation of the matter. If you are comfortable, you can raise your concern informally outside of this policy to your line manager. You may report a matter to any of the following people who are eligible to receive reports concerning *Potential Misconduct*:

Whistleblower Officers (Eligible Recipients)	Contact
Lucia Boxelaar , Executive Director (acting)	E: Lucia.Boxelaar@bsl.org.au
Bernadette Doyle , General Counsel/Company Secretary	E: Bernadette.doyle@bsl.org.au
Cameron Power , Chief Financial Officer	E: Cameron.power@bsl.org.au
Niamh O'Malley , Director Shared Services	E: Nomalley@bsl.org.au

If the disclosure contains allegations against any senior BSL executive, a report may be made to BSL's external auditor (as identified in BSL's most recent annual report) or to a person or entity who is eligible to receive the disclosure under the *Corporations Act 2001*. Disclosures to a lawyer for obtaining legal advice or representation are protected (even if the lawyer concludes that the disclosure does not relate to a 'disclosable matter').

Whistleblower Hotline

You can also make a confidential and/or anonymous report through the Whistleblower Hotline which is run by an independent company, Stoline. You may make a confidential report or choose to remain anonymous. You also have the option of disclosing your identity to Stoline but not to BSL. If making an anonymous report, please provide as much information as possible. You can contact Stoline 24 hours a day, 7 days a week on:

- 1300 304 550
- BSL@stoline.com.au
- <http://bsl.stolinereport.com/>
- Stoline 365 app available on Google Play or the App Store

Anonymous Reporting & Confidentiality

You do not have to disclose your identity; however, you are encouraged to do so because it makes it easier to carry out an investigation. This is because more information may need to be sought to assist with the investigation so it helps to have your name and contact details. It also assists BSL in being able to provide you with support. If you are not comfortable in providing your name, that is okay. If you have decided to remain anonymous you can refuse to answer questions that you feel could reveal your identity at any time, including during follow up conversations. The investigation will still be carried out as best as possible in the circumstances and you will still be protected in accordance with this policy.

Where you do disclose your identity, BSL will make it a priority to maintain the confidentiality of your identity unless the disclosure is authorised under law or you consent to the disclosure of your identity. Information obtained from you will only be disclosed to the extent reasonably necessary to investigate the matter.

6. Investigations & Reporting Procedures

All reports of *Potential Misconduct* under this Policy will be treated seriously and confidentially and will be assessed to determine whether the report:

- qualifies for protection; and
- requires a formal, in-depth investigation.

In all cases:

- The Whistleblower Officer will be responsible for the investigation and may investigate the matter directly or may engage external professionals to assist in any investigation process.
- The General Counsel or another Whistleblower Officer may be consulted to determine how BSL will respond and/or report the matter.
- The rules of natural justice will be observed in that the investigation will be conducted fairly and without bias, and any person against whom an allegation is made will be given the opportunity to respond.
- Our people must cooperate fully with any investigations.
- You will be kept informed of the investigation's progress and the outcome (subject to privacy considerations), unless BSL considers that it is not appropriate to do so. You must maintain confidentiality of such reports.
- BSL is committed to implementing the findings and recommendations of any investigation with a view to rectifying any wrongdoing as far as is practicable in the circumstances.
- The Whistleblower Officer must submit the final investigation report to the General Counsel, which will be the property of BSL and will remain confidential.
- Where an investigation identifies a breach of the BSL Code of Conduct disciplinary action may be taken, including terminating employment or engagement of the person(s) involved in the *Potential Misconduct*. If there has been a suspected or an actual breach of the law, BSL may refer to the matter to the relevant legal authority.
- The General Counsel will be responsible for preparing periodic reports on the number and type of whistleblower reports for the Audit & Risk Committee and to the Board.
- In cases where the Executive Director, a Whistleblower Officer, the Whistleblower Protection Officer or a member of the ARC has been accused of *Potential Misconduct*, or where he or she has a close personal relationship with the person against whom the accusation is made, he or she will be excluded from the reporting process.

7. Protection of Whistleblowers

Protection is available to Whistleblowers who disclose *Potential Misconduct* that is made with reasonable grounds to believe it is true. BSL will ensure that the Whistleblower will not suffer any detriment which includes:

- (a) dismissal
- (b) causing injury to his or her employment
- (c) alteration of position or duties to his or her disadvantage
- (d) discrimination
- (e) harassment or intimidation of a person
- (f) harm or injury to a person, including psychological harm
- (g) damage to a person's property, reputation, business, financial position and any other form of damage.

If you believe that you or your family, have been subject to detrimental treatment because of your status as a whistleblower you should immediately inform the Whistleblower Protection Officer or to a senior BSL Executive immediately. If you still have concerns, you can refer it directly to the General Counsel.

In certain circumstances the Whistleblower Officer will engage a Whistleblower Protection Officer to assist and support you.

8. Malicious Reporting

If you raise a concern, that is not *Potential Misconduct*, and you do so maliciously, or you raise a concern without reasonable grounds to suspect that the concern was justified, you may be subject to disciplinary action (including employment termination) or other legal action.

9. Support Services

The BSL Chaplaincy Team is available to you at any time throughout the reporting and investigation stages. Chaplains offer confidential pastoral care and support. If you wish to speak to the Chaplains, you may contact Debra Saffrey-Collins in the first instance at dsaffrey-collins@bsl.org.au.

You and your immediate family members may also wish to use your Employee Assistance Program to confidentially discuss any work or personal issues with trained counsellors. Further information is available on our intranet [here](#).

10. Other Complaint Mechanisms

The Whistleblowing Policy does not replace other reporting structures such as those for child protection matters, grievance and dispute resolution, discrimination or matters relating to workplace bullying or harassment. An exception is where the issue is wrongdoing of a serious nature but the existing reporting system failed to process the issue or processed it in a substantially inappropriate, grossly unfair or heavily biased manner.

This Policy is therefore in addition to:

- BSL Complaints Procedure
- Workplace Complaint Handling Procedure which supports staff to raise any matters, grievances or concerns they may have in relation to their work or work environment, other persons or decisions affecting their employment or engagement
- BSL Bullying, Stalking, Cyber-Bullying and Workplace Violence Policy
- Standard complaint mechanisms, both internal and external, for volunteers, service users and their advocates
- BSL Children and Youth Safe Organisation Procedure and Child Safe Reporting Procedure which includes mandatory reporting by staff of witnessed, suspected or alleged incidents of child abuse
- BSL Reportable Conduct Procedure where child safe concerns involve a BSL staff member
- Exercising of rights under the terms of their contract by contractors and suppliers.

11. Responsibilities/ Definitions

Whistleblower means a person who makes a report of Potential Misconduct in accordance with this Policy.

Whistleblower Officer means one of the following persons who are responsible for receiving Whistleblower disclosures of a Potential Misconduct:

- Executive Director (Acting) – Lucia Boxelaar
- Chief Financial Officer - Cameron Power
- Director Shared Services – Niamh O’Malley
- General Counsel & Company Secretary – Bernadette Doyle

Whistleblower Protection Officer means the person who has responsibility for protecting and safeguarding the interests of the whistleblower within the context of this Policy and any applicable legislation.

- Senior Manager People and Culture – Tina Kiamos

Our People means persons:

- (a) who are or have been associated with BSL, including BSL Board members, directors, executives, chaplains, officers, employees, contractors, suppliers, apprentices, trainees, work experience students, members, volunteers; or
- (b) who is the spouse; relative or dependent of a person listed in (a).

12. Relationship to other Policies

[BSL Code of Ethical Behaviour](#)

[Conflict of Interest and Gift Acceptance Policy](#)

[BSL Children and Youth Safe Organisation Procedure](#)

[BSL Reportable Conduct Procedure](#)

[Child Safe Reporting Procedure](#)

[BSL Bullying, Stalking, Cyber-Bullying and Workplace Violence Policy](#)

[BSL Complaints Procedure](#)

[Workplace Complaint Handling Procedure](#)

Related external documents:

[AS 8004-2003: Whistleblower protection programs for entities](#)

[Treasury Laws Amendment \(Enhancing Whistleblower Protections\) Act 2019 \(Cth\)](#)

[Corporations Act 2001 \(Cth\)](#)

Policy Information

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