



THE ORDER OF AUSTRALIA ASSOCIATION

WHISTLEBLOWER POLICY

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1.0	Dec 19	First draft	M. Crane

Authorisation

P.L. MORRALL AM, CSC
National Secretary



1. Introduction

1.1 Overview

The Order of Australia Association (the Association) is committed to the highest standards of conduct and ethical behaviour. The Association recognises that a transparent whistleblower policy is an important tool for helping identify wrongdoing that may not be uncovered unless there is a safe and secure means for disclosing wrongdoing.

1.2 Purpose

The purpose of this document is to provide a framework to ensure that people can raise concerns regarding any misconduct or improper state of affairs or circumstances in the Association without detriment.

1.3 Applicability

The policy and procedures outlined in this document apply to all officers of the Association and eligible whistleblowers.

1.4 Legislative/Regulatory Requirements

As a public company, the Association is subject to the whistleblower provisions of the following legislation:

- *Corporations Act 2001* (Cth)
- *Taxation Administration Act 1953* (Cth)

Amending legislation that came into effect on 1 July 2019 strengthened the whistleblower protections in these acts.

The primary focus of this policy is on the provisions of the *Corporations Act*. For information about protections under the tax whistleblower regime, see the Australian Taxation Office (ATO) webpage on [tax whistleblowers](#).

1.5 Definitions

Officer of the Association	A director of the Association, a member of a Branch or Regional Group committee, a staff member, or a volunteer acting on behalf of the Association.
Whistleblower	Someone with inside knowledge of the Association who reports misconduct or dishonest or illegal activity that has taken place within the Association.



2. Policy Statement

The Association encourages those who are aware of wrongdoing to speak up and will provide whistleblower protections in accordance with relevant legislation.

3. Responsibilities

The Board is responsible for:

- ensuring that an appropriate whistleblower policy is in place and reviewed regularly, and for monitoring compliance;
- managing qualifying whistleblower disclosures made to the Association's eligible recipients in accordance with the policy and procedures set out in this document; and
- responding to qualifying disclosures made to external eligible recipients as and when such disclosures are made known to the Association.

4. Procedures

4.1 Whistleblower protections

Whistleblower protections are the protections provided to whistleblowers to enable them to come forward to report misconduct without fear of retribution or personal detriment. Whistleblowers will not be subject to civil, criminal or disciplinary action for making a disclosure under this policy, or for participating in any subsequent investigation. No officer or member of the Association may engage in detrimental conduct against a whistleblower who has made or proposes to make a disclosure in accordance with this policy because of such a disclosure or proposed disclosure. The Association will take all reasonable steps to ensure that a whistleblower is not subject to any form of victimisation, discrimination, harassment or prejudice because they have made a disclosure. For a comprehensive description of whistleblower protections, see the Australian Security & Investments Commission's (ASIC) Information Sheet 152 [Whistleblower rights and protections](#).

4.2 Eligible whistleblowers

People can access whistleblower protections if they meet the definition of an eligible whistleblower. An eligible whistleblower is someone who is or was:

- an officer of the Association;
- an individual or employee of a person that supplies goods or services to the Association;
- a member of the Association; or
- a relative or dependent of any of the above, or a dependent of the spouse of any of the above.



An eligible whistleblower can remain anonymous and still qualify for protection.

4.3 Qualifying disclosures

A whistleblower is entitled to the protections in paragraph 4.1 if they make a qualifying disclosure to an eligible recipient. A qualifying disclosure involves reporting conduct by the Association or an officer of the Association that represents misconduct or an improper state of affairs or circumstances. This includes conduct that:

- contravenes the *Corporations Act*;
- breaches other financial sector laws enforced by ASIC;
- constitutes an offence against another Commonwealth law that is punishable by imprisonment for 12 months or more; or
- represents a danger to the public or the financial system.

In order to qualify for protection, the whistleblower must have reasonable grounds to suspect that the information they are disclosing concerns misconduct or an improper state of affairs or circumstances.

Protection is not available for disclosures that are trivial, vexatious, or found to have been made maliciously or knowingly false. The Association discourages deliberate false reporting.

Personal grievances and complaints are not covered by this policy. Such issues should be addressed under the Association's G11 Complaint Policy.

4.4 Eligible recipients

To qualify for protection, a whistleblower must make their disclosure to an eligible recipient. In the Association, eligible recipients are:

- the National Secretary (see contact details below);
- an auditor, or a member of the audit team, of the Association;
- ASIC (via ASIC website [Report misconduct to ASIC](#)); or
- a legal practitioner if a whistleblower is seeking advice about whether protections will apply to him or her.

Whistleblowers are encouraged to make disclosures to the Association in the first instance.

While disclosures must be made to one of the above people or organisations, they can be made anonymously. However, it may be difficult for the Association or an external person or organisation to investigate the matters disclosed in anonymous reports.



Although the Association is regulated by the Australian Charities and Not-for-profits Commission (ACNC), ACNC is not an eligible recipient for the purpose of this policy. A whistleblower can both report to an eligible recipient and complain to ACNC, but will only be covered by whistleblower protections when they report to an eligible recipient. Generally, if someone makes a disclosure about a charity to ASIC, ASIC will recommend that the whistleblower also contact ACNC. ASIC may also release information to ACNC, but will generally obtain the consent of the whistleblower to do this.

Protections may also apply if a whistleblower makes a disclosure to a journalist or a parliamentarian (Commonwealth, state or territory), but only in certain limited circumstances. For more information, see ASIC Information Sheet 152 [Whistleblower rights and protections](#). Protections do not apply to disclosures made to the public in another way.

Whistleblower disclosures to the National Secretary must be in writing and may be made via:

- the Contact Us facility on the Association's website;
- email (natsec@theorderofaustralia.asn.au); or
- Australia Post (Old Parliament House, 18 King George Terrace PARKES ACT 2600).

4.5 Dealing with disclosures

In general, whistleblower disclosures made to the National Secretary will be dealt with in a similar way to the procedures set out in the Association's G11 Complaint Policy. In contrast to the complaint management process, however, a whistleblower disclosure may be made anonymously. Anonymous disclosures are facilitated by the website Contact Us facility and Australia Post. Where a whistleblower's identity is disclosed, the Association will not reveal that identity or the content of the report unless we are required or authorised by law to do so.

The National Secretary is appointed as the Association's Whistleblower Protection Officer (WPO) and is responsible for receiving whistleblower disclosures, safeguarding the interests of whistleblowers and overseeing resolution of matters arising from disclosures.

The WPO will refer any reports that require investigation to a Whistleblower Investigation Officer (WIO). The WPO must identify and appoint a WIO who is independent of any matters raised in the disclosure.

The investigation must be conducted in an objective and fair manner, focusing on the substance, rather than the motive, of disclosures. In general, the investigation should follow the investigation process described in the Association's G11 Complaint Policy. All reasonable efforts must be made to preserve confidentiality of the investigation. Where a whistleblower wishes their identity to be protected, the whistleblower's identity will not be disclosed to the WIO or to any other person. However, it may be necessary to reveal the



substance of a disclosure to people such as other officers of the Association, external persons involved in the investigation process or, in appropriate circumstances, law enforcement agencies.

Officers of the Association who are implicated in a whistleblower disclosure have a right to be informed of the allegations against them and must be given the opportunity to respond. No action will be taken against officers of the Association who are implicated in a whistleblower disclosure until an investigation has confirmed that allegations against them are substantiated.

The WPO will advise the National Chairman that a whistleblower disclosure has been made and report:

- the substance of the disclosure,
- progress in the investigation, and
- any proposed recommendations arising from the investigation.

The WPO must also keep the whistleblower informed, including on investigation findings and any actions taken by the Association in response. The WPO must also advise the whistleblower of options for review (see G11 Complaint Policy).

Support for whistleblowers and persons implicated in a whistleblower disclosure could include:

- appointing an independent support person; or
- connecting the individual with third party support providers such as Lifeline and Beyond Blue.

Use of these services may require the whistleblower to consent to disclosure of their identity or information that is likely to lead to the discovery of their identity.

5. Related Documents

This Policy is to be read in conjunction with:

- Constitution of the Order of Australia Association
- By-Laws of the Order of Australia Association
- G5 Risk Management Policy (to be issued)
- G11 Complaint Policy
- ACNC Fact Sheet [Whistleblower Protections](#)
- ASIC Information Sheet 152 [Whistleblower rights and protections](#)
- ASIC Information Sheet 172 [Cooperating with ASIC](#)
- ASIC Regulatory Guide 103 [Confidentiality and release of information](#)
- ASIC Regulatory Guide 270 [Whistleblower policies](#)
- ATO webpage [Tax Whistleblowers](#)



Important Notice

This document provides basic information about whistleblower rights and protections in the Association. It does not cover the whole of relevant law, regulations or regulator policy, and is not a substitute for professional advice.