

Whistleblower Policy

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Australian Association of
Practice Management

Purpose

This document sets out the AAPM Whistleblower Policy. The purpose of this policy is to:

1. to help deter wrongdoing, in line with AAPM's risk management and governance framework by encouraging people aware of possible wrongdoing to have the confidence to speak up;
2. to ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
3. to provide transparency around AAPM's framework for receiving, handling and investigating disclosures; and
4. to meet the AAPM's legal and regulatory obligations.

Who this policy applies to

All public companies must have a Whistleblower Policy, unless exempted by the Australian Securities and Investment Commission (ASIC). Only companies limited by guarantee with a turnover of less than one million dollars annually are exempt. AAPM is a non-exempt public company.

A person making a disclosure is an eligible whistleblower covered by this policy where they are, or have been:

1. a Director, Secretary, Chief Executive Officer or other officer of AAPM;
2. an employee of AAPM, or volunteer such as a State Committee Member;
3. any individual providing (paid or unpaid) goods or services to AAPM (supplier);
4. an employee of a supplier; and
5. a relative, dependant or spouse of any of the above.

Matters this policy applies to

To qualify for protection under this policy the wrongdoing disclosed must be a 'disclosable matter'. Not everything is a disclosable matter.

To be a disclosable matter, the eligible whistleblower must have reasonable grounds to suspect in relation to the operations or business of AAPM:

1. that misconduct is occurring;
2. that an improper state of affairs or circumstances exists;
3. that there is a contravention or offence against relevant legislation or regulations; or
4. that a danger to the public exists.

A disclosable matter may include illegal or unethical conduct, use or dealing in illicit drugs, threatened violence, bullying, property damage, theft, misappropriation of funds, bribery or detrimental action against an eligible whistleblower.

Public interest disclosures (usually related to government or politicians) and emergency disclosures (where harm is imminent) are also protected.

Work related grievances and other complaints personal to an individual do not qualify for protection under this policy.

Who can receive a disclosure

A person who receives a disclosure from an eligible whistleblower will be an “eligible recipient” covered by this policy where they are:

1. a Director, Secretary, Chief Executive Officer or other officer of AAPM;
2. an internal or external auditor of AAPM activities; or
3. a person authorised by AAPM to receive disclosures.

A protected disclosure can also be made to ASIC (the Australian Securities & Investments Commission), APRA (Australian Prudential Regulation Authority), the ATO (Australian Taxation Office) or another Commonwealth body prescribed by regulation. ACNC (the Australian Charities & Not-for-profits Commission) is not a prescribed body.

How to make a disclosure

Disclosure should be made in writing to assist in record keeping and investigation.

To ensure prompt attention, all notifications should include “Whistleblower Disclosure” in the subject line or address. Enough information must be disclosed to enable an investigation to be conducted. The more specific the information, the easier it may be to investigate.

Disclosure can be made:

1. by post to AAPM to Suite 209 Level 2, 517 Flinders Lane, Melbourne Victoria 3000, addressed to an eligible recipient;
2. to an eligible recipient at AAPM via email to whistleblower@aapm.org.au;
3. by post to the Auditor, Cutcher & Neale Accounting and Financial Services to PO Box 694, Newcastle NSW 2300, or
4. to the Auditor through the contact form on their website at <https://www.bentleys.com.au/>.

If the Board approves an external whistleblower platform for receipt of disclosures in the future, the relevant contact details will be included in this policy.

Reports submitted to ASIC, ATO, APRA or other government body can be made in accordance with the instructions on their respective websites.

Disclosure can be made anonymously and still be protected. An eligible discloser who wishes to remain anonymous should consider providing appropriate contact details to enable the investigator to ask follow-up questions through the investigation process, and to provide feedback.

Legal protection for disclosers

Disclosers are encouraged to seek independent legal advice about the protections available and whether their disclosure is protected by this policy.

Legal protections apply to all eligible disclosures, whether made to an eligible recipient at AAPM, or externally.

AAPM must make take reasonable action to protect an eligible discloser by:

1. **Identity Protection:** not disclosing the identity of the discloser, or any information from which the identity of the discloser could be determined, unless done with the discloser's consent, or done in consulting a professional advisor, Federal Police or a prescribed body.

It is illegal to identify a discloser in contravention of this policy. A discloser can make a complaint of breach of confidentiality to AAPM if concerned their identity has been improperly disclosed, or make that complaint to a regulator, such as ASIC, for investigation.

2. **Protection from detrimental acts or omissions:** ensuring that no action is taken, or omitted to be taken in regard to the discloser which may cause the discloser detriment such as, ending their employment, altering their position or duties, harassing, threatening, intimidating or causing physical or psychological harm to the person or their property.

Performance management and administrative actions taken for the protection of the discloser, such as a change in workstation, are not detrimental conduct.

3. **Compensation:** An eligible discloser may seek compensation and other remedies through the courts if the discloser suffers loss, damage or injury as a result of the disclosure and AAPM failed to take reasonable precautions to prevent the detrimental conduct.
4. **Civil, criminal and administrative liability protection:** An eligible discloser is protected from any action by AAPM or any other body for civil liability, such as breach of confidentiality pursuant to their employment contract, criminal liability, such as for unlawful release of information and administrative liability, such as disciplinary action, for making the disclosure.

Support and practical protection for disclosers

AAPM will take the following actions to reduce the risk that the discloser will be identified:

1. All personal information or reference to the discloser will be redacted.
2. The discloser will be referred to in a gender-neutral context.
3. Where possible, the discloser will be contacted to help identify aspects of their disclosure that could inadvertently identify them.
4. Disclosures will be handled and investigated by a designated employee only.

Record-keeping and information-sharing related to disclosures will be limited as follows:

1. All paper and electronic documents and other materials relating to disclosures will be stored securely.
2. Access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure.

3. Only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser.
4. Communication and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other employees or workers.
5. Each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence.

To protect disclosers from detrimental acts or omissions, AAPM will:

1. promptly complete a risk assessment and management process to identify and control the risk of detriment occurring;
2. provide the discloser with the contact details of the available support services, such as the EAP provider;
3. consider flexible working arrangements or additional leave to support the discloser;
4. ensure management are monitoring workplace behaviour and maintaining compliance with all bullying and anti-discrimination policies; or
5. take disciplinary action against any employee or Member of AAPM responsible for detrimental conduct toward the discloser.

Handling and investigating a disclosure

Disclosure should be made in writing to assist in record keeping and investigation.

If a discloser seeks to make a verbal disclosure, the eligible recipient will encourage the discloser to confirm their disclosure in writing, to avoid any inadvertent loss or misinterpretation of the information disclosed.

Upon receipt of a disclosure:

1. The information will be assessed to ensure the disclosure qualifies for protection under this policy, and whether a formal, in-depth investigation is required.
2. Priority will be given to the substance of the information reported, rather than the motivation for the disclosure being made at that time.
3. Impact on the discloser will not be minimised.

Within 7 days of receipt of an eligible disclosure, AAPM will decide:

1. the nature and scope of the investigation;
2. who will conduct the investigation;
3. the external advice or assistance required to support the investigation; and
4. the proposed timeframe for the investigation.

The investigation:

1. May be limited where it is not possible to conduct an investigation without the discloser's identity or contact information.
2. May be limited where it is not possible to investigate thoroughly without risk of disclosure of the discloser's identity.

3. May incorporate a broad review of the area of the business complained about, or more specific investigation where specific information has been provided, and or the discloser has consented to the use of information from which their identity may be determined.
4. Will be conducted fairly and objectively, and independently of the discloser and the work unit or individuals identified in the disclosure.

Where the discloser has provided contact details, the disclosure will be notified when the investigation process has begun, the progress of the investigation at key points, and the result of the investigation when it has been completed.

Ensuring fair treatment of individuals mentioned in a disclosure

AAPM acknowledges that this policy will not be meaningful and effective unless it is implemented and applied consistently throughout AAPM in practice.

Where an employee or Member is identified in a disclosure, that person will be advised of the substance of the disclosure as and when required by principles of natural justice and procedural fairness, as part of the investigation process and before any adverse action is taken against them as a result of the investigation.

Any employee or Member notified that they have been identified will also be provided with the contact details of the available support services, such as the EAP provider.

Ensuring the policy is easily accessible

This policy will be displayed on the AAPM website in the Member's portal and with AAPM employment policies (both paper and electronic) within all employee access.

Relevant legislation

- *Corporations Act 2001* (Cth) – Section 1317AI
- *Privacy Act 1988* (Cth)
- *Taxation Administration Act 1953* (Cth)
- *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth)