

## Whistleblower Policy

**Owner:** Support Services

**Date of Issue:** 25 July 2023

# Whistleblower Policy

<b>Name of Document</b>	<a href="#">Whistleblower Policy</a>
<b>Description</b>	ANMAC encourages the reporting of any suspected unethical, illegal, corrupt, fraudulent, or undesirable conduct involving ANMAC's business processes, systems or personnel and this policy provides protections and measures to individuals who make a disclosure in relation to such conduct without fear of victimisation or reprisal.
<b>Category</b>	Governance
<b>Audience</b>	ANMAC Directors and Staff
<b>Status</b>	New
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<b>Endorsed by</b>	Board	Date: 4 September 2023
<b>Responsible Officer</b>	Director Support Services	
<b>Author</b>	Executive Officer and HWL Ebsworth Lawyers	
<b>Approved by</b>	Board	Date: 4 September 2023

<b>Related Documents</b>	<i>Fraud Policy</i>
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## 1. OVERVIEW AND PURPOSE

The Australian Nursing and Midwifery Accreditation Council (**ANMAC**) is guided by our values and Code of Conduct. These values are the foundation of how we conduct ourselves and interact with each other, our clients, members, suppliers, and other internal and external stakeholders. ANMAC is committed to ensuring corporate compliance and promoting an ethical corporate culture by observing the highest standards of fair dealing, honesty, and integrity in all our business activities. This commitment extends to providing proper whistleblower protection in accordance with the *Corporations Act 2001* (Cth) and the *Taxation Administration Act 1953* (Cth).

This Whistleblower Policy (**Policy**) provides a mechanism to ensure ANMAC encourages and empowers its employees and personnel to report any suspected unethical, illegal, corrupt, fraudulent, or undesirable conduct involving ANMAC's business processes, systems, or personnel. This Policy therefore provides protections to individuals to ensure they may disclose such conduct without fear of victimisation or reprisal.

You may have rights under the *Corporations Act 2001* (Cth) and the *Taxation Administration Act 1953* (Cth) (together, **the Acts**). This Policy is aligned to, and sets out aspects of, the Acts. However, you must meet the requirements of the Acts to obtain the protections provided by the Acts.

## 2. WHO DOES THIS POLICY APPLY TO?

This Policy applies to you if you are, or have been, in any of the following roles with ANMAC:

- Employee;
- Officer;
- Director;
- Contractor (including sub-contractors and employees of contractors);
- Supplier (including employees of suppliers);
- Consultant;
- Auditor;
- Associate; or
- Relative, dependant, spouse, or dependant of a spouse of any of the above.

This Policy is available on the ANMAC website.

## 3. WHAT IS REPORTABLE CONDUCT?

You may make a report or disclosure under this Policy if you have reasonable grounds to believe that a company director, officer, employee, contractor, supplier, consultant, or other person who has business dealings with ANMAC has engaged in inappropriate or reportable conduct.

### 3.1 Reportable Conduct constitutes the following:

- Dishonest, fraudulent, or corrupt conduct;
- Illegal conduct (such as theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage to property);
- Unethical conduct;
- Oppressive or grossly negligent conduct that is potentially damaging to ANMAC, its employees or third parties relating to Work Health and Safety matters; or
- Misconduct or an improper state of affairs including being a danger to employees, or representing a danger to the public or the financial system.

Reportable Conduct **does not include** personal work-related grievances. A personal work-related grievance is a grievance about any matter in relation to an employee's current or former employment, having implications (or tending to have implications) for that person personally and that do not have broader implications for ANMAC. Examples of personal work-related grievances are as follows:

- An interpersonal conflict between the employee and another employee;
- A decision relating to the engagement, transfer, or promotion of the employee;
- A decision relating to the terms and conditions of engagement of the employee;
- A decision to suspend or terminate the engagement of the employee; or
- A decision to otherwise discipline the employee.

#### 4. WHO CAN I MAKE A DISCLOSURE TO?

You may obtain whistleblower protection where you disclose Reportable Conduct to the people and organisations set out in this section.

##### 4.1. Internal Disclosure to 'Eligible Recipients'

ANMAC encourages you to disclose internally in the first instance and ideally in the following order of preference for Eligible Recipients.

You can disclose Reportable Conduct to any of the Whistleblower Protection Officers (**WPO**), who are Eligible Recipients, listed below:

- Chief Executive Officer;
- Director of Support Services; or
- Chief of Staff.

If you are uncomfortable speaking to a WPO you may disclose to the other following Eligible Recipients within ANMAC:

- Divisional Directors;
- Auditor or member of an audit team conducting an audit of ANMAC; or
- Any Board Director.

The WPOs or other ANMAC Eligible Recipients will safeguard your interests and will ensure the integrity of the reporting mechanism.

##### 4.2. Disclosure to Regulators

You may disclose Reportable Conduct to the Australian Securities and Investments Commission (**ASIC**), the Australian Prudential Regulation Authority (**APRA**), the Australian Taxation Office (**ATO**). However, the Australian Charities and Not-for-profit Commission (**ACNC**) is not an eligible recipient. In some circumstances it may be appropriate for you to make a disclosure to both an eligible recipient and the ACNC. However, you will only be covered by the protections from when you disclose to an eligible recipient.

##### 4.3. Disclosure to a Legal Practitioner

You may discuss your concerns with a legal practitioner for the purposes of obtaining legal advice or representation.

#### 4.4. Public Interest and Emergency Disclosure

In certain situations, the conduct or wrongdoing may be of such gravity and urgency that disclosure to the media or a parliamentarian is necessary. Such a public interest or emergency disclosure is subject to criteria set out in the Acts. We strongly recommend you contact either ANMAC's WPOs or obtain independent legal advice to ensure you understand the criteria that will qualify you for whistleblower protection under the Acts.

Where you decide to report under the Acts to organisations or individuals external to ANMAC such as regulators (set out in section 4.2), a journalist or politician (set out in section 4.4), we recommend you obtain independent legal advice and refer to the specific regulator's website on the relevant criteria to obtain the protections of the Acts for those kinds of disclosures.

### 5. HOW CAN I MAKE DISCLOSURE?

ANMAC relies on its employees, directors, and contractors to maintain a culture of honest and ethical behaviour. Accordingly, if you become aware of Reportable Conduct, ANMAC encourages you to make a disclosure under this Policy.

You may disclose Reportable Conduct to ANMAC by email send your email to:

- [Whistleblower@anmac.org.au](mailto:Whistleblower@anmac.org.au);
- Any of the WPOs; or
- The other ANMAC Eligible Recipients, listed in section 4.1 above.

Please include clear details of the Reportable Conduct such as what, where and when it happened. Please provide supporting evidence of your disclosure and the names of those involved.

If you disclose by email, the details of your disclosure may be shared with the WPOs subject to the protection of your identity where you have expressed you want to remain anonymous.

Alternatively, if you are uncomfortable disclosing via email, you may post your disclosure to:

**Chief Executive Officer**  
**ANMAC**  
GPO Box 400  
Canberra City ACT 2601

You may remain anonymous, though this is the least preferable way to disclose Reportable Conduct. Anonymous disclosure may make it difficult for ANMAC to thoroughly investigate the matter/s disclosed or provide you with updates on the progress of an investigation. A WPO will take active steps to protect your identity regardless of whether you wish to remain anonymous.

### 6. WHAT HAPPENS WHEN I MAKE A DISCLOSURE?

ANMAC will investigate all matters reported under this Policy as soon as practicable after the matter has been reported. The WPO will investigate the matter and where necessary, appoint an internal or external investigator to assist in conducting the investigation. All investigations will be conducted in a fair, independent, and timely manner and all reasonable efforts will be made to preserve confidentiality during the investigation.

If the report is not anonymous, the WPO or investigator will contact you to discuss the investigation process and any other matters that are relevant to the investigation.

Where you have chosen to remain anonymous, ANMAC will conduct the investigation based on the information provided to it.

Where possible, the WPO will provide feedback on the progress and expected timeframes of the investigation. The person(s) against whom any allegations have been made will also be informed of the concerns and will be provided with an opportunity to respond (unless there are any restrictions or other reasonable bases for not doing so).

To the extent permitted by law, the WPO may inform you and/or a person against whom allegations have been made of the findings. Any report will remain the property of ANMAC and will not be shared with you or any person(s) against whom the allegations have been made.

## **7. WHAT PROTECTIONS APPLY IF I DISCLOSE UNDER THIS POLICY?**

ANMAC is committed to ensuring that any person who makes a disclosure is treated fairly, does not suffer detriment, and that confidentiality is preserved in respect of all matters raised under this Policy.

### **7.1. Protection from Legal Action**

You may be entitled to protection from civil, criminal, or administrative legal action (including disciplinary action) in respect of your disclosure under this policy. Note that whistleblower protections do not grant immunity for any potential misconduct you have engaged in that is revealed as a result of your disclosure.

### **7.2. Protection against Detrimental Conduct**

ANMAC (or any person engaged by ANMAC) will not engage in 'Detrimental Conduct' against you for making a disclosure under this Policy.

Detrimental Conduct includes actual or threatened conduct such as the following (without limitation):

- Termination of employment;
- Injury to employment including demotion, disciplinary action;
- Alteration of position or duties;
- Discrimination;
- Harassment, bullying or intimidation;
- Victimisation;
- Harm or injury including psychological harm;
- Damage to person's property;
- Damage to a person's reputation;
- Damage to a person's business or financial position; or
- Any other damage to a person.

ANMAC will take all reasonable steps to protect you from Detrimental Conduct and will take necessary action where such conduct is identified. Although, ANMAC will avoid so far as possible alteration of your position or duties, it may be necessary to alter your position or duties in order to protect you from Detrimental Conduct (such as asking you to perform your duties from another location, or the way you perform your duties). To avoid doubt, action taken to protect you from Detrimental Conduct is not Detrimental Conduct.

ANMAC also strictly prohibits all forms of Detrimental Conduct against any person who is involved in an investigation of a matter disclosed under the Policy in response to their involvement in that investigation.

If you are subjected to Detrimental Conduct as a result of making a disclosure under this Policy or participating in an investigation, inform a WPO or eligible recipient in accordance with the reporting guidelines outlined above.

You may also be entitled to remedies including compensation, civil penalties, or reinstatement where you have been subjected to Detrimental Conduct.

### 7.3. Protection of Confidentiality

All information received from you will be treated confidentially and sensitively.

ANMAC will try to keep your identity confidential and to the extent possible will avoid disclosing your identity if it is not essential to conducting an investigation. However, it may be necessary to share your identity to effectively investigate your disclosure.

If disclosure of your identity (or any information which would likely identify you) becomes necessary under this Policy, it will only be shared where any of the following apply:

- Your consent is given to share that information;
- The disclosure is allowed or required by law (for example where the concern is raised with a lawyer for the purposes of obtaining legal advice), or
- The concern is reported to the ASIC, ACNC, ATO or the Australian Federal Police (AFP).

### 7.4. False and Misleading Reporting

ANMAC encourages disclosure of Reportable Conduct even where you may not have all the details relevant to the Reportable Conduct. However, you must not make a report you know is untrue or misleading. Deliberate false reporting is not protected by this Policy and may result in disciplinary action (including termination of employment).

## 8. CAN I ACCESS WELLBEING SUPPORT IF I DISCLOSE?

If you make a disclosure under this Policy or are implicated as a result of a disclosure you can access ANMAC's Employee Assistance Program (EAP) – **Benestar (1300 360 364)** which is a free and confidential counselling service.

Where appropriate, ANMAC may also appoint an independent support person internal or external to the organisation to deal with any ongoing concerns you may have.

Third party support providers such as **Lifeline (13 11 14)** and **Beyond Blue (1300 22 4636)** are also available for support.

## 9. WHAT IS THE STATUS OF POLICY?

ANMAC is committed to ensuring disclosures are handled in accordance with this Policy. Where ANMAC considers it is appropriate to do so, having regard to the nature of a specific disclosure, ANMAC may depart from this Policy for the purpose of dealing with this specific disclosure.

To ensure the continued efficacy of this Policy, ANMAC may vary, withdraw, or replace the Policy from time to time. This Policy is not a term of your employment contract.