



Whistleblower Policy

Policy Number:	ML 1.9	Date:	23 rd October 2018
		Approved by:	Chief Executive Officer
Version:	1/2018	Scheduled review date:	1 st November 2019

1. Statement of Context and Purpose

- 1.1 Melbourne Legacy (ML) through its Code of Conduct and other policies, ensures that it observes the highest standards of fair dealing, honesty and integrity in our business activities.
- 1.2 The purpose of this policy is to provide an avenue through which employees and volunteers, and other authorised personnel can raise concerns regarding any serious wrongdoing (including unethical, illegal, corrupt or other inappropriate conduct) without being subject to victimisation, harassment or discriminatory treatment.
- 1.3 This policy aims to:
 - (a) Encourage employees, volunteers, and other authorised personnel to report an issue if they genuinely believe someone has engaged in serious wrongdoing;
 - (b) Outline how ML will deal with all reports of serious wrongdoing; and
 - (c) Set out the avenues available to complainants to report serious wrongdoing to ML.

2. Scope

- 2.1 This policy applies to all employees, volunteers, contractors and other authorised personnel required to perform functions on behalf of Melbourne Legacy or on its premises.
- 2.2 This policy is not intended to override or form part of the terms of any award, enterprise agreement or contract that applies to an employee, but should be considered a reasonable direction to staff. As such all employees, volunteers, contractors and other authorised personnel are expected to abide by this policy and report any suspected or known breaches of this policy.

3. Related Documents

- 3.1 External Documents
 - a) Fair Work Act 2009 (Cth)
 - b) Melbourne Legacy Collective Agreement 2014

3.2 Internal Documents

Policies and Procedures:

- a) Workplace Behaviours Policy
 - b) Managing Unsatisfactory Performance Policy
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4. Definitions

- 4.1 **Enterprise Agreement** means the Melbourne Legacy Collective Agreement 2014.
 - 4.2 **Manager** means the person who is responsible for the supervision of employee(s) and in most cases this will be the immediate line manager.
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5. What can be reported?

- 5.1 Any employee, volunteer, contractor or other authorised personnel who genuinely believes another employee, volunteer, contractor or other authorised personnel is in breach of ML's policies or the law, should report these matters in accordance with this policy.
 - 5.2 Matters or conduct which should be reported in accordance with this policy, may include:
 - (a) Dishonest behaviour;
 - (b) Fraudulent activity;
 - (c) Unlawful, corrupt or irregular use of company funds or practices;
 - (d) Illegal activities (including theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage against property);
 - (e) Unethical behaviour, including anything that would breach ML's Codes of Conduct or Workplace Behaviour Policy;
 - (f) Improper or misleading accounting or financial reporting practices;
 - (g) A breach of any legislation relating to ML's operations or activities;
 - (h) Behaviour that is oppressive, discriminatory or grossly negligent;
 - (i) An unsafe work-practice;
 - (j) Any behaviour that poses a serious risk to the health and safety or any person at the workplace;
 - (k) A serious risk to public health, public safety or the environment; or
 - (l) Any other conduct which may cause loss to ML or be otherwise detrimental to the interests of ML.
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6. Responsibilities

- 6.1 Melbourne Legacy relies on its employees, volunteers, contractors and other authorised personnel to help maintain and grow its culture of honest and ethical behaviour.
- 6.2 All employees, volunteers, contractors and other authorised personnel must comply with this policy. Any failure to do so, may lead to disciplinary action up to and including termination of employment or appointment.
- 6.3 Melbourne Legacy will not tolerate conduct that should be reported under this Policy and it is therefore expected, that any employee, volunteer, contractor or other authorised personnel who becomes aware of such conduct will make a report in accordance with this policy.

- 6.4 A report may have serious consequences, including potential damage to the career prospects and reputation of people who are the subject of allegations of wrongdoing. Therefore, it is very important that those who make a report under this policy, do so in good faith, with reasonable grounds for believing that the information is correct or likely to be correct.
- 6.5 ML will look unfavourably on any individual who falsely reports a claim. Disciplinary action may be taken against any employee who makes a report that is not in good faith. A report will not be considered to be made in good faith if it is frivolous, raised for a malicious reason or ulterior in motive, or if it is not based on facts and/or circumstances that provide a reasonable basis for the report. Repeated reports about trivial matters may also be considered not to be made in good faith.
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7. Concerns regarding illegal or corrupt behaviour

- 7.1 Where an employee, volunteer, contractor or other authorised personnel believes in good faith on reasonable grounds that another employee, volunteer, contractor or other authorised personnel has breached any provision of the general law, the complainant must report their concern to:
- (a) Their manager; or, if they feel that their manager may be complicit in the breach,
 - (b) The Chief Executive Officer (CEO), or if they feel that the CEO may be complicit in the breach,
 - (c) ML's nominated Whistleblower Protection Officer, or if they feel this to be necessary,
 - (d) A person or office independent of ML nominated by ML to receive such information, or
 - (e) The duly constituted authorities responsible for the enforcement of the law in the relevant area.
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8. Whistleblower Protections

- 8.1 An employee, volunteer, contractor or other authorised personnel who makes a report or disclosure in accordance with this policy, will not suffer any sanctions from ML on account of their actions in this regard provided that their actions:
- (a) Are in good faith; and
 - (b) Are based on reasonable grounds; and
 - (c) Conform to the designated procedures referred in this policy.
- 8.2 A report can be made anonymously. However, it may be difficult for ML to properly investigate anonymous reports. If authorities take further legal action on the reported matter, it may become necessary for Whistleblower to identify themselves. In these instances, clause 8.1 shall nonetheless apply.
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9. Making a Report

- 9.1 Internal Reporting
- 9.1.1 Employees, volunteers, contractors and other authorised personnel may wish to first discuss the matter informally with their direct line manager or the Chief Executive Officer in order to determine whether serious misconduct has occurred. This is an opportunity to

clarify the incident, ask questions and determine whether the matter comes under this policy.

9.1.2 At all times, these discussions will remain confidential.

9.1.3 Reports made under this policy should describe the grounds for the report and provide as much detail as possible of all relevant facts and supporting documentation (if any).

9.1.4 Information contained in reports provided by whistleblowers in the course of an investigation will be kept confidential, except as required by law or where disclosure is necessary to regulatory authorities, law enforcement agencies or professional advisors to ML.

10. Reports concerning the CEO

10.1 If the report involves the Chief Executive Officer, this will be directed to the Chair of the Finance, Audit and Risk Committee.

10.2 In this instance, a whistleblower may make a report as per clause 9, section 9.2 and include the instruction to refer the report directly to the Chair of the Finance, Audit and Risk Committee.

11. Investigating a Report

11.1 Where a report is made in good faith about a matter that comes under this policy, the Chief Executive Officer (CEO) will investigate the report. Where the CEO deems necessary, they may use an external investigator to conduct an investigation, either in conjunction with ML or independently.

11.2 An individual who has made a report under this policy is required to keep confidential the fact that a report has been made (subject to any legal requirements).

11.3 Wherever possible, and assuming the identity of the person making the report is known, the whistleblower will be kept informed of the progress and outcomes of the investigation, subject to privacy and confidentiality considerations.

12. Reports to External Agencies

12.1 In certain circumstances, ML, an employee, volunteer, contractor, or other authorised personnel may have a legal obligation to make a report to a statutory body or government department. Where such an obligation arises, the individual should ensure that they comply with all such reporting requirements.

13. Consequences of a Breach of this Policy

- 13.1 ML emphasises the need to comply with the requirements of this policy. Breaches of this policy and its procedures may result in suspension of access to ML's information resources.
- 13.2 Any employee found to be in breach of the requirements of this policy may be subject to disciplinary action, up to and including termination of employment. Employees should refer to the Performance Management, Misconduct and Disciplinary Action Policy and Procedure.
- 13.3 Similarly, a Legatee or volunteer found to be in breach of the requirements of this policy may be subject to disciplinary action in accordance with ML's Legatee Code of Conduct.
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14. Policy Review

- 14.1 ML may make changes to this Policy at any time and will inform Legatees, volunteers and staff accordingly.
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15. Authorisation

Approved by Melbourne Legacy Chief Executive Officer:

Justin Elwin

Date: 23 / 10 / 2018

Ratified by:

Melbourne Legacy Board of Management

Date: 23 / 10 / 2018
