

WHISTLEBLOWER

Policy

Purpose

This Whistleblower Policy supports Murray PHN's core value of Accountability and ensures that individuals who disclose information about illegal or improper conduct within Murray PHN can do so safely, securely and with the confidence that they will be protected and supported, in accordance with the Corporations Act 2001 (Cth). This policy will also inform you about the investigation process associated with protected disclosures.

Several key principles are fundamental to the culture of ethical behaviour expected at Murray PHN:

- Murray PHN encourages transparency, integrity and accountability.
- Murray PHN is committed to the highest standards of conduct and ethical behaviour in all our activities and promotes and supports a culture of good corporate governance.
- Murray PHN values disclosures as important elements of its Enterprise-wide Risk Management and Governance and Accountability Frameworks.

Who the policy applies to

An eligible whistleblower is an individual who is, or has been, any of the following in relation to Murray PHN:

- a) an officer or employee of Murray PHN;
- b) current and former contractors, consultants, service providers, suppliers and business partners; and
- c) a relative, dependent or spouse of an individual listed in a) or b) above.

You may choose to remain anonymous while making a disclosure, over the course of the investigation, and after the investigation is finalised.

Matters the policy applies to

A *Disclosable Matter* involves information that the discloser has reasonable grounds to suspect:

- a) concerns misconduct, or an improper state of affairs or circumstances (as defined in the Corporations Act or Tax Act) in relation to Murray PHN; or
- b) indicates that Murray PHN or one of its employees have engaged in conduct that:
 - i. is dishonest, fraudulent or corrupt, including bribery, misappropriation of funds or other activity in breach of Murray PHN policies;
 - ii. is illegal activity, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, criminal damage against property or other breaches of state and federal law;
 - iii. is potentially damaging to Murray PHN, a Murray PHN employee or a third party, such as unsafe work practices, environmental damage, health risks or substantial wasting of Murray PHN resources;

- iv. is unethical conduct;
- v. constitutes an offence against the Corporations Act 2001 (Cth), the Australian Securities and Investments Commission Act 2001, the Banking Act 1959, the Financial Sector (Collection of Data) Act 2001, the Insurance Act 1973, the Life Insurance Act 1973, the National Consumer Credit Protection Act 2009, the Superannuation Industry Supervision Act 1993, and any instrument made under these Acts;
- vi. constitutes an offence against other Commonwealth legislation that is punishable by imprisonment for 12 months or more;
- vii. represents a danger to the public or the financial system; or
- viii. is any deliberate concealment relating to the above.

Generally, disclosures that relate solely to personal work-related grievances, and that do not relate to detriment or threat of detriment to the discloser, such as:

- a) an interpersonal conflict between the discloser and another employee, and
- b) decisions that do not involve a breach of workplace laws:
 - i. about the engagement, transfer or promotion of the discloser;
 - ii. about the terms and conditions of engagement of the discloser; or
 - iii. to suspend or terminate the engagement of the discloser, or otherwise subject the discloser to internal disciplinary actions;

do not qualify for protection under the Corporations Act and are dealt with by Murray PHNs internal grievance policies and procedures. Sometimes, there are grievances which do qualify as protected disclosures, for example, if they are part of a problematic pattern or systemic issue within the organization, or if the grievance is bundled with illegal activity or another protected disclosure.

Making a Disclosure

Reasonable grounds for the disclosure is required; that is, objective reasonableness for suspicion. Disclosers do not need to prove their allegations; however, they are encouraged to provide evidence if safely available. Fabricated disclosures are a form of misconduct.

Whistleblowers may use any of the following channels of communication to report a Disclosable Matter:

1. Murray PHN's Disclosure Coordinator, Darryn Young, Governance Lead/Board Secretary, at governance@murrayphn.org.au or 0477 249 849.
2. Murray PHNs external and independent Whistleblowing Service Provider, Your Call. The independent Whistleblower Service enables reports to be made anonymously and confidentially. Whilst Murray PHN would prefer Whistleblowers to disclose their identity in order to facilitate any investigation, Whistleblowers are not required to identify themselves and will not be named in any report to Murray PHN, unless they have consented to their identity being disclosed. The Whistleblower Service reporting options include:
 - a) Website <https://www.yourcall.com.au/report> Available 24/7
 - b) Phone 1300 790 228 Available 9am to midnight (AEST) on recognised Australian national business days

Online reports can be made via the website address listed above. You will be required to enter the Murray PHN unique identifier code **MURRAYPHN**.

Your Call remains the intermediary at all times, receiving and forwarding communication between all parties. The Murray PHN Officer who will have access to your reports is Darryn Young.

Your Call can circumvent the above Officer upon your request.

You will be able to securely upload any relevant documentation and/or material relevant to your disclosure.

After making a disclosure, you will be provided with a unique Disclosure Identification Number(DIN) and access to a secure online Message Board.

The Message Board allows ongoing anonymous communication with Your Call and/or Murray PHN. Your Call remains the intermediary at all times, receiving and forwarding communication between all parties. The Message Board can be used to receive updates, share further information/evidence and request support or report retaliation. If you cannot access the Message Board, you can contact Your Call via phone (above) for verbal updates.

National Relay Service

If you are deaf, or have a hearing or speech impairment, you can contact Your Call online or through the National Relay Service. Simply choose your contact method at www.relayservice.gov.au and request Your Call's hotline 1300 790 228.

If you have difficulty speaking or understanding English, contact us through the Translating and Interpreting Service (TIS) 131 450 and ask for Your Call on 1300 790 228.

3. Alternatively, you can make a disclosure to any one of the following eligible recipients:

- a) A Murray PHN Chief Officer;
- b) The Murray PHN CEO;
- c) The Murray PHN Company Secretary;
- d) An officer of Murray PHN; or
- e) The external auditors of Murray PHN.

Nothing in this Policy restricts the ability of an eligible whistleblower making a disclosure directly to ASIC, APRA or a prescribed Commonwealth authority, or a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act.

A disclosure can also be made to a journalist or parliamentarian under certain circumstances, if the disclosure is a "public interest disclosure" or "emergency disclosure".

These disclosures also qualify for protection under the Act.

At any time, an employee who is unsure about whether to make a Protected Disclosure may discuss the matter in confidence with either the Disclosure Coordinator, Your Call, or any of the other eligible recipients listed previously.

Protection of disclosers

Murray PHN is committed to ensuring confidentiality in respect of all matters raised under this Policy, and that those who make a disclosure are treated fairly and do not suffer detriment as a result of making a disclosure or because they may make a disclosure.

The Murray PHN Governance Lead will be the Whistleblower Protection Officer under this Policy.

Detrimental treatment includes dismissal, demotion, injury (including psychological harm), alteration of position or duties to their disadvantage, harassment, intimidation, discrimination, disciplinary action, bias, threats, harm, damage to a person's property or reputation, or their business or financial position or any other damage to a person connected with making a disclosure.

Murray PHN will not tolerate whistleblowers suffering threats of any detriment or actual detriment as a result of making a disclosure or because they may make a disclosure under this Policy. Any employee found to be engaging in such activity may be subject to disciplinary action, which may include termination of employment. Any person that engages in detrimental conduct may also be subject to civil and criminal liability (including imprisonment) under the Corporations Act.

A whistleblower making an eligible disclosure is protected by the requirement under the Corporations Act that their identity, and information that may lead to their identification, must be kept confidential. Exceptions to this are disclosures to the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA), the Australian Federal Police (AFP), a legal practitioner (for the purposes of obtaining legal advice or legal representation about the whistleblower provisions in the Corporations Act), a person or body prescribed by the regulations; or with the consent of the discloser.

A whistleblower will not be subject to criminal, civil or administrative liability (including disciplinary action) by Murray PHN for making a qualifying disclosure, other than proceedings in respect of the falsity of the information. There are no penalties to the whistleblower if a reasonable grounds disclosure is not validated following an investigation.

Protections of the Corporations Act do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.

For more information about these laws, see the information available on the ASIC website.

Handling and investigating a disclosure

Whistleblowers do not have to give broad consent for identity sharing –they can choose to share their identifying information in a limited disclosure. The eligible recipient will ensure a disclosure is forwarded to the Disclosure Coordinator as soon as possible.

Upon receipt of a qualifying disclosure, the Disclosure Coordinator will record the disclosure and inform the Governance Committee.

The Governance Committee will ensure the matter is investigated as appropriate, by deciding on the need for an investigation, appointing a Whistleblower Investigation Officer and requiring timely updates as to the progress and completion of investigations.

When an investigation needs to be undertaken, the process will be thorough, objective, fair and independent. An investigation will generally involve making inquiries and collecting evidence for the purpose of assessing whether the qualifying disclosure can be substantiated.

Murray PHN employees about whom disclosures are made will generally be given an opportunity to respond to the relevant matters raised in the qualifying disclosure.

A whistleblower can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations. A whistleblower who wishes to remain anonymous should maintain ongoing two-way communication with the investigating entity, so the entity can ask follow-up questions or provide feedback.

Any investigation will occur as soon as possible after a disclosure has been made, and feedback regarding the progress and the outcome of the matter will be provided to a discloser (subject to considerations of privacy for those against whom allegations have been made) and subject to timeframes in line with the complexity of the investigation.

Where a disclosure is made anonymously (or consent to disclose the identity of the discloser to the investigator has not been given), an investigation will be to the extent possible on the information provided, and all reasonable steps will be taken to reduce the risk that the discloser can be identified, for example via redaction. Disclosure and investigation documentation will be securely stored.

A whistleblower may raise any concerns or complaints regarding this Policy or their treatment with the Disclosure Coordinator. A whistleblower may seek independent legal advice or contact regulatory bodies, such as ASIC, APRA, ATO, or Your Call if they believe they have suffered detriment (actual or threats).

Ensuring fair treatment of individuals mentioned in a disclosure

Murray PHN will ensure the fair treatment of employees who are mentioned in a disclosure that qualifies for protection, including those who are the subject of a disclosure by:

- a) ensuring disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;
- b) ensuring each disclosure is assessed and may be the subject of an investigation;
- c) ensuring the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported; and
- d) ensuring an employee who is the subject of a disclosure will be advised about:
 - i. the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness, and prior to any actions being taken – for example, if the disclosure is to be the subject of an investigation or if the disclosure is serious and needs to be referred to ASIC, APRA or the Federal Police; and
 - ii. the outcome of the investigation (but not provided a copy of the investigation report).

Ensuring this policy is easily accessible

This policy is made available to employees upon commencement as part of the induction program, on the Murray PHN intranet landing page (the Hub).

To ensure whistleblowers outside Murray PHN can access this Whistleblower Policy, it will be available on the Murray PHN website.

Training

Every Murray PHN employee, including Managers and Board Members will undertake upfront and ongoing education and training regarding this whistleblower policy, its processes and procedures.

Monitoring and reporting on the effectiveness of this policy

Murray PHN is committed to monitoring the effectiveness of this policy and ensuring compliance with our legal obligations.

Subject to confidentiality obligations, the Governance Lead must provide to the Governance Committee and Board, quarterly reports on all material whistleblower matters, including the status of any investigations underway and the outcomes of any investigations completed, and subsequent actions taken.

Policy review

This policy must be reviewed by the Governance Committee every two years to ensure it is effective and current. Any recommended changes must be approved by the Board.

Key Terms

Term	Meaning in this Policy
APRA	Australian Prudential Regulation Authority
ASIC	Australian Securities and Investments Commission
Corporations Act	<i>Corporations Act 2001</i> , including regulations made for the purposes of that Act
detriment	Has the meaning given in s1317ADA of the Corporations Act
detrimental conduct	Conduct, or a threat to engage in conduct, that causes detriment to a discloser
director	Has the meaning given in s9 of the Corporations Act
disclosable matter	Information to which the whistleblower protections apply. See s1317AA of the Corporations Act
discloser	An individual who discloses wrongdoing or an eligible whistleblower
disclosure	A disclosure of information relating to wrongdoing or a disclosable matter

Term	Meaning in this Policy
eligible recipient	An individual who can receive a disclosure Note: See s1317AAC(1)–(2) of the Corporations Act
eligible whistleblower	An individual to whom the whistleblower protections apply. See s1317AAA of the Corporations Act
emergency disclosure	The disclosure of information to a journalist or parliamentarian, where the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment The disclosure must meet a number of other criteria to qualify See s1317AAD(2) of the Corporations Act
journalist	Has the meaning given in s1317AAD(3) of the Corporations Act
legal practitioner	Means a duly qualified legal practitioner and, in relation to a person, such a practitioner acting for the person
officer	Has the meaning given in s9 of the Corporations Act
parliamentarian	A member of the Commonwealth, state or territory parliaments See s1317AAD(1)(f) and 1317AAD(2)(d) of the Corporations Act
personal information	Information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether: true or not; and recorded in a material form or not See s6(1) of the Privacy Act
personal work-related grievance	A disclosure that relates to the discloser's current or former employment, which has implications for the discloser personally, but does not: have any other significant implications for the entity (or another entity); or relate to conduct, or alleged conduct, about a disclosable matter See s1317AAD(2) of the Corporations Act
Privacy Act	Privacy Act 1988
protected disclosure	A disclosure by an eligible whistleblower in relation to Murray PHN made to an eligible recipient where the discloser has reasonable grounds to suspect the information concerns misconduct or an improper state of affairs or circumstance in relation to Murray PHN See s1317AA of the Corporations Act
public interest disclosure	The disclosure of information to a journalist or a parliamentarian, where the discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest The disclosure must meet a number of other criteria to qualify, including that the discloser has previously made a disclosure of the information that qualifies for protection and at least 90 days have passed since the previous disclosure was made See s1317AAD(1) of the Corporations Act for complete list of criteria
whistleblower	A discloser who has made a disclosure that qualifies for protection under the Corporations Act See s1317AA, s1317AAA, s1317AAC, s1317AAD
whistleblower investigation officer	The role under an entity's whistleblower policy that is responsible for investigating disclosures

Term	Meaning in this Policy
whistleblower protection officer	The role under an entity's Whistleblower Policy that is responsible for protecting or safeguarding disclosers and ensuring the integrity of thereporting mechanism
Your Call	Your Call Pty Ltd, an independent and external Whistleblowing Service Provider

Relevant Legislation

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019

Australian Standard Fraud and Corruption Control (AS 80012008) 2021

Fair Work Act 2009Privacy Act 1988

Corporations Act 2001 (Cth)

Related Documents

Title	Location
Code of Conduct and Ethics Policy	Murray Docs
Fraud and Corruption Control Policy	Murray Docs
Enterprise-wide Risk Management Framework	Murray Docs
Governance & Accountability Framework	Murray Docs
Finance & Accounting Policies	Murray Docs
Employee Performance Management Policy	In development
Grievance Procedure	Murray Docs
Compliments and Complaints Policy	Murray Docs

Document Control

Date	Author	Modification	Version
7/8/2015	Bruce Baehnisch, Corporate ServicesDirector	Migrated from iLocal	1
10/05/016	Bruce Baehnisch, Corporate ServicesDirector	Rebranded	1.1
9/11/2019	Darryn Young, Governance Lead	Complete revision to ensure compliance with Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 and the subsequent amendments to the Corporations Act2001	2
2/03/2021	Richard Langley Governance Lead	Removed Darryn Young as Murray PHN Disclosure Coordinator and replaced with RichardLangley	2.1
9/11/2021	Darryn Young, Governance Lead/Board Secretary	External review and suggested updates from YourCall advisor. Replaced Richard Langley with Darryn Young as Governance Lead.	3.0