

## Purpose

The purpose of this policy is to demonstrate Affords commitment to high standards of ethical and accountable conduct and to encourage a culture of speaking up without fear of reprisal.

## Scope

This policy applies to and provides protections to those that qualify as **Eligible Whistleblowers** as determined by the law. This includes former and present Board Directors, Board Committee members, employees, volunteers, students, suppliers, and contractors (and their employees) of Afford. The term also includes the relatives and dependents of each of these people.

The term is defined specifically in the *Corporations Act 2001* (Cth).

## Definitions

**Board Director** is any person who is a Director of the Board of Afford.

**Board Committee member** is any person who a Director of the Board of Afford and a member of a Board Committee and any person who attends a Board Committee as a subject matter expert.

**CEO** means Chief Executive Officer.

**Client** is a person/people who use our organisation's services.

**Contractor** is a person who is engaged by our organisation to work on a short-term contract, to provide a body of work, engaged through a labour hire company to fill vacant shifts.

**Disclosable Matter** are matters where individuals have reasonable grounds to suspect:

- Any misconduct (including without limitation, fraud, negligence, default, breach of trust, breach of duty and systemic misconduct or issues (including employee matters)).
- An improper state of affairs or circumstances within our organisation (e.g., offering or accepting bribes, financial irregularities, failing to comply with or breaching legislative and/or regulatory requirements etc.).
- A suspected breach of certain Commonwealth laws, or a breach that constitutes an offence under a Commonwealth law punishable with imprisonment of 12 months or more.
- Conduct that represents a danger to the public or financial system.

A Disclosable Matter is **NOT**:

- Interpersonal disputes between employees.
- Decisions relating to the engagement, transfer, or promotion of employees.
- Unsafe work practices.
- Personal grievances including harassment, discrimination, or disciplinary matters.
- Unjust or unfair employee behaviour.
- Acts of workplace discrimination or bullying.

The only circumstances where the matters listed above would be considered, is where they reasonably appear to have arisen from a Disclosable Matter, or forms part of systemic misconduct or issues.

**Eligible Whistleblower** can be someone who is or was:

- an officer or employee of the charity.
- an individual or an employee of a person that supplies services or goods to the entity (including volunteers).
- an individual who is an associate of the entity.
- a relative or dependant of any of the above, or a dependant of the spouse of any of the above.
- an individual prescribed by the Regulations as being an eligible whistleblower.

**Employees** are people who work for our organisation, whether paid or unpaid

**Volunteer** is a person who works for our organisation in an unpaid capacity.

**Whistleblower Protection Officer (WPO)** is a person annually appointed by the Board of Afford to investigate and manage any whistleblower disclosures.

## Policy Statements

1. Afford will encourage a culture of speaking up and coming forward where an individual is aware of, or suspects, a Disclosable Matter. The Board acknowledges that people who report Disclosable Matters are helping to promote integrity, accountability, and good management of our organisation. When the matter is not a Disclosable Matter, it will be referred to the Executive Director People and Organisational Development or CEO for review in accordance with the Feedback and Complaints Policy.
2. The Whistleblower Protection Officer (WPO) will be appointed annually at the Annual General Meeting.
3. Where an Officer of Afford (CEO and Company Secretary), Financial auditors, Board Directors and/or Executive Director receives a report from a Whistleblower they must ensure that they abide by their obligations under the Corporations Act. Any disclosure made to these recipients, will be referred to the Whistleblower Protection Officer. Outside of Afford, disclosure of a Disclosable Matter may also be made to authorities such as (noting that the Australian Charities and Not-for-Profit Commission is not a prescribed Commonwealth Authority):
  - a. Australian Securities and Investments Commission (ASIC).
  - b. The Commissioner of Taxation.
  - c. Any other Commonwealth authority prescribed by law.
4. All disclosures must be made to a legal practitioner for the purposes of obtaining legal advice or representation in relation to a Disclosable Matter.
5. Disclosures made to outside authorities may also be protected by law and those matters will be dealt with by those authorities. Afford will not be responsible for such disclosures in any manner.

6. Disclosures to the Whistleblower Protection Officer will be available via the following email address [whistleblower@afford.com.au](mailto:whistleblower@afford.com.au) or through a form on the external Afford website.
7. Whistleblowers will have the right to make an anonymous disclosure. The whistleblower identity or information that is likely to identify them will not be disclosed unless their express consent has been sought and documented. The only exception to this is where it is permitted by law, for example where Afford seeks legal advice or is disclosing to the federal police.
8. The Whistleblower Protection Officer will maintain an equitable and fair notification, escalation, investigation, and update process for all disclosures. This will be inclusive of regular progress and outcome updates for the Whistleblower, providing support and undertaking wellbeing checks on the Whistleblower.
9. The Whistleblower Protection Officer will escalate the disclosure and nature of the allegations to the CEO, and they will assess the allegations.
10. Where the matter relates to the CEO, the Board Chair will be notified about the disclosure.
11. Where an investigation is required, the CEO will appoint an independent and impartial Whistleblower Investigations Officer (WIO) who will be charged with the responsibility for conducting an investigation in a manner that is confidential, fair, and objective. When an investigation is conducted, it will:
  - a. Follow a fair process (to be developed by the CEO/or Board Chair and WPO).
  - b. Be conducted in a timely manner having due regard to the circumstances.
  - c. Be independent of the person(s) about whom the allegation was made.
12. Provided there are no restrictions or other reasonable bases for doing so, people against whom an allegation is made will be informed of the allegation and will have an opportunity to respond.
13. Afford will maintain commitment to ensuring fair treatment, including protecting the identities and reputation of whistleblowers and every individual who is the subject of a Disclosable Matter. This may include compensation, remedies, and civil, criminal, and administrative liability protections.
14. Any person who relies on this policy to report a Disclosable Matter will be protected by law from reprisals of any form, and will not be disadvantaged by dismissal, demotion, harassment, discrimination, current or future bias, damage to reputation or face any other detriment, on account of or as a consequence of the report.

Other protections at law are:

- a. Identity protection (confidentiality)
- b. Protection from civil, criminal, or administrative liability for reporting the Disclosable Matter
- c. No enforcement of any contractual or other remedy against the whistleblower on the basis of reporting the Disclosable Matter

- d. Compensation or such other orders from the courts where the whistleblower has experienced any detriment or victimising conduct, including threat of such conduct, as a consequence of reporting the Disclosable Matter.
15. Reports must be submitted to the Board on Disclosable Matters including the findings of any investigation.
16. A Whistleblower must not be subjected to poor treatment as a result of making a disclosure. Where this is experienced, an additional disclosure can be made to the Whistleblower Protection Officer, or external authorities for action.
17. A Whistleblower will still qualify for protection for a disclosure even if their disclosure turns out to be incorrect. Knowingly making a false disclosure is a serious matter and any person found to be deliberately making false or vexatious disclosures will be subject to disciplinary proceedings which may include termination.
18. This policy will be made available via the organisation website and internal intranet policy page.

## Breach of Policy

Board Director or Board Committee member breaches will be dealt with by the Board Chair.

Employee breaches of this policy will be dealt with by the CEO.

Breaches of this policy by employees may result in disciplinary action.

## Responsibilities

The Whistleblower Protection Officer is responsible for receiving the Whistle-blower notification, safeguard the interests of the Whistle-blower, and ensure that the policies of Afford and any applicable legislation are adhered to.

All Directors, employees, volunteers, and contractors must adhere to this policy.

The Board Chair must ensure Directors and Board Committee members understand and adhere to this policy.

The Board is responsible for ensuring this policy is implemented and up to date.

The CEO has responsibility for compliance with this policy.

Where a position or organisational unit title changes or is no longer the title that appears in a policy document, and where a position and/or deliberative body named in the policy approval pathway has changed, the nearest appropriate equivalent body or position will have the same role and/or responsibility until that policy is updated.

## Associated Documents

Afford Code of Conduct

[ASIC Regulatory Guide RG 270 Whistleblower policies](#)

Corporations Act 2001

Taxation Administration Act 1953

## Exceptions

There are to be no exceptions to this policy.

## Consultation

The following were consulted during the development of this policy:

Board

Executive Leadership Team

Lead, Policy and Compliance

## Policy Owner

The owner of this policy is the Board.

## Policy Approver

This policy was approved by the Board.