



GIRL GUIDES
A U S T R A L I A

Governance Documents

Volume 2: Policies

2.2.2: Whistleblower Policy

[Approved 16/04/2020]

Summary Statement

The Board of Girl Guides Australia is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles).

Employees and volunteers are expected to cooperate with the organisation in maintaining legal, proper, and ethical operations, if necessary by reporting non-compliant actions by other people. Correspondingly, employees and volunteers who do assist in maintaining legal, proper, and ethical operations should not be penalised in any way.

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1 About this Document

1.1 Purpose

The purpose of this document is to outline the Girl Guides Australia (**GGA**) policy on whistleblowing. The policy provides principles that apply to the reporting and handling of matters that may cause harm to individuals or to GGA and to the protection and fair treatment of those who report such matters.

1.2 Scope and Ownership

The owner of this policy is the Board of GGA. The Board is responsible for approving, reviewing and adopting this policy.

1.3 Approval by the Board

This document has been approved by the Board.

1.4 Review

The Board will ensure that this document is reviewed biennially.

1.5 Amendment

The Board may amend this document at any time.

1.6 Responsibility

Responsibilities under this policy are:

| Position | Responsibility |
|-----------------------------|--|
| Board | Policy owner |
| Governance Committee | Policy custodian |
| CEO | Executive Office oversight, maintenance of registers |

1.7 Document Management

Approval and Change History

This table summarises the changes to and approval of this document. While the document is reviewed biennially, it is only subject to approval if changed.

| Version | Author | Date | Approved By | Comments |
|---------------|--------------------------|------------|----------------|--|
| V1 | L Greig | 10/01/2017 | GGA | Initial document creation |
| V2 | C Fitzgerald/ M Karam | 23/04/2018 | Interim CEO | Incl. Director, MAC & FRC comments |
| FINAL | | 3/6/2018 | GGA Board | |
| Review | T Manten/K Murphy | 21/1/2020 | CEO | To align with new whistle- blower legislation – inclusion of information on where to find policy documents |

1.8 Related Policies and Documents

This policy should be read with the following documents, but does not replace these:

- GGA Code of Conduct;
- Guide Promise and Law;
- 2.5.2 GGA Grievance Policy;
- 2.6.1 GGA Risk Management Policy;
- 2.5.4 GGA People and Performance Management Policy; and
- GGA Work Health Safety Policy (*Interim*).

2 Policy

2.1 Purpose of this policy

GGA's policy is an important tool for helping GGA to identify wrongdoing that may not be uncovered unless there is a safe and secure way to disclose wrongdoing.

GGA is committed to the highest standards of integrity and conduct. If an Eligible Whistleblower is aware of any possible wrongdoing, GGA encourages an Eligible Whistleblower to disclose this information and GGA will support the Eligible Whistleblower in doing so.

2.2 Objectives

The objectives of this policy are to:

- a) Encourage and provide guidance for the reporting of matters that may cause harm to individuals or financial or non-financial loss to GGA or damage to its reputation;
- b) Enable GGA to deal with reports of improper conduct in a way that will protect the identity of the Protected Whistleblower and provide for the secure storage of the information provided;
- c) Establish the principles by which any Protected Whistleblower may report improper conduct through the appropriate channels in GGA;
- d) Establish principles for the support and protection of any Protected Whistleblower who wishes to report improper conduct, against reprisal by any person internal or external to the entity;
- e) Provide for the appropriate infrastructure to support Protected Whistleblowers;
- f) Help to ensure GGA maintains the highest standards of ethical behaviour and integrity; and
- g) Provide all Protected Whistleblowers with procedural fairness.

2.3 Application of policy

This policy applies to and provides protections to Protected Whistleblowers.

An individual is a Protected Whistleblower and entitled to protection under the *Corporations Act 2001* (Cth) (**Corporations Act**) and, if applicable, under the *Taxation Administration Act 1953* (Cth) (**Taxation Administration Act**) if:

- a) the individual is an Eligible Whistleblower; and
- b) the individual has disclosed (or intend to disclose) a Reportable Matter to an Eligible Recipient or to the Australian Securities and Investments Commission (**ASIC**), the Australian Prudential Regulation Authority (**APRA**) or another entity prescribed under the Corporations Act (**Protected Whistleblower**).

A Protected Whistleblower will also be entitled to protection if the Protected Whistleblower gets advice from a legal practitioner on the operation of whistleblowing protection laws.

Also, in more specific and limited circumstances where a matter is of public interest or there is an emergency, a Protected Whistleblower may also make report to a journalist or a member of Parliament and this report may be protected if the Protected Whistleblower satisfies the criteria for making a public interest or an emergency disclosure to be covered by the whistleblower protections. GGA recommends that the Protected Whistleblower contact an independent legal adviser before making a public interest or an emergency disclosure.

2.4 Principles

- a) The section 2.4b) below sets out what is a Reportable Matter that will qualify for legal protection under the Corporations Act (or the Taxation Administration Act, where relevant). Disclosures that are not about a Reportable Matter will not be protected under the Corporations Act or the Taxation Administration Act and this policy.
- b) Examples of a disclosure that will concern a Reportable Matter if an Eligible Whistleblower has reasonable grounds to suspect that the information being disclosed is about:
 - misconduct (including fraud, negligence, default, breach of trust and breach of duty);
 - an improper state of affairs or circumstances;
 - behaviour that represents a danger to the public or the financial system;
 - a breach of the Corporations Act; or
 - a breach of the Taxation Administration Act or improper conduct in relation to the tax affairs,

in relation to GGA or a related body corporate of GGA (**Reportable Matter**).

- c) Where the disclosure is to be made by the Protected Whistleblower to GGA, it is to be made to an Eligible Recipient.
- d) All investigations in relation to a disclosure of a Reportable Matter shall be conducted promptly, with regard to the rules of natural justice and the provisions of procedural fairness and accord with the principles and values of GGA.
- e) Disclosures of a Reportable Matter may be made anonymously, and this anonymity shall be protected, unless overridden by due process of law.
- f) GGA will ensure that, provided the disclosure of the Reportable Matter was not made anonymously, the Protected Whistleblower is kept informed of the outcomes of the investigation of his or her allegations, subject to the considerations of privacy of those against whom allegations are made.

2.5 Exceptions

- a) A Complaint regarding a personal work-related grievance of an Eligible Whistleblower that does not involve a detriment (or threat of detriment) caused to the Eligible Whistleblower is not a Reportable Matter and is not protected under the Corporations Act or Taxation Administration Act.
- b) A personal work-related grievance is one that relates to the Eligible Whistleblower's current or former employment that has implications for the Eligible Whistleblower personally but does not have significant implications for GGA.
- c) An example of a personal work-related grievance that is not a Reportable Matter could include if the Eligible Whistleblower believes there has been a missed promotion that the Eligible Whistleblower deserves or if the Eligible Whistleblower does not like the managerial style of the supervisor.
- d) However, a personal work-related grievance may still qualify for protection as a Reportable Matter under the law if (for example):
 - it is a mixed report that includes information about a Reportable Matter (as well as a work-related grievance);
 - GGA has broken employment or other laws which are punishable by imprisonment for twelve (12) months or more or acted in a way that is a threat to public safety;

- the disclosure relates to information that suggests misconduct that goes further than the Eligible Whistleblower's personal circumstances; or
- the Eligible Whistleblower suffers from, or is threatened with, detriment for making a disclosure.

2.6 How this policy is made available

This policy can be found in accessible folders on the GGA network or on Diligent dependant on role and responsibility and on GGA's website.

2.7 Further information and advice

For further information, refer to other related polices or contact the GGA Chief Executive Officer.

Appendix 1: GGA Definitions and Abbreviations

| Term | Definition/Abbreviation |
|-------------------------------|---|
| Board | The Board of Directors of GGA. |
| Eligible Recipient | Defined in GGA's Whistleblower Procedures. |
| Eligible Whistleblower | <p>An Eligible Whistleblower is a person who is, or has been, any of the following:</p> <ul style="list-style-type: none">• an officer or employee of GGA (this includes current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers and directors);• a person who supplies goods or services to GGA or an employee of a person who supplies goods or services to GGA (whether paid or unpaid) - this could include current and former volunteers, contractors, consultants, service providers and business partners;• a person who is an associate of GGA - for example, a director or company secretary of GGA or a related body corporate of GGA; or• a relative, dependent or dependent of the spouse of any person referred to in this definition of Eligible Whistleblower. |