



## WHISTLEBLOWER POLICY

Policy number	11	Version	1
Drafted by	Z. Lenard	Approved by Council on	8 February 2020
Responsible person	CEO	Scheduled review date	February 2021

### **Purpose**

The Australian and New Zealand College of Veterinary Scientists (the College) is committed to adhering to its statutory obligations, its rules and values. The College is committed to providing those involved with our organisation a safe environment to raise breaches of internal rules or policy, or Disclosable Conduct relating to the College, its officers, employees or members.

In cases where people feel they need to be protected in relation to raising a matter, this Policy outlines the protections that will apply.

The purpose of this Policy is to:

- Outline what can be reported under this Policy
- Demonstrate the importance the Australian and New Zealand College of Veterinary Scientists places on ensuring a safe and supportive environment where people feel confident to raise breaches of internal rules or Disclosable Conduct relating to the College, its officers, employees or members
- Assist the creation of a culture within the Australian and New Zealand College of Veterinary Scientists that encourages people to speak up and raise breaches of internal rules or policy, or Disclosable Conduct relating to the College, its officers, employees or members
- Explain the processes for reporting breaches of internal rules or policy, or Disclosable Conduct, including what happens when a report is made
- Outline how you will be protected if you make a report

If there is any uncertainty about any aspect of this policy, contact the Chief Executive Officer or College Manager through the College Office.

### **Scope**

#### People

The following people can make a disclosure within the College:

- An officer or former officer of the College
- An employee or former employee of the College
- A member or former member of the College
- A person who is (or was) a supplier to, or has (or had) a transaction with, the College
- A person who is (or was) a supplier to, or has (or had) a transaction with, an officer or employee of the College
- An employee (or former employee) of a supplier or person who had such a transaction or
- A lawyer on behalf of a discloser in one of the above categories

## Conduct

The scope of this Policy relates to conduct which:

- Breaches the College's internal rules and policies; and/or
- Is Disclosable Conduct under the Registered Organisations Act (including alleged reprisals for making a disclosure)

## Out of scope – Complaints and grievances

From time to time a person may have a complaint in relation to service levels, policy decisions, or an employment-related grievance with another person within the College, which is not Disclosable Conduct or a breach of the College's rules or policies.

The disclosure cannot solely be about a personal work related, training program related or exam related grievance.

## **Policy**

The Australian and New Zealand College of Veterinary Scientists encourages the reporting of any instances of suspected unethical, illegal, corrupt, fraudulent or undesirable conduct involving the College's business and provides protections and measures to individuals who make a disclosure in relation to such conduct without fear of victimization or reprisal.



## WHISTLEBLOWER PROCEDURES

Procedures number	Version	1
Drafted by	President	Approved by CEO on
Responsible person	CEO	Scheduled review date

### **Responsibilities**

The Council is responsible for adopting the policy and for nominating the College’s Whistleblower Officer.

The Chief Executive Officer is responsible for the implementation of this policy and ensuring that this policy is available on the website and in the employee handbook and the procedures remain relevant.

All staff and volunteers are responsible for reporting breaches of general law, organizational policy or generally recognized principles of ethics to a person authorized to take action on such breaches.

### **Procedures**

#### **Types of Disclosure**

- Disclosures can be made under this policy where a Whistleblower has reasonable grounds to suspect that the information they are disclosing concerns misconduct or an improper state of affairs or circumstances in relation to ANZCVS (including involving an ANZCVS Officer or employee).
  - Reasonable grounds means that there is a reasonable objective basis for the suspicion. It does not require proof of allegations but must be more than an allegation with no supporting information.
- The disclosure cannot solely be about a Personal Work-Related, Training Program-Related or Exam-Related Grievance.
- Examples of misconduct or an improper state of affairs or circumstances include:
  - Contraventions of the Corporations Act 2001, or Australian Securities and Investments Commission Act 2001 suspected to have been committed by ANZCVS, or an Officer or employee of ANZCVS (such as a breaches of Officers’ duty, breaches of whistleblower protections, falsification of books or false or misleading statements made in accounts or books lodged with ASIC);\
  - A Commonwealth criminal offence punishable by more than 12 months imprisonment suspected to have been committed by ANZCVS, or an Officer or employee of ANZCVS (such as false dealings with accounting documents)
  - A danger to the public or the financial system posed by ANZCVS, or an Officer or employee of ANZCVS
  - Misconduct or an improper state of affairs or circumstances in relation to ANZCVS’s Tax Affairs, or the Tax Affairs of a Company Associate of ANZCVS
  - Fraudulent or corrupt conduct such as dishonesty, fraud, misuse of information

- or material acquired and dishonestly altering ANZCVS records or data
- Coercion, harassment or discrimination by, or affecting any employee or member of ANZCVS
- Misleading or deceptive conduct of any kind, including conduct or representations which amount to improper or misleading accounting or financial reporting practices
- Conduct which may cause financial loss to ANZCVS or damage ANZCVS's reputation or is otherwise detrimental to ANZCVS's interests
- Failure to rectify or take reasonable steps to report a matter likely to give rise to a significant and avoidable cost or loss to ANZCVS
- Abuse of power or authority for any unauthorised or ulterior purpose
- Any other criminal conduct
- Note that some possible conduct which might be the subject of a disclosure may not be illegal per se but may indicate a systemic failing which warrants regulator involvement. Other possible conduct fitting this description might be unethical or dishonest conduct which is harmful to the ANZCVS or which is prohibited by the Member Code of Conduct.
- Examples of conduct which would not warrant a disclosure include:
  - Normal disciplinary proceedings taken against an employee as part of a grievance process
  - Management action taken in response to employee poor performance in accordance with ANZCVS policy
  - Disclosing confidential information with the consent of the owner of that information
- False reporting, where a discloser deliberately reports information they know to be untrue, does not attract the legal protections afforded to whistleblowers but may of itself be a criminal offence dependent on the circumstances. Where a disclosure is found to be deliberately false, the ANZCVS will take appropriate disciplinary action against the discloser
- In some cases, a Personal Work-Related Grievance may still qualify for protection as a disclosure. For example, if:
  - The Personal Work-Related Grievance contains information about misconduct
  - The Personal Work-Related Grievance contains information which suggests misconduct beyond the particular circumstances in the grievance
  - The discloser seeks legal advice about the operation of the relevant legal protections relating to whistleblowers
  - The discloser is threatened with detriment for making the disclosure

### **Recipients of Disclosures**

- The recipient of any disclosure is the Whistleblower Officer
- The ANZCVS encourages you to make your disclosure in writing to the CEO.
  - Disclosures about the CEO must be made to the President
- Alternatively, you can make a disclosure to any one of the following:
  - Office Manager
  - A member of Council
  - A member of the Finance and Risk Committee
- Disclosures can be made anonymously at any time.
  - An anonymous Whistleblower who wishes to be contacted to discuss progress or whom the Whistleblower Officer may wish to ask questions should use an encrypted messaging service or an anonymous email address in order to communicate

- Disclosures can also be made directly to the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulatory Authority (APRA) and further information can be found at ASIC and APRA
- The discloser should ensure a record of the details of the disclosure are kept

### **Confidentiality**

- No person may disclose or reveal the identity of a Whistleblower (or information that is likely to lead to their identity becoming known) unless:
  - The Whistleblower has consented to the disclosure
  - The disclosure is made to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the Australian Whistleblower Laws
  - If the Whistleblower Officer considers it appropriate, the disclosure is made to:
    - The Australian Federal Police
    - ASIC
    - APRA
    - The Australian Commissioner of Taxation if the disclosure concerns ANZCVS's Tax Affairs or the Tax Affairs of a Company Associate of ANZCVS
    - The Police force of a State or Territory
    - the disclosure is required or authorised by a State, Territory or Commonwealth law
- No person may disclose or produce to a court or tribunal any information or documents which discloses the identity of a Whistleblower (or information which is likely to lead to their identity becoming known) without first seeking the advice of General Counsel.
- The Whistleblower Officer may disclose the content of a disclosure without the Whistleblower's consent if:
  - The information does not disclose the Whistleblower's identity
  - All reasonable steps have been taken to reduce the risk of identification stemming from the information
  - It is reasonably necessary for investigating the issues raised in the disclosure

### **Protection from Victimisation**

- No person may cause or threaten any detriment to any person for a reason which includes that they or another person:
  - Are or is or propose/s to be a Whistleblower
  - Are or are suspected or believed to be, or could be, a Whistleblower
- A Whistleblower who suffers Detriment as a result of a disclosure, or by way of the ANZCVS failing to protect them from victimisation may be able to seek compensation or other remedies in the courts
- A Whistleblower may also be protected from legal action arising because of their disclosure.
  - A Whistleblower, however, may be held liable for any personal misconduct revealed by their disclosure or an investigation following a disclosure

### **Support and Protection for Whistleblowers**

- The ANZCVS will support Whistleblower Disclosures made in good faith in accordance with this policy by:
  - Implementing systems and processes for maintaining confidentiality of

Whistleblower identity and investigation processes including securely storing all information regarding the disclosure and minimising the number of people made aware of the disclosure and the Whistleblower's identity on a need to know basis

- Developing a risk framework to manage the risk of Detrimental action occurring including risk mitigation actions
- Protecting Whistleblowers from victimisation including through maintenance of confidentiality, sensitive, timely and appropriate handling of investigations, and education across ANZCVS about this policy
- Protecting Whistleblowers from Detriment by taking appropriate management action considering their work circumstances for example by reassigning their duties, allowing them to work from a different location or making other modifications to their working arrangements
- Offering ongoing counselling if necessary and taking appropriate management action in response to a disclosure. For example, disciplining a staff member as a result of a bullying claim arising from a disclosure or limiting their contact with a victim
- Providing regular updates to the Whistleblower about the progress of any action taken in response to the disclosure to the extent possible
- The ANZCVS may also decide to provide de-identified outcomes of investigations of disclosures to staff as part of training and ongoing education around this policy

### **Investigations of Disclosures**

- Disclosures made in accordance with this policy will be investigated by the ANZCVS in the following way, except where, in the opinion of a Whistleblower Officer, it would be inappropriate or unreasonable in the circumstances to do so:
  - Any person who receives a disclosure must provide the information to a Whistleblower Officer as soon as practicable, removing any information which identifies or may identify the discloser of the information (the Potential Whistleblower) prior to doing so (unless the Potential Whistleblower has provided their consent to that disclosure).
  - Upon receipt of the disclosure, the Whistleblower Officer will notify the Whistleblower, within five business days that the disclosure has been received, if the Whistleblower is contactable
  - As soon as practicable, the Whistleblower Officer must determine whether the disclosure falls within the scope of this policy and, if so, appoint an external legally qualified investigator with no personal interest in the matter to conduct an investigation into the matters disclosed, if they determine it to be necessary or appropriate.
  - The Whistleblower Officer will notify the Whistleblower within five business days that an investigation is to occur, or, no further action is to be taken, if the Whistleblower is contactable
  - The Whistleblower Officer will instruct the investigator to conduct any investigation in an objective and fair manner, ensuring to provide any employee who has been adversely mentioned in information provided by a Whistleblower an opportunity to respond to the allegations made in respect of them prior to any findings being made
  - The outcome of the investigation must be reported to Council, and may be reported to the Whistleblower and any persons affected as the Whistleblower Officer considers appropriate.
    - Where the matters disclosed are substantiated and a breach has

occurred or is occurring, steps will be taken to address the issue and any person(s) responsible will be disciplined as appropriate in the circumstances of the case

- Where the matters disclosed are not substantiated, the ANZCVS may choose to take no further action
- Except as permitted in this policy (see section titled ‘Confidentiality’ above) or otherwise by law, the identity of a Whistleblower (or information that is likely to lead to their identity becoming known) must be kept confidential at all times during and after the investigation (including in any reporting to Council or to any persons affected). All persons responsible for or involved in an investigation must take all reasonable steps to reduce the risk that a Whistleblower will be identified
- The Whistleblower may raise any concerns or complaints regarding this policy or their treatment with the Whistleblower Officer

### **Reporting to the Council**

- Subject to the Confidentiality requirements above, the Whistleblower Officer must provide the Council a biannual report on all active Whistleblower matters, including information on:
  - The number and nature of disclosures made in the last six months
  - The status of any investigations under way
  - The outcomes of any investigations completed and actions taken as a result of those investigations
  - Identification of any systemic organisational weaknesses exposed by disclosures or disclosure investigations

### **Consequences of non-compliance with policy**

- Any breach of this policy by an Officer, employee, contractor or Member will be taken seriously by ANZCVS, and may be the subject of a separate investigation and/or disciplinary action. Allegations of criminal conduct may also be referred to an appropriate authority
- A breach of this policy may also amount to a civil or criminal contravention under Australian Whistleblower Laws, giving rise to significant penalties.

### **Policy Relationship with Australian Whistleblower Laws**

- Disclosures made in accordance with this policy may be afforded protection under Australian Whistleblower Laws, whether or not the disclosure later proves to be incorrect and whether anonymous or not. For more information about these laws, see the information available on the ASIC website and the ATO website.

### **Amendment of this Policy**

- The CEO may, without the approval of the Council, make minor amendments to this procedure at any time.
- If the CEO makes minor amendments, they must advise Council of those amendments at the next scheduled Council meeting. Major amendments require the approval of the majority of Council.
- The CEO may develop procedures or processes consistent with this policy to implement this policy.