

1. Status and Details

Status	Approved	Approving Authority	Ingham Institute Board
Document Reference	INGW-BM-MN-PP-001-2.0	Endorsed by	Risk Management and Compliance Committee
Version Number	2.0	External Review by	Not applicable
Approval Date	20/10/2022	Author	Governance Manager
Review Date	20/10/2025	Policy Owner	Board and Management
Retirement Date	N/A	Enquiries	governance@inghaminstitute.org.au

2. Purpose

The Ingham Institute for Applied Medical Research is committed to creating an ethical, fair and supportive environment where people feel safe and are encouraged to speak up and report conduct that concerns them.

We recognise that wrongdoing may not be uncovered unless there is a safe and secure means for telling someone about it and that uncovering wrongdoing is important for managing risks, ensuring transparency in decision-making, maintaining our integrity and upholding our corporate governance framework.

The aims of this policy are to ensure:

- you understand that you can disclose wrongdoing safely, securely and with confidence that you will be protected and supported;
- you are aware of the legal protections offered to Whistleblowers under the *Corporations Act 2001 (Cth)*;
- you are not subject to reprisal, repercussion, or victimization because you made a disclosure
- we are transparent about our framework for receiving, handling and investigating disclosures
- we encourage disclosures of wrongdoing; and
- we help deter wrongdoing

3. Scope

This policy applies to the Ingham Institute community including Board Directors, Executives, Managers, Employees, Affiliates, Students, Contractors, Consultants, Volunteers, Suppliers, Tenderers or other persons, paid or unpaid, who have business dealings with the Institute.

This policy does not limit the obligations, rights and protections contained in any legislation, including the Corporations Act 2001 (Cth).

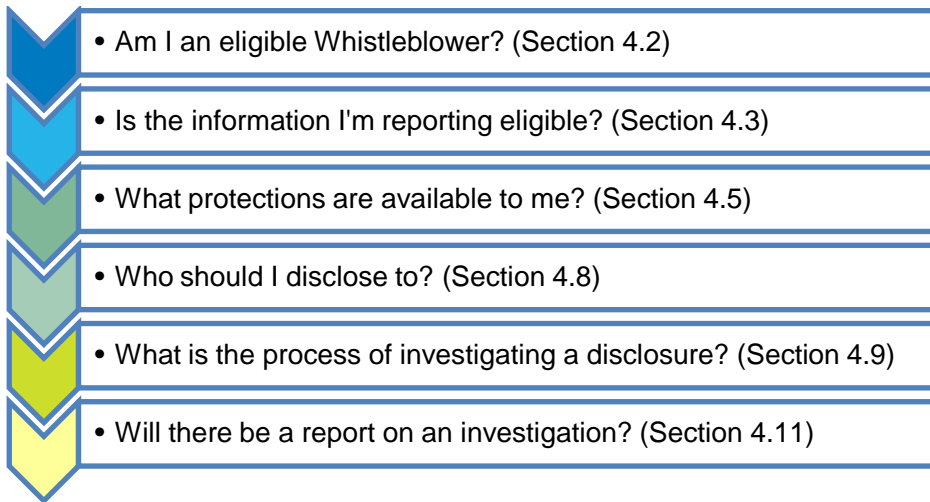
4. Policy

The Ingham Institute will support Whistleblowers to report, based on reasonable grounds, any Disclosable Matter involving the Institute's activities. The Institute will ensure that a Whistleblower who makes a disclosure can do so:

- anonymously if they wish;
- without fear of intimidation, disadvantage or reprisal; and
- without being penalised for making a disclosure.

Board Directors, Executives, Managers, Employees, Affiliates and Students are required to co-operate with this commitment by maintaining legal, proper and ethical operations and, if necessary, by reporting non-compliant actions by others.

4.1 Structure of the Policy



4.2 What is a Whistleblower?

A Whistleblower is any person who:

- wishes to report, attempts to report, or reports a Disclosable Matter in accordance with this policy; and
- is a current or former, Board Director, Employee, Affiliate, Student, Contractor, Volunteer or Supplier (whether paid or unpaid), who has had business dealings with the Institute; or
- is a current or former spouse, dependent or relative of a person mentioned above.

4.3 What is a Disclosable Matter?

A Disclosable Matter under this Policy is any information that a Whistleblower has reasonable grounds to suspect is:

- criminal activity such as theft, selling or dealing illicit drugs, violence or threatened violence and criminal damage to property;
- conduct which is dishonest, such as fraud, money laundering or misappropriation of funds;
- offering or accepting a bribe;
- financial irregularities such as insolvent trading or tax misconduct;
- information that indicates there is a significant risk to public safety, even if it does not involve a breach of a particular law;
- failure to comply with or breach of legal or regulatory requirements;
- engaging, or threatening to engage, in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make a disclosure.

“Reasonable grounds” means that a reasonable person in your position would also suspect the information indicates misconduct or a breach of the law.

Examples of Disclosable Matters

- You become aware of some incorrect accounting and you have reason to suspect money is going missing and being covered up, or other ongoing inaccuracies with finances;

- You realise people in your team are taking kick-backs from suppliers, obtaining some benefit from suppliers or other inappropriate conduct for their own benefit;
- You find out some workers are selling illicit drugs to other workers while they are at work.

4.4 What is NOT a Disclosable Matter?

A Disclosable Matter does not include personal work-related complaints such as interpersonal conflicts between you and another worker or matters related to employment including terms and conditions of engagement, transfer, promotion or a decision to suspend or terminate the employment of an individual or take disciplinary action.

A personal work-related matter may still qualify for protection if:

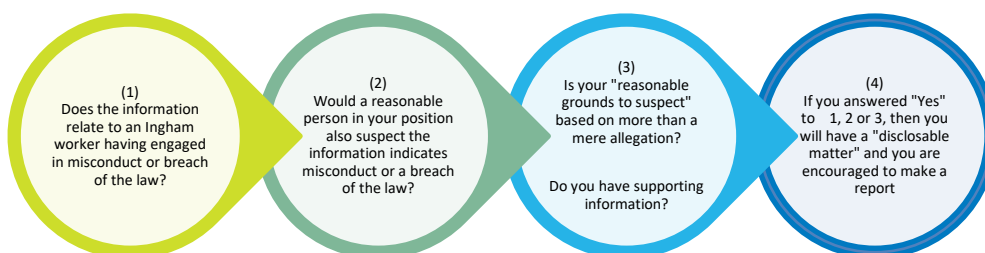
- it includes information about wrongdoing, or information about the wrongdoing includes, or is accompanied by a personal work-related complaint (mixed report);
- the Institute has breached employment or other laws, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests wrongdoing beyond the Whistleblower's personal circumstances;
- you seeks legal advice or representation about the operation of the whistleblower protections under the Corporations Act.

Examples of Issues that are not Disclosable Matters

- You were unsuccessful in a promotion;
- There is internal conflict with a manager or another team member;
- You did not receive a pay increase;
- You are being put on a performance improvement plan;
- You are being disciplined.

Wrongdoing that is not a Disclosable Matter will be managed via the Institute's Complaints Policy.

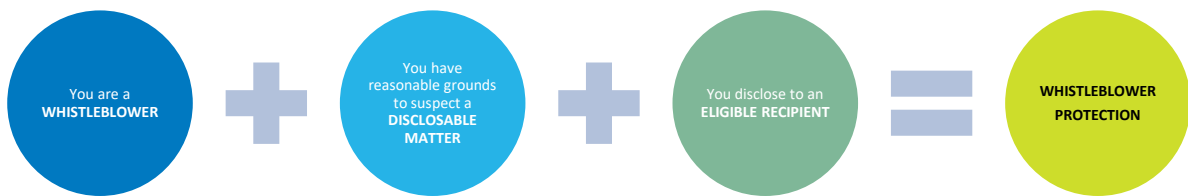
Before making a report under this policy, you should consider the following:



You will still be protected if you had reasonable grounds to suspect the information at the time of disclosure, even if the information is determined to be unfounded later.

4.5 Protection for Whistleblowers

Overview of Whistleblower Protections



How are Whistleblowers protected by the Institute?

- You are not required to disclose your identity to receive Whistleblower protections under this Policy but you must report a Disclosable Matter in accordance with this Policy.
- Subject to certain legal requirements, your identity, including information that is likely to lead to your identity, must not occur without your consent.
- You will be protected against:
 - (a) civil liability, e.g. any legal action for breach of an employment contract, duty of confidentiality or another contractual obligation;
 - (b) criminal liability, e.g. attempted prosecution for unlawfully releasing information, or other use of the disclosure against you in a prosecution (other than for making a false disclosure); and
 - (c) administrative liability (e.g. disciplinary action for making the disclosure).

We will ensure, as far as reasonably practicable, that if you report a Disclosable Matter, you will not suffer any detriment for making the disclosure, providing it is based on reasonable grounds and is made in accordance with this Policy.

Detriment includes dismissal, demotion, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a report.

Detriment does not include administrative action taken to protect you from detriment (such as moving you to another work area to prevent you from detriment) and managing any unsatisfactory performance in line with Institute policy.

We will take a risk management approach to assessing and controlling the risk of detriment to you by identifying, analysing and evaluating risks, developing and implementing strategies to control them and monitoring and re-assessing risk, as required.

If you believe you have suffered detriment as a result of making a disclosure under this policy, you should contact a regulatory body such as the Australian Securities and Investments Commission (ASIC), or the Australian Taxation Office (ATO).

You can seek compensation and other remedies through the courts if you suffer loss, damage or injury because of a disclosure and if we failed to take reasonable precautions to prevent the detrimental conduct.

Will the Institute protect you if you report a disclosable Matter on Social Media or to someone other than an Eligible Recipient?

No, to be protected by the Institute, you must report a Disclosable Matter to an Eligible Recipient in accordance with this policy.

Are there other times when the Institute will not protect you?

You will not be protected under this policy where a disclosure:

- is vexatious or frivolous in nature; or
- relates to unsubstantiated allegations which are found to have been made maliciously or knowingly to be false.

Such disclosures may constitute wrongdoing and may be subject to disciplinary action under Institute Policy and may include termination of employment, termination of a service or cessation of a client relationship.

Making a disclosure may not automatically protect you from consequences flowing from your involvement in any wrongdoing you disclose. However, active co-operation in the investigation, an admission and remorse may be taken into account when considering what action, if any, may be taken.

Even though you may be implicated in the wrongdoing you disclose, you must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for having made a disclosure under this policy.

4.6 What is a Public Interest Disclosure?

A 'Public Interest Disclosure' (PID) is the disclosure of information to a journalist or a parliamentarian where:

- at least 90 days have passed since the disclosure was made to ASIC, APRA or another Commonwealth body prescribed by regulation; and
- you do not have reasonable grounds to believe that action is being, or has been taken to address your disclosure; and
- you have reasonable grounds to believe that making a further disclosure of the information would be in the public interest; or
- before making the PID, you have given written notice to us that:
 - includes sufficient information to identify the previous disclosure; and
 - states that you intend to make a PID.

Protection will be offered by the Institute if you comply with the above before making a Public Interest Disclosure to a journalist or parliamentarian..

4.7 What is an Emergency Disclosure?

An 'Emergency Disclosure' is the disclosure of information to a journalist or a parliamentarian where:

- you have previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation; and
- you have reasonable grounds to believe that the information concerns a substantial and imminent danger to the health and safety of a person, persons, or the environment; and
- before making the Emergency Disclosure, you have given written notice to us that:
 - includes sufficient information to identify the previous disclosure; and
 - states that you intend to make an Emergency disclosure; and
- the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist of Member of Parliament of the substantial and imminent danger.

Protection will be offered by the Institute if you comply with the above before making an Emergency Disclosure to a journalist or parliamentarian..

4.8 Making a Disclosure

Who is an Eligible Recipient?

If you become aware, on reasonable grounds, of any issue or behaviour that amounts to a Disclosable Matter and you wish to report your concerns, you must make a disclosure to an Eligible Recipient.

An *Eligible Recipient* is:

- (a) a Board Director;
- (b) the Company Secretary;
- (c) the Chief Executive Officer;
- (d) a member of the Institute's Executive Team;

- (e) an Ingham Institute Whistleblower Protection Officer with authority to receive protected disclosures;
- (f) the Institute's external whistleblower service; or
- (g) the authorities responsible for the enforcement of the law in the relevant area, e.g. ASIC, ATO.

A disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation is protected, even in the event the legal practitioner concludes a disclosure does not relate to a Disclosable Matter.

How should you report a Disclosable Matter?

Where possible, you should report a Disclosable Matter in writing and include details of:

- the nature of the alleged wrongdoing;
- the person or persons responsible for the wrongdoing;
- the facts on which your belief that wrongdoing has occurred are based; and
- the nature and whereabouts of any further evidence that would substantiate your allegations, if known.

Sometimes, suspicions can arise that an individual's actions constitute a Disclosable Matter when the individual's actions are not, in fact, a Disclosable Matter. This can happen due to a misunderstanding, where communication is restrained by confidentiality requirements or for other legitimate reasons. You are encouraged, in the first instance, to check with your Manager or, if you are external to the Institute, the person to whom you report. Where this is not appropriate, you should make a disclosure to an Eligible Recipient.

What information should you receive when making a disclosure?

If you make a disclosure relating to a Disclosable Matter in accordance with this Policy you must be informed that:

- you will not suffer any detriment for making the disclosure, providing it is based on reasonable grounds;
- you can remain anonymous and still receive protection;
- you may not necessarily be absolved from the consequences of their involvement in any wrongdoing you disclose.

What is a Whistleblower Protection Officer?

A Whistleblower Protection Officer:

- is a senior person at the Institute who is designated, authorised and trained to receive Whistleblower disclosures; and
- is responsible for protecting or safeguarding Whistleblowers and ensuring the integrity of the reporting mechanism; and
- has direct, unfettered access to independent financial, legal and operational advisers as required; and
- has a direct line of reporting to the Chair of the Ingham Institute Board and/or the Chief Executive Officer, as may be required.

Contact details for the Institute's Whistleblower Protection Officer (including their name, title, phone number and email address) must be published on the Institute intranet and website.

What is an External Whistleblower Service?

An External Whistleblower Service allows you to report a Disclosable Matter to a person outside of the Institute, such as an external auditor.

Information on the Institute's External Whistleblower Service is available on the Institute's intranet and website.

Making an Anonymous Disclosure

You can choose to remain anonymous:

- while reporting a Disclosable Matter;
- over the course of an investigation into a Disclosable Matter; and
- after an investigation is finalised.

You can adopt a pseudonym for the purposes of your disclosure. This may be appropriate in circumstances where you have made your identity known to your supervisor or the Whistleblower Protection Officer but prefer not to disclose your identity to others.

To protect your anonymity, you can communicate with us through an anonymous telephone line and/or use an anonymised email address. If you make a report from an email address from which your identity cannot be determined and you do not identify yourself in the email, it must be treated as an anonymous disclosure.

Anonymous disclosures can have significant limitations that inhibit a proper and appropriate investigation, including the inability to gather additional particulars to assist the investigation. For these reasons, if you make an anonymous disclosure, you are encouraged to maintain ongoing two-way communication with us so that follow-up questions can be asked and feedback provided.

You can refuse to answer questions you feel could reveal your identity at any time, including during follow-up conversations.

4.9 Investigating Disclosable Matters

The Institute must investigate all matters disclosed under this Policy.

If you make a disclosure to an Eligible Recipient who is not the Whistleblower Protection Officer, the Eligible Recipient will, with your consent, notify the Whistleblower Protection Officer who will oversee management of the investigation.

Where the designated Whistleblower Protection Officer is the subject of an allegation relating to a Disclosable Matter, the role will be undertaken by the Chief Executive Officer or nominee.

The Whistleblower Protection Officer must, with your consent, on receiving a disclosure:

- notify the Chief Executive Officer;
- if the Chief Executive Officer is implicated in the disclosure, notify the Chair of the Ingham Institute Board;
- if the Chair of the Ingham Institute Board is implicated in the disclosure, then the Whistleblower Protection Officer has the authority to move directly to appoint an independent, external expert as outlined below;
- make an assessment to determine whether the disclosure qualifies for protection;
- determine if a formal, indepth investigation is required and whether such an investigation should be undertaken internally or externally;
- appoint an independent, external expert to investigate the disclosure (the Investigator), if warranted;
- ensure:
 - (a) the Terms of Reference provided to the Investigator include all relevant questions;
 - (b) that the scale of the investigation is in proportion to the seriousness of the allegation(s);
 - (c) allocation of sufficient resources;
 - (d) all parties, including witnesses, are advised of their obligation to maintain confidentiality;
 - (e) procedural fairness is applied to all parties;
 - (f) strict security is maintained during the investigative process;
 - (g) information obtained is properly secured to prevent unauthorised access;

- (h) all relevant witnesses are interviewed and documents examined;
- (i) contemporaneous notes of all discussions, phone calls and interviews are made; and
- (j) the Findings comply with section 4.11 of this Policy;

The investigation must be conducted in an objective and fair manner having regard to the nature of the Disclosable Matter and the circumstances; and

Where appropriate, the Whistleblower Protection Officer is responsible for providing feedback, or arranging for feedback to be provided, to you regarding the investigation's progress and/or outcome, subject to considerations of the privacy of those against whom allegations are made.

The Whistleblower Protection Officer may only dismiss your disclosure, if on reasonable grounds, they have a high degree of confidence there is no substance to the disclosure.

4.10 Ensuring Fair Treatment of Individuals Mentioned in a Disclosure

The Institute will investigate all reports relating to a Disclosable Matter in accordance with the principles of procedural fairness (sometimes referred to as natural justice).

An individual who is the subject of a disclosure:

- has the right to know about the subject matter of the disclosure prior to any action being taken;
- has the right to be heard in response to the disclosure by an unbiased Investigator(s) who is open to the merits of the case and who will consider only what is relevant and not take into account irrelevant matters;
- will be given information about the procedures that will be followed to investigate a disclosure;
- will be given details of the case against them so they can respond to it. This is their opportunity to present their version of events and to correct any information or evidence presented in the disclosure;
- must be given advance notice of a requirement for them to attend any meeting held to discuss the disclosure so they have an opportunity to prepare their response;
- must be given the opportunity to have a Support Person present at all meetings;
- must ensure any response they provide in relation to the disclosure is truthful;
- must be notified in writing of the outcome of an investigation.

The Institute will determine the most appropriate time to inform an individual who is the subject of a disclosure about an investigation. In some circumstances, informing an individual at an early stage may compromise the effectiveness of the investigation.

4.11 Outcome of an Investigation

A report on the findings of an investigation must be prepared by the Investigator and provided to the Whistleblower Protection Officer when an investigation is complete. This report must include:

- the allegations;
- the response of the individual who is the subject of the allegations, if they responded;
- a statement of all relevant findings of fact and the evidence relied upon to reach conclusions on each allegation;
- the basis for each conclusion reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis;
- recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

Where an investigation results in adverse findings about an individual, that individual has a right to respond to those findings prior to any action being taken by the Institute against them.

4.12 Confidentiality

The Institute will not disclose your identity unless:

- it is necessary to further an investigation and you consent to the disclosure; and/or
- the disclosure is required or authorised by law.

While we will make every effort not to disclose your identity, in practice, people may be able to guess your identity if:

- you have previously mentioned to other people that you are considering making a disclosure;
- you are one of a very small number of people with access to the information; or
- the disclosure relates to information that you have previously been told privately and in confidence.

To reduce the risk that you will be identified from the information contained in a disclosure:

- all personal information relating to you, or references to you witnessing an event, will be redacted;
- you will be referred to in a gender-neutral context;
- you will be contacted to help identify certain aspects of your disclosure that could inadvertently identify you;
- all disclosures will be handled by qualified or trained people.

All people involved in making or receiving a disclosure and managing, investigating and participating in an investigation relating to a Disclosable Matter have a duty to maintain confidentiality and display a commitment to uphold the integrity of the investigation process.

Whilst an internal or external Investigator will endeavour to preserve the confidentiality of all parties, it may be necessary to speak with other people to gather information and maintain the integrity of the investigation process.

Unauthorised disclosure of information, gossiping and/or the spreading of rumours relating to a disclosure that could prejudice an investigation and/or identify a Whistleblower will not be tolerated and may result in disciplinary action for those involved. In some circumstances, it may be illegal, in which case, the Institute will notify Police.

4.13 Record Keeping

To ensure records relating to a Disclosable Matter are maintained appropriately, the Institute will:

- take all reasonable precautions to store paper records, electronic documents and other materials securely;
- limit access to records to those people directly involved in managing and investigating the disclosure;
- ensure communications and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer than can be accessed by others.

5. Procedures

Nil.

6. Related Documents and Information

This Policy should be read in conjunction with:

Corporations Act 2001 (Cth)

<https://www.legislation.gov.au/Details/C2019C00216>

Australian Taxation Law

<https://www.austlii.edu.au/au/special/tax/>

Australian Human Rights Commission Act 1986 (Cth)

<https://www.legislation.gov.au/Details/C2017C00143>

Crimes Act 1900 (NSW)

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040>

Work Health and Safety Act 2011 (NSW)

<https://legislation.nsw.gov.au/view/html/inforce/current/act-2011-010>

This Policy should be read in conjunction with the following Ingham Institute policies located at:

<http://www.thespot.inghaminstitute.org.au/documents>

- Complaints Policy
- Counselling and Discipline Policy
- Discrimination, Bullying and Harassment Policy
- Sexual Misconduct Policy
- Work Health and Safety Policy
- Conflict of Interest Policy
- Gifts and Benefits Policy

Information to assist Whistleblowers report Disclosable Matters and/or obtain relevant information:

Ingham's Whistleblower Protection Officer and Ingham's External Whistleblower Service

<https://inghaminstitute.org.au/whistleblower-reporting/>

Australian Securities and Investments Commission

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>

Australian Taxation Office

<https://www.ato.gov.au/general/gen/whistleblowers/>

Australian Charities and Not-for-profits Commission

<https://www.acnc.gov.au/tools/factsheets/whistleblower-protections>

The following information is provided to support all individuals involved in Whistleblowing matters:

Ingham's Employee Assistance Program (EAP)

<https://inghaminstitute.elmotalent.com.au/dashboard>

SWSLHD Employee Assistance Program (EAP)

swslhd-intranet.sswahs.nsw.gov.au/swslhd/eap/default/html

UNSW Employee Assistance Program (EAP)

<https://www.wellbeing.unsw.edu.au/eap-benestar>

WSU Employee Assistance Program (EAP)

https://www.westernsydney.edu.au/whs/whs/health_and_wellbeing/employee_assistance_program

Lifeline Australia

Phone: 13 11 14

lifeline.org.au/

7. Appendices

8. Change History

Revision Date	Version Number	Change Description	Reference Section
N/A	1.0	New Policy document approved 12/12/2019	N/A
TBC	2.0	Policy re-written to provide more detailed information in line with the ASIC Regulatory Guide 270 on Whistleblower Policies.	Entire document

9. Definitions

Term	Definition
Whistleblower	A person who wishes to make, attempts to make, or makes a report relating to a Disclosable Matter in accordance with this policy and who is, or has been, a Board Director, Executive, Manager, Employee, Affiliate, Student, Contractor, Consultant, Volunteer, Supplier, Tenderer or other person, paid or unpaid, who has had business dealings with the Institute.
Whistleblower Protection Officer	A senior person at the Institute who is designated, authorised and trained to receive Whistleblower disclosures
Eligible Recipient	A Board Director, the Company Secretary, Chief Executive Officer, a member of the Institute's Executive Team, an Ingham Whistleblower Protection Officer with authority to receive protected disclosures, the Institute's external whistleblower service or the authorities responsible for the enforcement of the law in the relevant area.
External Whistleblower Service	A person outside of the Ingham Institute to whom a Whistleblower can report a Disclosable Matter, such as an external auditor.
Board Director	A member of the Ingham Institute Board and a Director of the Company The Ingham Institute for Applied Medical Research.
Employee	A person who is employed by the Ingham Institute for Applied Medical Research and is paid by the Institute.
Affiliate	A person employed by a hospital or university formally that is affiliated with the Ingham Institute and who is engaged to undertake research at the Ingham Institute. The research output of Affiliates is attributed to Ingham for the purposes of block grant funding and their publications are attributed to Ingham.
Student	A person who is enrolled at a University which is affiliated or has a formal agreement with the Ingham Institute and who undertakes research activities at Ingham that contribute to their program of study.
Manager	A person who has responsibility for managing the work of Ingham Institute Workers/Employees
Contractor	An outsourced entity, paid by invoice to conduct temporary work for the Ingham Institute.
Volunteer	Someone who does work for the main purpose of benefitting the Institute, who is under no obligation to attend the workplace or perform work, and does not expect to be paid for their work (other than for the reimbursement of expenses they incur). A person undertaking an internship or other work experience through a school, university, college or other third party is not a Volunteer
Supplier	A person or company that supplies goods and/or services to the Ingham Institute.
Tenderer	A person or company that submits a bid or provides a formal estimate of the cost of a proposed project.

Investigator	A person with the delegated authority to investigate a complaint or allegation. An Investigator may be a nominated Institute Employee, Affiliate or an externally engaged person.
Decision-Maker	A person with the delegated authority to make decisions on behalf of the Institute.
Support Person	Someone that an individual can nominate to attend a meeting with them to provide emotional support and reassurance. They are not an advocate.
Vexatious or Frivolous Complaint or Allegation	A complaint or allegation which is groundless, made in bad faith or without merit.
Confidentiality	Limiting disclosure of information to as few people as possible and only to those who are legitimately involved in a matter (i.e. to only those with a need to know).

WHISTLEBLOWER DISCLOSURE PROCESS

WHISTLEBLOWER

(Board Director, Employee, Affiliate Student, Contractor, Volunteer, Supplier or other person, paid or unpaid, who has business dealings with the Ingham Institute or is their dependant or their relative)

DISCLOSABLE MATTER

(e.g. illegal activity, fraud, money laundering, misappropriation of funds, bribery, financial irregularities, significant risk to public safety, breach of legal/regulatory requirements)

WHISTLEBLOWER reports a DISCLOSABLE MATTER to an ELIGIBLE RECIPIENT

ELIGIBLE RECIPIENT

(Ingham Board Director, Company Secretary, CEO, Executive, Ingham Whistleblower Protection Officer, Ingham's External Whistleblower Service, authority responsible for law enforcement, e.g. ASIC, ATO, Police)

ELIGIBLE RECIPIENT advises WPO of DISCLOSURE WHISTLEBLOWER PROTECTION OFFICER (WPO)

(a senior person at Ingham who is designated, authorised and trained to receive Whistleblower disclosures)

