

Document Title: Protected Disclosure Policy

Purpose This policy documents the commitment of senior management, and the Monkami Board of Directors, to maintaining an open working environment in which employees and contractors observe high standards of business and personal ethics in the conduct of their duties and responsibilities.

This policy encourages its staff to raise any serious concerns they may have in regard to improper conduct, and provides the mechanism to do so confidentially and anonymously, if they wish.

Scope This policy applies to all employees, volunteers and contractors engaged with Monkami.

Policy Statement Monkami's Values, Code of Conduct and Code of Ethics require all employees, volunteers, students and other representatives of Monkami to practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

This policy details the rights of staff to disclose any improper conduct confidentially, anonymously, in good faith and on reasonable grounds without the fear of reprisal or detrimental action.

Improper conduct includes:

- A breach of the Code of Conduct;
- A breach of Monkami's approval practices and guidelines;
- Unethical conduct or other misconduct;
- Financial malpractice, impropriety or fraud;
- Contravention or suspected contravention of legal or regulatory provisions;
- Auditing non-disclosure or manipulation of any audit processes; and
- Any deliberate concealment relating to the above.

Improper conduct does not include personal work-related grievances or complaints, which should be addressed through the Complaints and Grievance Resolution Policy & Procedure.

This policy should be read in conjunction with the following Monkami documents:

- Code of Conduct;
- Code of Ethics;
- Bullying and Harassment Policy & Procedure;
- Complaints and Grievance Resolution Policy & Procedure;
- Internal Investigation Policy & Procedure;
- Discipline Policy & Procedure;
- Employee Assistance Program Policy & Procedure; and
- Privacy Policy.

Procedure

Making a disclosure

As detailed in the Code of Conduct, Monkami encourages staff to address their questions, concerns, suggestions or complaints by initially discussing the matter with line management. Where staff does not feel comfortable in raising an issue with line management, alternative avenues have been established for raising and addressing issues of serious concern.

Disclosures under this policy can be made to:

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- The CEO;
- A manager or member of senior management;
- A member of the Monkami Board or the Board Secretary;
- Monkami's independent and confidential whistleblower service (STOPline).

How to make a disclosure

Monkami has several channels for making a disclosure. A whistleblower may;

- Raise the matter with their immediate supervisor or line manager, who is obligated to advise the Monkami CEO;
- Make a disclosure to a member of senior management or the Monkami Board;
- Make a disclosure to STOPline (Monkami's independent and confidential whistleblower service) through the below channels:

Telephone: 1300 30 45 50 (in Australia)
Email: monkami@stoline.com.au
Mail: Monkami Centre c/o STOPline,
Locked Bag 8,
Hawthorn, Victoria, Australia 3122

Disclosures can be made anonymously and all disclosures will be treated confidentially. While it is preferred that disclosures are made in writing, verbal disclosures will also be received.

As an incorporated association under the Association Incorporation Reform Act 2012, disclosures relating to concerns about the governance or operations of Monkami can also be made to the Australian Charities and Not For Profit Commission (ACNC).

Available protection

Monkami takes all reports seriously, and will protect the identity of the whistleblower and the contents of the disclosure, except where:

- The whistleblower consents in writing to the disclosure of their identity;
- The whistleblower self-discloses their identity;
- Disclosure of the identity of the whistleblower is compelled by law; and
- It is reasonably necessary for the purposes of investigating a matter.

Where a staff member makes a disclosure on reasonable grounds, Monkami will act in the best interest of the staff member to protect them from any victimisation, adverse reaction or intimidation. Further, Monkami will ensure the staff member will not be disadvantaged in their employment as a result of making a disclosure and will protect the employee from:

- Having their employment terminated;
- Disciplinary action;
- Performance improvement processes;
- Harassment or workplace bullying;
- Discrimination; and
- Any other action that can be perceived as retaliation for making a report.

Retaliation

The whistleblower must immediately contact one of the people listed above, where they have concerns that:

- Retaliation is imminent;
- They are targeted for retaliation; or
- They have already been retaliated against.

Monkami will take the appropriate action to protect and support the

whistleblower.

Separation of issues

While Monkami is committed to protecting whistleblowers from any retaliation or adverse response from making a disclosure, it is important that a whistleblower remains effective in their position and continue to fulfil the requirements of their role.

Monkami reserves its right to address any performance or contractual issues with the whistleblower, provided that they are kept separate from and not influenced by, the disclosure made by the whistleblower or any subsequent investigation.

Confidentiality

The confidentiality of information provided by a whistleblower in any disclosure must be maintained. This information can only be disclosed where:

- The whistleblower consents in writing;
 - Such disclosure is compelled by law;
 - It is necessary for the safety of a person;
 - It is necessary to address improper conduct.
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Criminal offences

There are a number of offences set out in the Protected Disclosures Act relating to breaches of the requirements under this Act. The key offences to be aware of are:

1. It is an offence to take or threaten detrimental action against another person in reprisal for a protected disclosure.
 2. It is an offence to disclose the content, or information about the content, of a disclosure that has been reported or information which is likely to lead to the identification of the person who made that disclosure, unless permitted to by the Act
 3. It is an offence for any person to:
 - provide false or misleading information, or further information that relates to a protected disclosure, that the person knows to be false or misleading, intending that the information be acted on as a protected disclosure
 - claim that a matter is the subject of a protected disclosure knowing the claim to be false, and
 - falsely claim that a matter is the subject of a protected disclosure.
 - disclose that a disclosure has been reported, notified for assessment, or being investigated, unless permitted to do so by the Act.
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Investigations of disclosures

Monkami will investigate all disclosures of improper conduct made under this policy as soon as possible after receipt of the disclosure. When a disclosure is made directly through the Protected Disclosure hotline (STOPline), STOPline will initiate their due diligence processes to undertake preliminary investigations of the disclosure. Monkami will undertake the same process where a disclosure is made directly to Monkami.

The investigation will be conducted in a timely, thorough, confidential, objective and impartial manner, recognising the principles of natural justice, procedural fairness and best practice investigative techniques. Whistleblowers, where possible, will be provided with feedback regarding the outcome of the investigation.

With the support of the Monkami Board, the CEO is responsible for determining the scope of, and the resources applied, to each investigation.

Responsibilities

Staff

When making a disclosure under this policy, staff must ensure they have objectively reasonable grounds to suspect misconduct, or contravention or an improper state of affairs or circumstances to base the disclosure.

Should a disclosure become a protected disclosure, staff cannot discuss the details of the disclosure with anyone, with the exception of:

- a lawyer;
 - an interpreter; and/or
 - authorised investigating bodies.
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Managers and senior management

Managers and senior management must:

- Ensure the appropriate consideration and confidentiality is applied to all disclosures under this policy.
 - Promptly advise the CEO of any disclosure.
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Chief Executive Officer

The CEO is responsible for the administration of this policy. The CEO's responsibilities further include:

- Receive all disclosures from staff, management or the independent whistleblower service and acknowledge receipt with the complainant (if not a protected disclosure).

- Appropriately investigate all disclosures either by delegating internally or engaging an independent third party.
- Ensure the principles of natural justice are applied to the respondent(s) of any disclosure and investigation.
- Provide an investigation report to the Monkami Board, or as directed by the Board Chair.
- Report all disclosures to the Monkami Board.
- Provide quarterly consolidated reports relating to disclosures to the Monkami Board.

Monkami Board

The Monkami Board is responsible for:

- Receiving notifications and reports of disclosures, as designated under this policy.
- Determining an appropriate response to the outcome of any investigation including issues involving accounting and audit matters.
- Taking appropriate corrective action as required.

Terms, Abbreviations & Definitions

TERMS, ABBREVIATIONS & DEFINITIONS

Introduction This section contains definitions of important terms used in this policy. Use these definitions to assist you to understand the policy.

Definitions

Term/ Abbreviation	Definition
ACNC	Australian Charities and Not-for-profits Commission.
CEO	Chief Executive Officer
Employee	An individual in paid employment with Monkami Centre Inc. either on a full-time, part-time, casual or contract basis.
Monkami Board	Monkami’s Board of Directors
Protected Disclosure	The Protected Disclosures Act 2012 encourages and assists people in making disclosures of improper conduct by individuals and/or organisations, as well

	as any person who adversely affects the honest performance of an individual and/or organisation in their official functions.
Staff	All employees, volunteers, students and contractors engaged with Monkami.
Volunteer	A volunteer is anyone who freely contributes time, service and skills without expectation of financial gain from Monkami Centre Inc. to assist in accomplishing the organisation's mission. Tertiary students on approved placement with Monkami Centre Inc. will also fall under the category of Volunteer.
Whistleblower	Staff who have made a protected disclosure under this policy.

ASSOCIATED FORMS / ATTACHMENTS / REFERENCE INFORMATION

Related controlled documents

- Monkami Code of Conduct
- Monkami Code of Ethics
- Monkami Bullying and Harassment Policy & Procedure
- Monkami Complaints and Grievance Resolution Policy & Procedure
- Monkami Internal Investigation Policy & Procedure
- Employee Assistance Program Policy
- Monkami Discipline Policy & Procedure

Related legislation

- Protected Disclosures Act 2012
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2019 (Cth)
- Corporations Act 2001 (Cth)
- Tax Administration Act 1953 (Cth)
- Constitution Act 1975 (Vic)
- NDIS Act 2013

NDIS (Protection and Disclosure of Information Commissioner) Rule 2018

Privacy Act 1988

National Privacy Principals