

# Whistleblower Policy

Legal and Company  
Secretary

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5

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## 1 INTRODUCTION

HCA (being all Housing Choices Australia entities) takes reports of serious wrongdoing extremely seriously. It is committed to supporting and protecting Whistleblowers and acting on any reports quickly and fairly. We have other policies and procedures which govern receipt of complaints regarding our services and grievances from staff. We strongly encourage use of those procedures in the first instance to allow this policy to operate where Whistleblowers are fearful of repercussions. Overall, this policy aligns with HCA's corporate values (set out below) and the intent to foster an environment of trust, support, and protection for whistleblowers:

- We put people first
- We value difference and work together
- We trust and are trusted
- We learn and adapt
- We strive to be better

In some circumstances, the conduct to be reported may be criminal and require reporting to external parties such as the police, anti-corruption bodies or child safety regimes. HCA fully supports and encourages such reports to be made promptly.

## 2 PURPOSE

The purpose of this policy is to outline the framework for receiving, investigating and addressing allegations of Reportable Conduct (see section 4 for the definition of Reportable Conduct) where that Reportable Conduct concerns the activities of HCA or any Eligible Whistleblowers (see section 3 for the definition of Eligible Whistleblowers) and/or extends to residents or those acting on behalf of residents.

This policy is intended to promote open communication throughout HCA, facilitate the development of practices that reduce the risk of Reportable Conduct of HCA and safeguard the reputation, values and ethics of HCA.

This policy is intended to enable HCA to meet its obligations under the Whistleblower protection sections of the *Corporations Act 2001* (Cth) (**Corporations Act**).

As per the defined terms in the Corporations Act, this policy explains:

- the meaning of Reportable Conduct and who has a responsibility to report it;
- the protections that are available to Whistleblowers;

- how and to whom disclosures can be made;
- how disclosures will be investigated;
- how HCA will support Whistleblowers;
- how HCA will ensure fair treatment of any HCA employees mentioned in disclosures; and
- how the policy is made available.

### 3 Scope

This policy applies to persons who may make an allegation of Reportable Conduct (Whistleblowers) being;

- persons considered eligible whistleblowers as set out in the applicable law (Eligible Whistleblowers), including:
- current and former directors, officers, associates and employees of HCA;
- contractors (including employees of contractors) who supply goods and services (whether paid or unpaid) to HCA; and
- relatives and/or dependents of any of the persons listed above; and
- HCA's support partners and residents, or those acting on behalf of residents.

This policy applies to all Housing Choices Australia entities.

### 4 Implementation, Training and Review

HCA Executive and Senior Managers have responsibility for the management of compliance in their relevant functional areas and will promote, monitor and uphold a positive compliance culture. They will engage with the Executive General Manager, Legal and Governance and the Executive General Manager, Strategy, Communications and Assurance for support and/or training where required.

GARC will quarterly receive information regarding Whistleblower reports from WPOs (subject to confidentiality requests from Whistleblowers) and annually report to the Board. Any serious or material Reportable Conduct will be considered by WPOs for immediate referral to the Board Chair and the Board.

This policy will be reviewed by GARC every 5 years (and any material changes will be approved by Board) to ensure it remains consistent with all relevant legislative requirements, as well as the changing nature of the organisation.

### 5 Policy Statement

#### 5.1 REPORTABLE CONDUCT

This policy supports the reporting of allegations of serious wrongdoing, misconduct or an improper state of affairs within HCA (**Reportable Conduct**) by Whistleblowers. Examples of Reportable Conduct include:

- dishonest, corrupt or illegal activities, including contravention of any law administered by the Australian Securities and Investments Commission or the Australian Prudential Regulation Authority;
- theft, fraud, money laundering or misappropriation;
- misconduct (including negligence, default, breach of trust and breach of duty) or an improper state of affairs;
- conduct that represents a danger to the public or financial system;

- a serious breach of HCA's policies and procedures, including the Code of Conduct;
- offering or accepting a bribe;
- seriously inappropriate use of HCA funds or resources;
- serious misuse of information;
- a criminal offence including damage/sabotage, violence, drug/alcohol sale or use;
- unsafe work practices with wilful disregard to the safety of others;
- unethical conduct;
- bullying, discrimination, harassment or abuse (including in relation to children);
- victimising (or threatening to victimise) someone for reporting Reportable Conduct;
- recrimination against someone because they participated in an investigation or review; and
- any instruction to cover up or attempt to cover up Reportable Conduct.

This policy extends to Reportable Conduct that occurs before or after the commencement of this policy and is not limited to the above examples.

HCA relies on Whistleblowers to help maintain and grow its culture of honest and ethical behaviour.

This policy does not apply to a disclosure to the extent that the disclosure:

- concerns a personal work-related grievance of the Whistleblower; and
- does not concern a contravention, or alleged contravention, of the applicable law that involves detriment caused to the Whistleblower or a threat made to the Whistleblower.

Some examples of grievances that may be personal work-related grievances include:

- an interpersonal conflict between the Whistleblower and another employee;
- a decision relating to the engagement, transfer or promotion of the Whistleblower;
- a decision relating to the terms and conditions of engagement of the Whistleblower; and
- a decision to suspend or terminate the engagement of the Whistleblower; or otherwise to discipline the Whistleblower.

If a personal work-related grievance is part of a pattern or systemic problem, it can be considered Reportable Conduct.

## 5.2 PROTECTIONS AVAILABLE TO WHISTLEBLOWERS

A Whistleblower who makes a report (or is considering making a report) in accordance with this policy (known as a Protected Disclosure) will not be discriminated against or disadvantaged in their employment or engagement with HCA, even if the report is subsequently determined to be incorrect or not substantiated. Whistleblowers do not need to prove their allegation(s).

All reasonable steps will be taken to ensure that the Whistleblower will not be subject to any victimisation, discrimination, harassment, demotion, dismissal, threats, prejudice or any other unfavourable treatment because they made a report (or considered making a report). Actual detriment and threatening to cause detriment are against the law and subject to large personal and corporate penalties. However, this policy will not protect the Whistleblower if they are found to have engaged in serious misconduct or illegal conduct in relation to the Reportable Conduct.

The applicable law also sets out various other protections for Whistleblowers, such as immunity from civil, criminal or administrative liability (including disciplinary action) for making the disclosure (subject to the provisions of the applicable law).

Other protections during the process include redaction of personal identifying information in disclosure documents for anonymous cases, express consent for sharing of disclosure information, use of a pseudonym if desired, and secure storage of disclosure and investigation documents.

### **5.3 ANONYMOUS REPORTING**

A report can be made anonymously and the identity of a Whistleblower cannot be disclosed to a Court or Tribunal without a court order. However, it may be difficult for HCA to properly investigate anonymous reports. If authorities take legal action in relation to the Reportable Conduct, it may become necessary for a Whistleblower to identify themselves. If a Whistleblower is required or encouraged to disclose their identity, HCA will continue to ensure that the Whistleblower is protected from retaliation.

Whistleblowers do not have to give broad consent for identity sharing, they can choose to share their identifying information in a limited disclosure. Whistleblowers can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. They can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations.

A whistleblower who wishes to remain anonymous should maintain ongoing two-way communication, for follow-up questions and providing feedback.

### **5.4 NATURE OF REPORTING**

A report may have serious consequences, including potential damage to the career prospects and reputation of people who are the subject of the Reportable Conduct. Therefore, it is important that those who make a report under this policy do so honestly and with genuine or reasonable grounds for believing that the information is correct or likely to be correct. Although the motivation of a Whistleblower when making a report will not be considered relevant, if a report is found to be malicious, deliberately misleading, fabricated or frivolous, the person making the report may be subject to disciplinary action.

### **5.5 LEGAL ADVICE**

Those considering making a disclosure may seek legal advice in advance of making a report or following any report they have made.

### **5.6 MAKING A REPORT**

A Protected Disclosure may be made using the reporting channels outlined below. The availability of each channel depends on whether the Whistleblower is internal or external to HCA.

#### **5.6.1 REPORTING INTERNALLY (FOR EMPLOYEES)**

Internal Whistleblowers may use any of the following channels of communication to make a report:

1. verbally or in writing to a Whistleblower Protection Officer (WPO) - see further below,
2. verbally or in writing to any Eligible Recipient as defined in the Corporations Act (at HCA, Eligible Recipients include members of the Board, Executive or Business Leadership Group), or
3. by contacting the Independent Whistleblowing Service, if for any reason the Whistleblower does not feel that they are able to use the internal channels.

At any time, an employee who is unsure about whether to make a Protected Disclosure will be entitled to discuss the matter in confidence with a WPO or another Eligible Recipient under the Corporations Act. If a Whistleblower does not formally make a Protected Disclosure, HCA may still be compelled to act on the information provided if that information reasonably suggests Reportable Conduct has occurred or may occur.

Where the Whistleblower believes that HCA's internal processes are inappropriate because:

- the alleged Reportable Conduct involves a WPO or an executive member of HCA; or
- the Whistleblower considered that the matter should not be referred to a WPO,

then the Whistleblower may make that report to the Board Chair or use the Independent Whistleblowing Service.

### 5.6.2 HCA'S WPOs

Each WPO is appointed by the Board to:

- safeguard the interest of a Whistleblower;
- assess the immediate welfare and protection needs of a Whistleblower and, where the Whistleblower is an employee, seek to foster a safe and supportive work environment; and
- respond as appropriate and necessary to any concerns or reports of victimisation by a Whistleblower.

HCA's WPOs are:

- the Chief Executive Officer;
- the Executive General Manager Legal and Governance;
- the General Manager People and Culture; and
- the General Manager Housing Services (SA).

In the event that the Reportable Conduct relates to all WPOs listed above, the Board Chair, is the alternative WPO.

The WPOs may be contacted

- via email at [whistleblowing@hcau.org.au](mailto:whistleblowing@hcau.org.au);
- in person; or
- via post to the attention of "The Whistleblower Protection Officers" at Level 3, 350 Queen Street, Melbourne, Victoria, 3000.

If an employee is uncertain how to contact a WPO, they may seek clarification from their manager or consider using the Independent Whistleblowing Service.

### 5.6.3 REPORTING TO EXTERNAL WHISTLEBLOWING SERVICE

External Whistleblowers (e.g. contractors, former employees, support partners or residents), or internal Whistleblowers that are not comfortable or able to report misconduct internally, may contact HCA's independent and external whistleblowing service provider (**Independent Whistleblowing Service**).

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The Independent Whistleblowing Service acts as a confidential intermediary, providing the means for Whistleblowers to retain anonymity, while enabling HCA to obtain further information if required. All reports received by the Independent Whistleblowing Service are reported to HCA WPOs in accordance with this policy. The Independent Whistleblowing Service also enables the Whistleblower to receive updates from HCA.

Although HCA would prefer Whistleblowers to disclose their identity in order to facilitate any investigation, Whistleblowers are not required to do so and will not be named in any report to HCA unless they have provided their consent.

The Independent Whistleblowing Service reporting options, available 24 hours a day, 7 days a week, are provided by RSM:

- Website - <https://www.rsm.global/australia/WBreporting>
- By email - [RSMHelpline@rsm.com.au](mailto:RSMHelpline@rsm.com.au)
- By physical mail, to be addressed as follows:



To the National Head of Fraud & Forensic Services  
RSM Australia  
Level 21  
55 Collins Street  
Melbourne Victoria 3000

If a report is received by the Independent Whistleblowing Service relates to a WPO, the Independent Whistleblowing Service will exclude the relevant WPO from all communications when reporting that report to HCA for investigation. The WPOs who are not named in the report will then determine how the matter should be investigated.

If a report includes all WPOs, the Independent Whistleblowing Service will refer the report directly to the Board Chair who will act as the alternative WPO in that instance.

### 5.7 SUPPORTING EVIDENCE

HCA does not expect a report to include absolute proof of misconduct. However, where possible it should include:

- the name, job title and workplace address of the person the subject of the disclosure;
- details of the misconduct including dates and places;
- names of anyone who may substantiate the disclosure; and
- any other evidence that supports the disclosure such as email, documents, audio or video recordings, etc.

These details will assist in deciding how best to deal with and resolve the disclosure.

### 5.8 OTHER COMPLAINT AND INCIDENT REPORTING MECHANISMS

This policy is in addition to:

- the [Fraud, Corruption and Misconduct Prevention Policy](#), which is directed toward providing for HCA employees, Directors and contractors to make protected disclosures of corruption and serious wrongdoing committed in the public sector and in public office;
- the [Employee Grievance Policy](#) and [Procedure](#), which is for all staff to raise any matters they may have in relation to their work or their work environment, other persons, or decisions affecting their employment;
- the [Acceptable Workplace Behaviour Policy](#) and [Procedure](#), which aims to ensure a working environment in which all staff are treated fairly and equitably and are not subject to unacceptable workplace behaviour and provides for a procedure for any informal and formal reports of unacceptable behaviour to be investigated;
- the [Complaints and Appeals Policy](#) and [Procedure](#), which is for customers, including residents, community members, NDIS participants, housing applicants, neighbours of HCA residents and members of the broader community impacted by HCA's services; and
- the [Incident Reporting Policy and Procedure](#), which operate in accordance with the NDIS Act and include the reporting of the death, serious injury, abuse, neglect, assault or sexual misconduct of, or use of a restrictive practice in relation to, a person with disability;
- the [Health and Safety Policy](#), which is for all staff to report of workplace incidents, near misses/hits, hazards etc.
- [Child Safety Framework](#), which outlines HCA's commitment, reporting and investigative measures for incidents that endanger children; and
- any exercise of contractor's or supplier's rights under the terms of their contract.

An exception to this is where the issue is wrongdoing of a serious nature, yet the existing reporting system failed to attend to the issue or has processed it in a substantially inappropriate, grossly unfair or heavily biased manner.

## 5.9 WHERE A DISCLOSURE IS NOT PROTECTED

If the disclosure is a genuine report of inappropriate conduct, but disclosure is not protected under the Corporations Act and the associated protections do not apply, HCA will report and investigate the allegations having due care for the protection of the person who has made the report.

### 5.10 EXTERNAL AUTHORITIES AND ENTITIES

A protected disclosure of the Reportable Conduct by Eligible Whistleblowers may also be made to various external authorities and entities, subject to the requirements of the applicable law. These include the Australian Securities and Investments Commission (ASIC) and the Australia Prudential Regulation Authority (APRA) and, if in the public interest or in case of emergency (and if otherwise in accordance with the requirements of the applicable law), to members of Parliament and journalists.

### 5.11 INVESTIGATING A REPORT

HCA will use fairness and impartiality, as well as expertise, to investigate all matters reported under this policy as soon as possible to determine if there is enough evidence to substantiate or refute the allegation by a Whistleblower.



As a first step, the WPO or Board Chair (depending on the circumstances and allegations), will decide whether the matter reported constitutes Reportable Conduct, it will be investigated and the person conducting the investigation may appoint a person to assist.

The investigation will be conducted:

- following advice to the Chief Executive Officer and/or Board Chair (unless inappropriate);
- in accordance with the Investigation Procedure (to be developed); and
- generally, in an objective and fair manner, and otherwise as is reasonable and appropriate having regard to the nature of the Reportable Conduct and the circumstances, with all reasonable efforts being made to preserve the confidentiality of an investigation.

The investigation will not be conducted by a person who may be the subject of the investigation or has inappropriate links or connections (actual or perceived) to the person(s) or practice(s) under investigation.

To avoid jeopardising an investigation, a Whistleblower who has made a report under this policy is required to keep confidential the fact that a report has been made (subject to any legal requirements).

Subject to privacy and confidentiality requirements, the Whistleblower will be kept informed of:

- the relevant progress of the disclosure; and
- the outcome of the disclosure,

to the extent that it is legally permissible and appropriate to do so.

## 5.12 SUPPORT

The WPO (or other person appointed to investigate the matter) can initiate or coordinate support for employees who have made a report, who are in the process of making a report or after a report has been investigated. As a first step, employees can also contact HCA's employee assistance program, Acacia Connection. Information on how to contact Acacia Connection can be found at [www.acaciaconnection.com](http://www.acaciaconnection.com).

## 5.13 FAIR TREATMENT

An employee or contractor within HCA who is subjected to detrimental treatment as a result of making a report on objectively reasonable grounds under this policy should inform an appropriate WPO immediately. If an HCA resident is subjected to such detrimental treatment, they should inform the Independent Whistleblowing Service.

HCA is committed to ensuring that any person who reports Reportable Conduct, acts as a witness or participates in any way with respect to a report of Reportable Conduct does not suffer detriment or is not victimised or unfavourably treated. Any reports of such conduct will be thoroughly investigated and, if proven, those who have engaged in such conduct may be subject to disciplinary action, including dismissal.

## 5.14 ACCESS TO THIS POLICY

This document will be made available through:



- HCA's website and intranet;
- request from Management, including the WPOs;
- the induction pack for all new employees; and
- electronic link to all current employees and contractors.

## 5.15 APPLICATION OF POLICY

HCA Group and HCA Affiliates	Date Policy Adopted
Housing Choices Australia Limited	31 October 2018
Housing Choices Tasmania Limited	31 October 2018
Housing Choices South Australia Limited	31 October 2018
Housing Choices NSW Limited	31 October 2018
Disability Housing Limited	31 October 2018
Singleton Equity Housing Limited	31 October 2018
Urban Choices Property Limited	13 November 2018
Housing Choices Western Australia Limited	17 February 2021
Catherine House Inc	12 May 2021

## 6 References:

LEGISLATION & STANDARDS	RELATED INTERNAL DOCUMENTS
<ul style="list-style-type: none"> <li>• Child Safety and Wellbeing Act 2005 (Vic)</li> <li>• Corporations Act 2001 (Cth)</li> <li>• Public Interest Disclosure Act 2013 (Cth)</li> <li>• Public Interest Disclosures Act 1994 (NSW)</li> <li>• Protected Disclosures Act 2002 (Tas)</li> <li>• Public Interest Disclosure Act 2018 (SA)</li> <li>• Public Interest Disclosures Act 2012 (Vic)</li> <li>• Public Interest Disclosure Act 2003 (WA)</li> <li>• Taxation Act 1953 1: Taxation Administration (Cth)</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Child Safety Policy</a></li> <li>• <a href="#">Complaints and Appeals Policy</a></li> <li>• <a href="#">Fraud, Corruption and Misconduct Prevention Policy</a></li> <li>• <a href="#">Fraud, Corruption and Misconduct Prevention – External Disclosure Guidance Factsheet</a></li> <li>• <a href="#">Employee Grievance Policy</a></li> <li>• <a href="#">Health and Safety Policy</a></li> <li>• <a href="#">Regulatory Reportable Notification Policy</a></li> <li>• <a href="#">Acceptable Workplace Behaviour Procedure</a></li> <li>• <a href="#">Child Safety Procedure - South Australia</a></li> <li>• <a href="#">Child Safety Procedure - Victoria</a></li> <li>• <a href="#">Complaints and Appeals Procedure</a></li> <li>• <a href="#">Employee Grievance Procedure</a></li> <li>• <a href="#">Incident Management &amp; Reportable Incidents for Residents in Specialist Disability Accommodation Procedure</a></li> </ul>

### 6.1 Glossary

[add terms specific to this policy/delete section if not appropriate]



#### English:

If you need an interpreter, please call TIS National on 131 450 and ask them to call **Housing Choices Australia** on **1300 312 447**. Our business hours are **9am to 5pm, Monday to Friday**.

You can also visit the TIS National website for translated information about the service TIS National provides. Visit: [www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Arabic:

إذا كنت بحاجة إلى مترجم، يرجى الاتصال بـ TIS الوطنية على الرقم 131 450 وأطلب منهم الاتصال بـ **Housing Choices Australia** على هاتف رقم **1300 312 447**. ساعات العمل الخاصة بنا **9am to 5pm, Monday to Friday**.

يمكنك أيضا زيارة موقع TIS الوطنية للحصول على معلومات حول الخدمات التي تقدمها TIS الوطنية. قم بزيارة: [www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Farsi (alt Persian):

اگر به مترجم نیاز دارید، لطفاً با شماره تلفن تیس نیشنال 131 450 تماس بگیرید و از آنها بخواهید با **Housing Choices Australia** به شماره **1300 312 447** تماس بگیرید. ساعت کاری ما **9am to 5pm, Monday to Friday** است.

[www.tisnational.gov.au](http://www.tisnational.gov.au) شما همچنین می توانید به وب سایت تیس نیشنال برای اطلاعات در مورد خدماتی که تیس نیشنال فراهم می کند مراجعه کنید. به

#### Vietnamese:

Nếu quý vị cần thông dịch viên, xin hãy gọi cho Dịch vụ Thông Phiên dịch Quốc gia (TIS Quốc gia) theo số 131 450 và yêu cầu họ gọi cho **Housing Choices Australia** theo số **1300 312 447**. Giờ làm việc của chúng tôi là **9am to 5pm, Monday to Friday**. Quý vị cũng có thể vào thăm trang mạng của TIS Quốc gia để có thông tin về các dịch vụ mà TIS Quốc gia cung cấp. Hãy vào thăm [www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Somali:

Haddii aad u baahan tahay turjumaan, fadlan ka wac TIS National taleefanka 131 450 waxaad ka codsataa inay kuu wacaan **Housing Choices Australia** iyo **1300 312 447**. Saacadaha Shaqadu waa **9am to 5pm, Monday to Friday**.

Waxaad kaloo booqan kartaa website-ka TIS National ee macluumaadka turjuman oo ku saabsan adeegga TIS National ay bixiso. Ka eeg: [www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Simplified Chinese:

如果您需要口译员，请拨打TIS National 的电话131 450，请他们打电话给**Housing Choices Australia**。电话号码：**1300 312 447**。我们的营业时间是**9am to 5pm, Monday to Friday**。

你也可以访问TIS National 的网站，了解TIS National提供的服务。网址：[www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Traditional Chinese:

若你需要口譯員，請撥打TIS National電話131 450並請他們轉接 **Housing Choices Australia** 的電話 **1300 312 447**。我們的工作時間是 **9am to 5pm, Monday to Friday**。

你也可以瀏覽TIS National 網站瞭解TIS National 的服務資訊。網址：[www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Spanish:

Si necesita un intérprete, por favor llame a TIS National en el 131 450 y pida que lo comuniquen con **Housing Choices Australia** en el **1300 312 447**. Nuestro horario de oficina es **9am to 5pm, Monday to Friday**.

También puede visitar el sitio web de TIS National para obtener información acerca de los servicios que provee TIS National. Visite [www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Italian:

Se hai bisogno di un interprete, telefona a TIS National al numero 131 450 e chiedi di chiamare **Housing Choices Australia** al **1300 312 447**. I nostri orari d'ufficio sono **9am to 5pm, Monday to Friday**.

Puoi visitare anche il sito web TIS National per informazioni tradotte sul servizio che TIS National fornisce. Visita il sito: [www.tisnational.gov.au](http://www.tisnational.gov.au)

**For other languages, access to an interpreter is available by contacting Housing Choices Australia on 1300 312 447.**