

# Whistleblower

## 1. Introduction

The Australian Academy of Technology and Engineering (ATSE) is guided by its organisational values, which are the foundation of how we behave and interact with each other – the Secretariat, the Board, our Fellows, and all internal and external partners, collaborators, and stakeholders. Together our values reflect the priorities of the organisation and provide guidance and a framework in our decision making.

ATSE's policies have been developed to align with our values and ensure that we observe the highest standards of conduct and ethical behaviour in all our business activities and to promoting and supporting a culture of honesty and integrity, corporate compliance, good corporate governance, and fair dealing. The Board and management of ATSE are committed to providing a healthy and safe working environment for all staff.

## 2. What is Whistleblower?

In general terms, Whistleblower is the disclosure of illegal, immoral, or illegitimate practices, to persons that may be able to effect action. Whistleblower protects people who act in the public interest when disclosing serious wrongdoing relating to issues or information regarding corruption, misconduct, and maladministration (including unethical, illegal, or other inappropriate conduct)

Our Whistleblower Policy (this "Policy") has been put in place to ensure past and former employees and other Disclosers can raise concerns regarding any misconduct or improper state of affairs or circumstances as described above, without being subject to victimisation, harassment, or discriminatory treatment.

This Whistleblower Policy includes:

- a matter that would have significant implications for ATSE such as legal, financial, reputational, or moral.
- any conduct that would be considered victimisation of an individual because they have made, may have made, or propose to make a report under this Policy

This Whistleblower Policy does not include:

Personal work-related grievances are not covered under this policy and should be reported to an individual's direct manager or to ATSE's Director, Business Operations or CEO in accordance with ATSE's Grievance Procedure. A "personal workplace grievance" means a grievance about any matter in relation to the Discloser's employment or former employment, having (or tending to have) implications for the Discloser personally.

Personal work-related grievances include, but is not limited to, the following:

- an interpersonal conflict between the Discloser and another employee
- a difference of opinion about Policy or Procedure adopted by ATSE
- disagreement with or dislike for a lawful and reasonable directive from a supervisor
- respectful debate or disagreement
- a decision relating to the engagement, transfer, or promotion of the Discloser
- a decision to suspend or terminate the employment of the Discloser, or otherwise to discipline the Discloser.



### **3. Purpose**

The purpose of this policy is to:

- encourage Disclosers to report an issue if they have reasonable grounds to believe that someone within ATSE, including the Secretariat, Board, Committees and Fellows, has engaged in serious wrongdoing during their employ, work with or representation of ATSE
- provide an understanding of what can be reported under this Policy
- demonstrate the importance ATSE places on ensuring a safe and supportive environment where its staff, Fellows and office bearers are confident to raise breaches of internal rules or Disclosable Conduct (as described in this Policy)
- assist in creating a workplace culture that encourages staff to speak up about Disclosable Conduct
- explain the processes for reporting Disclosable Conduct, including what happens when a report is made
- provide an outline of how protections are provided if a report is made.

Note: This policy is not designed to circumvent or override other ATSE internal policies and procedures.

### **4. Who does this policy apply to?**

Reports can be made under this Policy by anyone who is, or has been, any of the following in respect of ATSE:

- employees (including permanent, part-time, casual, fixed term or temporary employees and interns)
- Board and Committee members
- Fellows of the Academy
- Company Secretary
- contractors and consultants (including its employees)
- relatives, dependants, spouses, partners or dependants of a spouse and partner of any of the above.

A “Discloser” is any of the above individuals who make a report in accordance with this Policy.

The protections in this Policy will also apply to anyone who has made a disclosure of information relating to ATSE to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to Whistleblower protections laws.

### **5. Disclosable Conduct – matters that should be reported**

Any matter that a Discloser has reasonable grounds to suspect is misconduct or an improper state of affairs or circumstance in relation to ATSE should be reported in accordance with this Policy. Please note that personal work-related grievances as described in (2) are excluded from this Policy and will be handled under the Grievance Policy.

“Reportable Matters” include conduct that constitutes:

- a danger to the public
- a breach of financial management (even if it does not involve a contravention of a particular law);
- improper conduct including dishonesty, fraud, theft
- bribery, corruption or unlawful or irregular use of company funds or practices



- illegal activities (including theft, dealing in or use of illicit drugs, violence, or threatened violence and criminal damage against property)
- unethical behavior (including a breach of ATSE's Code of Conduct)
- knowingly providing false or misleading information
- improper or misleading accounting or financial reporting practices
- behavior that is oppressive, discriminatory, or grossly negligent
- unsafe work practices
- any behavior that poses a risk to the health and safety of any person at the workplace
- contravention of slavery legislation
- a serious risk to public health, public safety, or the environment
- causing or threatening to cause detriment to a Discloser who has made a report under this Policy, or is believed or suspected to have made or be planning to make a report under this Policy
- a matter that would have significant implications for ATSE.

#### **6. Reasonable Grounds**

A Discloser must have reasonable grounds for a report made under this policy. An allegation with no supporting information is unlikely to have reasonable grounds. A Discloser will still qualify for protections under this Policy even if their disclosure made in good faith turns out to be incorrect.

#### **7. False Reports**

The reporting of false information is taken very seriously by ATSE. Individuals who deliberately or knowingly report false information will not be able to access the protections available under this Policy for Disclosers. Individuals who are employees, Directors, officers, Fellows, or contractors of ATSE may be subject to disciplinary action or termination of engagement for deliberately or knowingly reporting false information.

#### **8. Responsibility to report**

ATSE relies on its employees, Directors and Fellows to help maintain and grow its culture of honest and ethical behavior. It is therefore expected that any employee, Director or Fellow who becomes aware of a Reportable Matter will make a report.

#### **9. Making a report**

Employees should first report any matters to of concern to their direct line manager, the Director Business Operations, or the CEO.

Where this is not appropriate, where the person making a report does not feel comfortable making an internal report, or where an employee has made an internal report, but no action has been taken in a reasonable time, consider raising the matter with the Whistleblower Protection Officer "WPO" or Whistleblower Investigation Officer "WIO" as set out below; or any member of the Board.

If you do not wish to raise the matter with any member of the Board, you may contact ATSE's appointed auditor, lawyer, or the Australian Securities and Investment Commission (ASIC). More information about reporting rights, responsibilities and pathways is available at [ASIC](#).



Also available is a Whistleblower service “Your Call” which is an independent service and provides individuals the opportunity to speak in a secure environment.

If a Discloser is unable to use any of the above reporting channels, a disclosure can be made to an “eligible recipient” within ATSE.

Eligible recipients in relation to ATSE are:

- Company Secretary
- Directors
- senior managers
- auditor or member of an internal or external audit team conducting an audit
- Whistleblower Protection Officer
- Whistleblower Investigation Officer.

The WIO is ATSE’s representative responsible for receiving whistleblower disclosures of wrongdoing and oversees an investigation and resolution.

The WIO must (after reasonable assessment):

- appoint a Whistleblower Protection Officer (the WPO) to provide support to the Whistleblower (this may be the WPO identified in this policy, or another person)
- be satisfied that action taken in response to the inquiry/investigation is appropriate to the circumstances
- ensure that all investigations are carried out in line with the principle of procedural fairness.

The contact details for the WIO, WPO and CEO are:

Whistleblower Investigation Officer (WIO)	<b>Professor Iven Mareels</b> Chair, Audit and Risk Committee, ATSE Board	imareels@au1.ibm.com
Whistleblower Protection Officer (WPO)	<b>Glen Bortolin</b> Director, Business Operations	glen.bortolin@atse.org.au 0418 151 57
Chief Executive Officer	<b>Kylie Walker</b> Chief Executive Officer	kylie.walker@atse.org.au 0405 229 152

#### **10. Confidentiality**

If a report is made, the identity of the discloser will be kept confidential unless one of the following exceptions applies:

- (a) the discloser consents to the disclosure of their identity;
- (b) disclosure of details that might reveal their identity is reasonably necessary for the effective investigation of the allegations;
- (c) the concern is reported to the following institutions:
  - Australian Securities and Investment Commission (ASIC)
  - Australian Taxation Office (ATO)
  - Australian Federal Police (AFP)
- (d) the concern is raised with a lawyer for the purpose obtaining legal advice or representation



Disclosures may be made anonymously, and the discloser may choose to remain anonymous and remain protected under the Corporations Act.

### **11. What happens if I make a disclosure?**

Reports of a Disclosable Conduct matter under this Policy should provide as much factual information as possible (i.e., dates, times, location, individuals involved, witnesses, evidence, documents) and any general information which may be helpful to assist ATSE in determining what action may be required.

ATSE will consider the quality of the information that is reported. Any information provided may be used in an investigation or other appropriate action. All investigations will be conducted in a manner that is procedurally fair, confidential, conducted without bias and in a timely manner.

Examples of actions that ATSE may take in response to an investigation may include:

- a satisfactory explanation can be provided in relation to the matter
- the matter is resolved by speaking to one or more parties
- the matter is recorded and monitored going forward
- a decision is made to investigate (internally or via independent, external investigators)
- the matter is referred to an external agency, regulator, or authority
- a combination of any of the above.

Whistleblowers will not be contacted regarding any action undertaken by ATSE in response to the allegation. Any action taken in response to the allegation will be communicated to all staff, the Board and the Audit and Risk Committee.

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the person raising the misconduct concern.

### **12. Protection**

In accordance with the Corporations Act, a Whistleblower who qualifies for protection is entitled to:

- protection of identity
- protection from detrimental acts or omissions, such as dismissal or discrimination
- compensation or other remedies if loss, damage, or injury is experienced
- protection from civil, criminal, and administrative liability.

ATSE is committed to ensuring support and protection from reprisal if a matter is raised under this Whistleblower Policy. ATSE will not tolerate any retaliation against a whistleblower.

ATSE expects all Staff to treat this Whistleblower Policy appropriately and with honesty. Please note that ATSE will not entertain allegations which are vexatious or frivolous and staff are not exempt from the consequences of their own misconduct.

Anonymous reports of alleged Disclosable Conduct are accepted. However, this may place limitations on the ability for ATSE to undertake a proper investigation, such as an inability to provide feedback on the outcome and/or to gather additional particulars to assist an investigation.



### **13. Availability of Policy**

This policy is provided as part of the ATSE suite of internal policies. It is also freely available on the ATSE website. ATSE Board Directors, Fellows and Staff are encouraged to make themselves familiar with the Policy.

### **14. Endorsement**

ATSE's Board is committed to this Policy and its implementation and to ensuring an enjoyable, healthy, and safe working environment.