

Policy Number	Version	Approval Date	Category	Owner
BPO-GOV-SW0-010	2.0	27/06/2019	Governance	Board
Board Policy Statement				
Purpose	The purpose of this policy is to provide the appropriate infrastructure to ensure the Police-Citizens Youth Welfare Association (PCYC Queensland) maintains the highest standards of ethical behaviour and integrity. This policy outlines the management of disclosures of breaches to general law; misconduct; and generally, recognised principles of ethics.			
Scope	<p>The policy applies to individuals who are, or have been involved with PCYC Queensland, including:</p> <ul style="list-style-type: none"> • Board of Directors • Employees / Volunteers / Agents / Trainee Students / Contractors • A relative or dependent of any of the above <p>Agents are bound by this Policy except where it is in conflict with the Queensland Police Service Public Interest Disclosure Policy.</p> <p>This policy applies to disclosures or suspicions of misconduct, unethical or fraudulent activities.</p> <p>NOTE: Refer to the Complaints and Feedback Policy, or Grievance Policy for all other matters not defined under the objectives of this policy.</p>			

1.0 Definitions

Agents – serving members of the Queensland Police Service (QPS) working within PCYC Queensland.

Eligible Whistle-blower (discloser) - an individual who is, or has been, in a relationship with an entity (the regulated entity) about which a disclosure of information is made. The following are eligible whistle-blowers:

- an officer, employee or associate of the regulated entity
- an individual (or their employee) who supplies services or goods to the entity (whether paid or unpaid)
- a spouse, relative or dependant of any individual referred to above
- an individual prescribed by the regulations in relation to the regulated entity

Eligible Recipient – persons to whom a disclosure of information may be made (in relation to a regulated entity). These include:

- An officer, senior manager or actuary of the regulated entity
- A person authorised by the entity to receive disclosures
- An auditor or member of an audit team conducting an audit of the regulated entity

Misconduct – breaches of general law, organisational policy, or generally recognised principles of ethics.

Personal work-related grievance - any matter relating to the discloser's employment, or former employment, having (or tending to have) implications for the discloser personally; and

- information that does not have significant implications for the regulated entity to which it relates, or another regulated entity, that do not relate to the discloser; and
- does not concern conduct, or alleged conduct, in relation to:
 - an offence against, or a contravention of, a provision of any Act as outlined under the *Corporations Act 2011; Section 1317AA (5)c*;
 - conduct that represents a danger to the public or the financial system; or
 - an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more.

Regulated Entity – entities that may be the subject of a qualifying disclosure.

Whistle-blower Contact Officer – a person authorised by PCYC Queensland to receive disclosures. Outlined in 8.0 Reporting.

2.0 Principles

- Encourage the reporting of matters that may cause harm to individuals, financial or non-financial loss to PCYC Queensland or damage to its reputation. Such matters might include:
 - Corrupt conduct
 - Fraud or theft
 - Official misconduct
 - Maladministration
- Establish avenues for reporting disclosures of information
- Provide optional anonymity for reporting disclosable matters
- Ensure processes are in place to allow eligible whistle-blowers to make disclosures
- Disclosures will be treated seriously and be subject to a timely, thorough investigation
- Ensure awareness of the protections that are available for eligible whistle-blowers
- Take reasonable steps to ensure there is no detriment caused to an eligible whistle-blower who reports a disclosable matter
- Eligible recipients are identified and trained appropriately to handle disclosures
- Ensure confidentiality of the identity of eligible whistle-blowers

3.0 Roles and Responsibilities

Board of Directors

- Ensure the establishment of a clear and effective policy for the making and handling of disclosures made within and/or to PCYC Queensland
- Nominate the organisation's Whistle-blower Contact Officer
- Ensure alignment with relevant legislation
- Ensure eligible recipients are trained to handle disclosures
- Ensure effective support and protection for those who report a disclosable matter

Chief Executive Officer

- Ensure the implementation of this policy
- Support accessibility of the policy to all eligible whistle-blowers – internal and external
- Ensure application of this policy by Executive Leadership Team
- Provide a secure environment for the transmittal of correspondence between an eligible Whistle-blower, Eligible Recipient and the Whistle-blower Contact Officer

Executive Leadership Team

- Ensure familiarity with this policy
- Foster a culture that supports the reporting of misconduct and wrongdoing
- Ensure that staff understand their responsibilities

Employees / Volunteers / Agents / Trainee Students / Contractors

- Ensure familiarity with this policy

- Disclose conduct in which there are reasonable grounds to suspect wrongdoing
- Report breaches of general law, organisational policy, or generally recognised principles of ethics to a person authorised to take action on such breaches

Whistle-blower Contact Officer

- Actively represent the position of Whistle-blower Contact Officer
- Maintain a register of Whistle-blower disclosures
- Ensure all records pertaining to Whistle-blower disclosures are stored securely with controlled access
- Provide support and protection to eligible whistle-blowers
- Ensure disclosures are investigated appropriately
- Ensure outcomes of Whistle-Blower disclosures are reported to appropriate stakeholders

Eligible Recipient

- Refer the matter to the Whistle-blower Contact Officer, or where necessary, to an appropriate body for investigation
- Maintain awareness of actions to ensure any detriment (victimisation) to the discloser is not caused on the basis of the allegations
- Where appropriate, conduct and/or manage any internal investigation and make an assessment
- Keep the discloser apprised of progress and the resultant outcome of any investigation relevant to his/her disclosure

4.0 Disclosable Matters

A disclosable matter relates to information where the discloser has reasonable grounds to suspect the information concerns misconduct, or an improper state of affairs or circumstances, in relation to the regulated entity or an officer or employee of the regulated entity. To meet the requirements of a disclosable matter, the information must relate to:

- misconduct, or an improper state of affairs or circumstances in relation to a regulated entity;
- constitutes an offence against, or a contravention of, a provision of any Act as outlined under the *Corporations Act 2011; Section 1317AA (5)c;*
- conduct that represents a danger to the public or the financial system; or
- an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more.

5.0 Public Interest Disclosure and Emergency Disclosures

Public Interest Disclosure – misconduct, or improper state of affairs or circumstances relating to a disclosable matter that may be disclosed to a journalist or a parliamentarian in the interest of the public. This category has significant cumulative requirements and preconditions in order to be protected.

Public Interest Disclosure can only be made when:

- The discloser has previously made a disclosure of that information (the previous disclosure) that qualifies for protection; and
- At least 90 days have passed since the previous disclosure was made; and
- The discloser does not have reasonable grounds to believe that action is being, or has been taken to address the matter to which the previous disclosure related; and
- The discloser has reasonable grounds to believe that making a further disclosure of the information would be in the public interest; and
- At the end of the 90-day period, the discloser gave the body to which the previous disclosure was made a written notification that:

- Includes sufficient information to identify the previous disclosure; and
- State that the discloser intends to make a public interest disclosure; and
- The extent of the information disclosed in the public interest disclosure is no greater than is necessary to inform the recipient (Parliamentarian/Journalist) of the misconduct or the improper state of affairs or circumstances relating to a disclosable matter.

Emergency Disclosure – a situation of substantial and imminent danger to the health and safety of one or more persons, or to the natural environment that may be disclosed to a journalist or a parliamentarian. This category has significant cumulative requirements and preconditions in order to be protected.

Emergency Disclosure can only be made when:

- The discloser has previously made a disclosure of that information (the previous disclosure) that qualifies for protection; and
- The discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health and safety of one or more persons or to the natural environment; and
- The discloser gives the body to which the previous disclosure was made a written notification that includes sufficient information to identify the previous disclosure and state that the discloser intends 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 recipient (Parliamentarian/Journalist) of the substantial and imminent danger.

Public Interest and Emergency Disclosures must be made to:

- A member of Parliament of the Commonwealth or of a State or Territory parliament; or
- A journalist, defined to mean a person who is working in a professional capacity as a journalist for a newspaper, magazine, radio or television broadcasting service or electronic service, that is operated on a commercial basis or operated by a body that provides a national broadcasting service and is similar to a newspaper, magazine, radio or television broadcast.

NOTE: disclosures to 'journalistic' or 'media' enterprises; or public disclosures on social media or through the provision of material to self-defined journalists are not covered by the protection.

6.0 Qualifying Protection

A disclosure of information qualifies for protection if:

1. The individual is an eligible whistle-blower in relation to the regulated entity;
2. The information relates to a disclosable matter; and
3. The disclosure is made to one of the following:
 - An eligible recipient in relation to the regulated entity; or
 - ASIC or APRA, or other Commonwealth authority that is prescribed by regulations; or
 - a legal practitioner for the purposes of obtaining legal advice or representation in relation to the operation of the whistle-blower regime qualifies for protection.

A disclosure may not qualify for protection under the Corporations Act 2001, if the disclosure of information meets the preconditions of a Personal Work-Related Grievance and does not concern a contravention, or alleged contravention that involves detriment caused or a threat made to the discloser*. *This refers to section 1317AC of the Corporations Act 2001.*

Disclosures of Personal Work-Related Grievances made to a legal practitioner may qualify for protection.

7.0 Confidentiality

A discloser may make a disclosure of information anonymously or request that their identity not be disclosed by the eligible recipient.

If the discloser's identity is provided with the disclosure -

PCYC Queensland will protect the identity of the discloser or information likely to lead to their identification without their consent; with the exceptions of:

- Disclosures to (or between) regulators (ASIC, APRA, Australian Federal Police (AFP))
- Disclosures to a legal practitioner for the purpose of obtaining legal advice or representation

However, in circumstances where a disclosure of information is received by PCYC Queensland and the investigation cannot be undertaken without information that might lead to the identity of the discloser (confidential information), PCYC Queensland may disclose the confidential information providing:

- The disclosure of the confidential information is reasonably necessary for the purposes of investigating the conduct disclosed by the whistle-blower; and
- All reasonable steps are taken to reduce the risk of the whistle-blower being identified.

Regulators, such as ASIC, APRA and the AFP may share information, including the identity of the whistle-blower with other Commonwealth, State or Territory authorities with functions or duties relevant to the wrongdoing disclosed. This is to ensure that wrongdoing disclosed by whistle-blowers can be properly investigated or otherwise addressed.

Where the discloser has requested anonymity, they must also maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.

8.0 Reporting

PCYC Queensland provides various avenues for reporting a disclosure to ensure

These include:

- Whistle-blower Contact Officer
- An officer, senior manager or actuary of PCYC Queensland
- An auditor or member of an audit team conducting an audit of the entity

Contact Officer	–	PCYC Queensland Company Secretary
Website	–	www.pcyq.com.au
Phone	–	(07) 3909 9500
Email	–	whistleblower@pcyc.org.au
Post	–	Whistle-blower Contact Officer PO Box 3445, Tingalpa QLD 4173

9.0 Support and Protection

PCYC Queensland is committed to supporting and protecting the rights of whistle-blowers who report wrongdoing. An eligible whistle-blower who reports a disclosable matter will not be at risk of reprisal for coming forward, whether the suspicion proves to be unfounded or real.

PCYC Queensland will not tolerate conduct that intentionally causes detriment to the discloser or:

- discloser's colleagues
- employer (if a contractor, consultant or supplier)
- relatives and/or dependants
- a person who it is suspected may make, proposes to make or could make a protected disclosure

Any conduct deemed to have intentionally caused detriment to a person listed above will be dealt with in accordance with the disciplinary and/or workplace bullying policies

Detriment may include (but is not limited not):

- dismissal of an employee;
- injury of an employee in his or her employment;
- alteration of an employee's position or duties to their detriment;
- discrimination between an employee and other employees of the same employer;
- harassment or intimidation of a person;
- harm or injury to a person, including psychological harm;
- damage to a person's property;
- damage to a person's reputation;
- damage to a person's business or financial position;
- any other damage to a person.

PCYC Queensland recognises that individuals against whom a report is made must also be supported during the handling and investigation of the wrongdoing report. Reasonable steps will be taken to treat fairly any person who is the subject of a report, particularly during the assessment and investigation process.

Disclosures that are made to the ACNC do not qualify for protection under the ACNC Act.

10.0 Investigation

All reports made by a discloser to an eligible recipient within PCYC Queensland will be assessed and if appropriate, investigated.

All investigations will be conducted in a manner that is consistent with the rules of natural justice and devoid of bias or prejudice against the whistle-blower or any person against whom the allegation is made.

At times, the matter may be referred to the police and/or other external bodies for investigation.

11.0 Availability

This policy will be publicly available to all individuals who are, or have been involved with PCYC Queensland, as set out in the scope of this policy.

12.0 Review

This policy will be subject to review every three (3) years by the Board of Directors, or earlier if there has been a change in any legislation or government policy.

Supporting Information			
Legislative Compliance	<i>Corporations Act 2001</i> <i>Public Interest Disclosure Act 2013</i> <i>ACNC – Governance Standard 3: Compliance with Australian Laws</i>		
Parent Document (Policy)	Governance Policy (BPO-GOV-SW0-001)		
Related Documents	Code of Conduct (BPO-POC-SW0-002) Child and Youth Risk Management Strategy (BPO-GOV-CRM-001) Equal Employment Opportunity Policy Anti-discrimination Policy Gifts and Benefits Policy (BPO-POC-SW0-003) Conflict of Interest Policy Privacy Policy (BPO-IMS-SW0-002) Grievance Policy Complaints and Feedback Policy (POL-PSE-SW0-002) Board Statement of Ethics (BPO-GOV-SW0-009)		
Document Control			
Owner	Board		
Approver	Board	Approval Date	27/06/2019
Revision History			
Version	Amended by	Date	Revision Description
2.0	Policy Officer	19/06/2019	Alignment to Treasury Laws Amendment (Enhancing Whistle-blower Protections) Act 2019