

**MATES 4 MATES**

Here for those  
impacted by service.

# **Whistleblower Protection Policy.**

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## 1. Policy Statement

- 1.1. Mates4Mates is committed to ensuring that the identification, reporting and investigation of unacceptable behaviour in our business can occur in a safe and secure environment, one which encourages disclosure, that may otherwise not be detected.

## 2. Purpose

- 2.1. The purpose of this Policy is to:
  - 2.1.1. protect individuals who disclose wrongdoing ("Whistleblowers")
  - 2.1.2. encourage disclosure of an improper state of affairs or circumstance including, but not limited to, fraud, misappropriation of assets, corruption or bribery, improper accounting, misuse of confidential or proprietary information, acts against the interest of the organisation, law or public policy ("Misconduct")
  - 2.1.3. promote a healthy and safe workplace
  - 2.1.4. enable the investigation of disclosures appropriately and on a timely basis
  - 2.1.5. demonstrate Mates4Mates values and promotes a culture of compliance
  - 2.1.6. support Mates4Mates sustainability and reputation
  - 2.1.7. reinforce Mates4Mates commitment to meeting its legal and regulatory obligations including under The Whistleblower Protection Scheme as defined in the *Corporations Act 2001* (Cth) and the *Tax Administration Act 1953* (Cth)
  - 2.1.8. align with the Australian Charities and Not-for-Profit Commission ("ACNC") corporate governance principles.
- 2.2. This Policy contains information about disclosure, qualification for protection and what Mates4Mates will do to support and protect a Whistleblower and investigate a disclosure.

## 3. Scope

- 3.1. This Policy applies to a person who has disclosed information about a Disclosable Matter to an Eligible Recipient ("Whistleblower").
- 3.2. This Policy does not apply to personal employment related grievances, such as interpersonal conflict between two employees or decisions about an employee's terms of work, transfer or promotion or termination which do not relate to the actual or threat of Detrimental Conduct to the Whistleblower.

## 4. Who is a Whistleblower

- 4.1. A Whistleblower is an individual person who is or has been:
  - 4.1.1. an employee, officeholder, contractor or consultant of Mates4Mates
  - 4.1.2. a supplier of goods or services to M4M and their employees, contractors, consultants, office holders
  - 4.1.3. a volunteer of Mates4Mates
  - 4.1.4. a relative of an individual listed in this clause.

## 5. What is a Disclosable Matter



- 5.1. A disclosure qualifies for protection if the Whistleblower has reasonable grounds to suspect the information (“Disclosable Matter”):
  - 5.1.1. concerns misconduct, an improper state of affairs or circumstances in relation to Mates4Mates, or an officer or employee, or one of its related bodies corporate; or
  - 5.1.2. indicates Mates4Mates, a related body corporate or one of their officers or employees has engaged in Misconduct, being conduct which:
    - 5.1.2.1. constitutes an offence against the Corporations Act, or other specified financial services legislation;
    - 5.1.2.2. constitutes an offence against other Commonwealth legislation that is punishable by imprisonment for 12 months or more, or
    - 5.1.2.3. represents a danger to the public or the financial system, or
    - 5.1.2.4. is prescribed by regulation.
- 5.2. Examples of Misconduct within Mates4Mates may be:
  - 5.2.1. theft, dealing in or the use of illicit drugs, violence or threat to use violence, criminal damage to property;
  - 5.2.2. fraud, money laundering, misappropriation of funds;
  - 5.2.3. offering or accepting a bribe;
  - 5.2.4. financial irregularities;
  - 5.2.5. danger to the public or Mates4Mates workers;
  - 5.2.6. failure to comply with the law;
  - 5.2.7. engaging in detrimental conduct against a Whistleblower or someone who has or is suspected of making a disclosure or is planning to make a disclosure.
- 5.3. Disclosable Matters include conduct that may not involve breaking the law.

## 6. Who can receive a disclosure?

- 6.1. Disclosures must be made to Eligible Recipients to qualify for protection. The following is a list of eligible recipients (“Eligible Recipients”):
  - 6.1.1. company secretary of Mates4Mates or RSL Queensland
  - 6.1.2. the internal auditor for RSL Queensland
  - 6.1.3. internally to the email address [Whistleblower@mates4mates.org](mailto:Whistleblower@mates4mates.org) ;
  - 6.1.4. the external Whistleblower [RSL Queensland Whistleblower Service \(deloitte-halo.com\)](https://deloitte-halo.com)
  - 6.1.5. the Commissioner of Taxation (“ATO”)
  - 6.1.6. Australian Securities and Investments Commission (“ASIC”)
  - 6.1.7. Australian Prudential Regulation Authority (“APRA”)
  - 6.1.8. a legal practitioner for the purposes of obtaining legal advice or representation about a disclosure or possible disclosure.
- 6.2. ACNC is not an Eligible Recipient.



## 7. What protections are available

- 7.1. A Whistleblower has the following protections if the information is a Disclosable Matter and is disclosed to an Eligible Recipient:
  - 7.1.1. Confidentiality (protection of identity), subject to the exceptions listed at 7.2 below
  - 7.1.2. protection from dismissal or termination, injury or harm, alteration of position or duties to the Whistleblower's disadvantage, discrimination, harassment or intimidation, damage to property, damage to reputation, financial or business position, any other damage to a person ("Detrimental Conduct")
  - 7.1.3. compensation and other remedies (for example: if the Whistleblower suffers loss or damage as a result of Detrimental Conduct)
  - 7.1.4. protection from civil, criminal and administrative liability.
- 7.2. Exceptions to the protection of identity apply if a Whistleblower's identity is disclosed by Mates4Mates:
  - 7.2.1. to ASIC, APRA or the Australian Federal Police
  - 7.2.2. to a legal practitioner for the purposes of obtaining legal advice
  - 7.2.3. to a person or body prescribed by regulation
  - 7.2.4. where the Whistleblower has consented to the disclosure.
- 7.3. A Whistleblower can qualify for protection even if their disclosure of Misconduct turns out to be incorrect.
- 7.4. The protections do not grant a Whistleblower immunity for any Misconduct a Whistleblower has engaged in which is revealed because of their disclosure.
- 7.5. A personal employment related grievance may still qualify for protection if:
  - 7.5.1. the grievance:
    - 7.5.1.1. involves Misconduct; concerns a breach of law punishable by imprisonment for a period of 12 months or more
    - 7.5.1.2. is a danger to the public
    - 7.5.1.3. concerns Misconduct beyond the individual's personal employment related grievance
  - 7.5.2. the Whistleblower is threatened with Detrimental Conduct for making a disclosure or
  - 7.5.3. the Whistleblower seeks legal advice about the disclosure or potential disclosure.
- 7.6. Mates4Mates or any person representing or acting for Mates4Mates must not threaten to or engage in, Detrimental Conduct towards a Whistleblower or person considering making a disclosure.
- 7.7. Reasonable administrative actions to protect the Whistleblower from detriment, or to manage a person's unsatisfactory work performance are not Detrimental Conduct.

A Whistleblower can seek compensation and/or other remedies if they are impacted by Detrimental Conduct and Mates4Mates failed to take reasonable steps to prevent the Detrimental Conduct.

## 8. How to make a disclosure

- 8.1. A disclosure under this Policy must be made to an Eligible Recipient to entitle the Whistleblower to protection.
- 8.2. A disclosure can be made anonymously or using a pseudonym or via the Whistleblower Service at the external website <https://www.rslqueensland.deloitte.com.au>



- 8.3. The information disclosed by the Whistleblower can be further disclosed if:
  - 8.3.1. the Whistleblower identity is not included
  - 8.3.2. Mates4Mates takes all reasonable steps to reduce the risk of the Whistleblower being identified
  - 8.3.3. the further disclosure is required for investigation of the Misconduct.
- 8.4. Disclosures to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to a disclosure or potential disclosure are protected, even in the event the legal practitioner concludes a disclosure does not relate to a Disclosable Matter.
- 8.5. Disclosure to a journalist or parliamentarian may qualify for protection where the disclosure is in the public interest or is an emergency.
- 8.6. A public interest disclosure is the disclosure of information to a journalist or a parliamentarian, where:
  - 8.6.1. at least 90 days have passed since the Whistleblower made the disclosure to a regulatory body prescribed by regulation
  - 8.6.2. the Whistleblower has reasonable grounds to believe action has not been taken
  - 8.6.3. the Whistleblower has reasonable grounds to believe making a further disclosure is in the public interest
  - 8.6.4. before making the public interest disclosure, the Whistleblower has given written notice to the regulatory body to which the previous disclosure was made that:
    - 8.6.4.1. includes sufficient information to identify the previous disclosure
    - 8.6.4.2. states the Whistleblower intends to make a public interest disclosure.
- 8.7. An emergency disclosure is the disclosure of information to a journalist or parliamentarian, where the same situation applies for a public interest disclosure above, except the 90 day period does not apply and instead the Whistleblower has reasonable grounds to believe the disclosure concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment. The extent of the information disclosed must be no greater than is necessary to inform of the substantial and imminent danger.
- 8.8. Mates4Mates encourages a Whistleblower to seek independent legal advice before making a public interest disclosure or an emergency disclosure.
- 8.9. A Whistleblower will only be protected if they have reasonable grounds to suspect the information they disclose concerns Misconduct. The protections and this Policy will not extend to vexatious complaints. However, a Whistleblower's motive for making a disclosure, or their personal view of the person or persons involved does not prevent the Whistleblower qualifying from protection. A Whistleblower does not need to prove the Misconduct has occurred.

## 9. How Mates4Mates will investigate a disclosure

- 9.1. Mates4Mates will determine whether the disclosure qualifies for protection and whether an investigation is required.
- 9.2. Mates4Mates will focus on the substance of the disclosure and not the Whistleblower's motive for reporting the Misconduct.
- 9.3. The process of investigating a disclosure will depend on the nature of the Misconduct and is designed to determine whether the Misconduct is substantiated, and then rectifying the Misconduct to the extent practicable.



- 9.4. If Mates4Mates determines an investigation is required, the following aspects will be decided by Mates4Mates:
  - 9.4.1. who will conduct the investigation, whether an internal or external party
  - 9.4.2. nature and scope of the investigation
  - 9.4.3. any technical, financial or legal advice required to support the investigation
  - 9.4.4. the timeframe.
- 9.5. In undertaking an investigation Mates4Mates will endeavour to be:
  - 9.5.1. objective, fair, confidential, timely
  - 9.5.2. independent and devoid of bias or prejudice
  - 9.5.3. consistent with the rules of natural justice.
- 9.6. Mates4Mates will provide regular updates to the Whistleblower if they are contactable, the timing and frequency of which will depend on the nature of the disclosure. It may not be appropriate to communicate the details of an outcome to the Whistleblower.
- 9.7. The outcome of investigations will be recorded, protecting the identity of the Whistleblower.

## 10. Treatment of person mentioned in a disclosure

- 10.1. Mates4Mates will treat all employees mentioned in a disclosure fairly, including any person who is the subject of a disclosure.
- 10.2. Mates4Mates will:
  - 10.2.1. handle all disclosures confidentially
  - 10.2.2. assess each disclosure and determine whether an investigation is required
  - 10.2.3. determine whether there is enough evidence to substantiate or refute the Misconduct disclosed
  - 10.2.4. notify a person who is the subject of a disclosure about the Misconduct alleged when required by the principles of natural justice, so as not to compromise any investigation, and prior to any action being taken against them
  - 10.2.5. encourage a person who is the subject of a disclosure to access Mates4Mates Employee Assistance Program [Employee Assistance Program \(EAP\) \(sharepoint.com\)](#)

## 11. Actions Mates4Mates will take to protect a Whistleblower

- 11.1. Mates4Mates will reduce the risk of disclosing a Whistleblower's identity by:
  - 11.1.1. using gender neutral language
  - 11.1.2. not referencing the Whistleblower's role, title, group, team or location in the workplace
  - 11.1.3. where practical, having the Whistleblower review the information recorded to ascertain whether aspects of the disclosure may identify them
  - 11.1.4. using trained staff to handle investigations
  - 11.1.5. securely storing all paper and electronic copies of documents and materials



- 11.1.6. limiting access to information and documents to those directly involved in the investigation and restricting the number of persons involved in the investigation
- 11.1.7. not using email addresses or printers accessible by persons other than those directly involved in the investigation
- 11.1.8. regularly reminding individuals involved in the investigation process of their obligations of confidentiality, including that unauthorised disclosure of a Whistleblower's identity may be a criminal offence
- 11.1.9. intervening where Detrimental Conduct has or is likely to occur.
- 11.2. A Whistleblower can remain anonymous when making a disclosure and through the investigation process. This includes the right to not answer questions if the Whistleblower considers their identity could be revealed. Anonymity will be preserved using the external Whistleblower site and/or the continued use of a pseudonym.

## 12. Support available to a Whistleblower

- 12.1. A Whistleblower may seek compensation and other remedies for detrimental conduct if they suffer loss, damage or injury and Mates4Mates failed to take reasonable precautions to prevent the detrimental conduct.
- 12.2. If a Whistleblower believes their identity has been exposed or may potentially become known, the Whistleblower may lodge a complaint with Mates4Mates or another Eligible Recipient or the Whistleblower Service.
- 12.3. Mates4Mates workers have access to an Employee Assistance Program for support.
- 12.4. A Whistleblower may lodge a complaint with a regulator (such as ASIC, APRA or the ATO), if they are not satisfied with the outcome of an investigation.
- 12.5. An employee accused of Misconduct is also able to access the Employee Assistance Program. [Employee Assistance Program \(EAP\) \(sharepoint.com\)](#)

## 13. Policy Accessibility

- 13.1. The General Manager of Mates4Mates and other executives are accountable for upholding this Policy.
- 13.2. This Policy will be available for all Mates4Mates workers via the intranet, staff briefing sessions, staff noticeboards and new employee induction training and welcome packs.
- 13.3. Mates4Mates will use regular ongoing employee training to ensure workers are aware of this Policy and its application to them.
- 13.4. This Policy will be available to external persons via the Mates4Mates website.

## 14. Resources

- 14.1. Legislation
  - 14.1.1. Corporations Act 2001 (Cth)
  - 14.1.2. Taxation Administration Act 1953 (Cth)
- 14.2. Mates4Mates Related Documents
  - 14.2.1. Employee Code of Conduct
  - 14.2.2. Employee Assistance Program



14.2.3. Managing Poor Performance Procedure

14.2.4. Grievance Procedure

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

14.4. Further information regarding this Policy can be obtained from your manager.

14.5. External Whistleblower service <https://www.rslqueensland.deloitte.com.au> or email to [rslqueensland@deloitte.com.au](mailto:rslqueensland@deloitte.com.au)

## 15. Document Details

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Authorised by	The Board				
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