



## POLICY: WHISTLEBLOWER PROTECTION

### PREAMBLE

The St Vincent de Paul Society National Council of Australia is united in its spirituality and management through the International Confederation of the St Vincent de Paul Society (*The Rule*, Part II, Art. 1.1). National Council is instituted by the International Council General (*The Rule*, Part III, Art. 15) and follows the international and Australian statutes outlined in *The Rule*.

The St Vincent de Paul Society in Australia ('the Society in Australia') is governed by *The Rule* which embraces the principle of subsidiarity such that decisions are made as close as possible to the level where activities are performed ensuring local circumstances are taken into consideration (Part I, At 3.9).

The Society in Australia consists of the National Council and six State Councils and two Territory Councils that together assist the Society's Members carry out good works.

Under *The Rule*, the National Council is the Society's superior council in Australia (Part II, Art. 1.6). National Council authorises the legal entities that operate in Australia in the name of the St Vincent de Paul Society. Each of the Society's nine councils in Australia is registered as a charity with the Australian Charities and Not-for-profit Commission (ACNC).

National Council and some of the state and territory councils have established and control separate subsidiary legal entities to assist in the good works of the Society. Each subsidiary entity is registered with the ACNC.

National Council, each state and territory council and each subsidiary entity, where require, has its own Whistleblower policy and procedures as required by law. National Council is responsible for ensuring each council has whistleblower policies and procedures in place. Compliance with the legal requirements applying to safeguarding policies and procedures in each state and territory is the responsibility of the relevant state or territory council.

Relevant state and territory whistleblower policies are referenced at Appendix 1.

### OVERVIEW

Whistleblowing can be an effective way of uncovering fraud and other misconduct which may not be identified by internal or external controls within an organisation. National Council is committed to the principles of transparency and accountability and views whistleblowing as an opportunity to reflect upon organisational procedures and promote an ethical culture.

### PURPOSE

The purpose of this Whistleblower Protection Policy is to help the National Council Members and the Association's Directors, Members, officers and employees to identify any misconduct that may not be discovered unless there is a safe and secure means of disclosure.

This Policy is prepared with the intention of addressing the following aims:

- to encourage disclosures of wrongdoing;
- to help deter wrongdoing, in line with our organisation's risk management and governance framework;
- to ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- to ensure disclosures are dealt with appropriately and on a timely basis;
- to provide transparency around our organisation's framework for receiving, handling and investigating disclosures;
- to support our organisation's values, code of conduct and/or ethics policy;

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- to support our organisation's long-term sustainability and reputation; and
- to meet our organisation's legal and regulatory obligations.

### DEFINITIONS

Within this policy and all related governance documents, the following definitions apply:

**Chief Executive Officer.** The person employed as the Chief Executive Officer to the St Vincent de Paul Society National Council of Australia Inc. (NCCEO).

**Confidentiality** in this context is when a person's identity is protected to prevent harm to them. In the case of a Whistleblower, their identity may be known to those receiving and investigating the report but is protected from the broader organisation and the public.

**Detrimental conduct** means conduct, or a threat to engage in conduct, that causes detriment to a discloser.

**Discloser** is an individual who discloses wrongdoing or is an eligible Whistleblower.

**Disclosure** means a disclosure of information relating to wrongdoing or a disclosable matter.

**Disclosures qualifying for protection** means disclosures of tax matters.

**Eligible Whistleblower** is an individual to whom the Whistleblower protections apply.

**Emergency disclosure** is the disclosure of information to a journalist or parliamentarian, where the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment.

**Personal information** is information, or an opinion about an identified individual, or an individual who is reasonably identifiable, whether:

- true or not; and
- recorded in a material form such as a physical or digital document.

**Personal work-related grievance** is a disclosure that relates to the discloser's current or former employment, which has implications for the discloser personally, but does not:

- have any other significant implications for the organisation (or another organisation); or
- relate to conduct, or alleged conduct, about a disclosable matter.

**Public interest disclosure** is the disclosure of information to a journalist or a parliamentarian, where the discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest. The disclosure must also meet the following criteria to qualify:

- At least 90 days have passed since the discloser made the disclosure to ASIC, ACNC, APRA or another Commonwealth body prescribed by regulation.
- The discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure.
- The discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest.
- Before making the public interest disclosure, the discloser has given written notice to the body to which the previous disclosure was made that:
  - includes sufficient information to identify the previous disclosure; and
  - states that the discloser intends to make a public interest disclosure.

**Whistleblower** is a person who has made a disclosure in keeping with this Policy and the nature of the disclosure qualifies for protection under the **Corporations Act 2001**.

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**Whistleblower Protection Officer (WPO)** is the NCCEO or, in the case of a complaint against / notification involving the NCCEO, the National Council Deputy President.

### ROLES AND RESPONSIBILITIES – WHISTLEBLOWER PROTECTION OFFICER (WPO)

The NCCEO is the Association's primary WPO. The responsibilities of the WPO include:

- Implementing the Society's Whistleblower Protection Policy.
- Initial response to an accusation of wrongdoing.
- Ensuring the protection and/or anonymity of the discloser, where possible.
- Conducting or assisting in investigations into alleged wrongdoings.
- Informing the discloser of the progress and outcomes of investigations.
- Ensuring to the best of their ability that disclosers do not suffer any retaliation or negative consequences from the employer or any National Council Directors, Members or employees.
- Providing support and referrals for both disclosers and those accused of wrongdoing.

The Society will ensure that all people associated with the organisation know who the designated WPO is and the contact details of the WPO.

### POLICY STATEMENT

1. Under this policy a 'Whistleblower' is defined as:
  - 1.1 A person who holds or has held any of the following positions in relation to the organisation:
    - 1.1.1 a Director or Member or employee (current or former) whether permanent, part-time, fixed-term or temporary.
    - 1.1.2 an intern, secondee or volunteer.
    - 1.1.3 a supplier of services or goods to the organisation (whether paid or unpaid), including their employees (e.g. current and former contractors, consultants, service providers and business partners).
    - 1.1.4 an associate of the Society; usually a person with whom the Society acts in concert.
    - 1.1.5 a relative, dependant or spouse of an individual listed in (a) to (c); e.g. relatives, dependants or a spouse of current and former Members, employees, contractors, consultants, service providers, suppliers and business partners.
2. A discloser will qualify for protection as a Whistleblower under the **Corporations Act 2001** if they are an eligible Whistleblower in relation to the Society, and:
  - 2.1 they have made a disclosure of information relating to a 'disclosable matter' directly to an 'eligible recipient' or to ASIC, APRA or another Commonwealth body prescribed by regulation; or
  - 2.2 they have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the Whistleblower provisions in the Corporations Act 2001; or
  - 2.3 they have made an 'emergency disclosure' or 'public interest disclosure'.

### SCOPE OF THE POLICY

3. Disclosures that are not about disclosable matters do not qualify for protection under the **Corporations Act 2001** (or the **Tax Administration Act 1953**, where relevant). Such disclosures may be protected under other legislation, such as the **Fair Work Act 2009**.

## DISCLOSABLE MATTERS

4. Matters that qualify for protection under the **Corporations Act 2001** are 'disclosable matters'. Disclosable matters involve information that the discloser has reasonable grounds to suspect misconduct, improper conduct or an illegality, in relation to the Association, or a related body corporate of the Society.
5. The Society considers the following potential disclosable matters are descriptive examples only and should not be taken as a definitive listing of disclosable matters:
  - illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
  - fraud, money laundering or misappropriation of funds;
  - offering or accepting a bribe;
  - financial irregularities;
  - failure to comply with, or breach of, legal or regulatory requirements; and
  - engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.
6. Disclosable matters include conduct that may not involve a contravention of law. Information that indicates a significant risk to public safety or the stability of/or confidence in the Association's financial system is also a disclosable matter.
7. A discloser can still qualify for protection even if the disclosure they make turns out to be incorrect (i.e. if the issue of disclosure turns out to be wrong but made in good faith then the Whistleblower is still entitled to protection under the legislation).

## PERSONAL WORK-RELATED GRIEVANCES

8. Disclosures that relate solely to personal work-related grievances, and that do not relate to detriment or threat of detriment to the discloser, do not qualify for protection under the Corporations Act 2001.
9. Examples of a personal work-related grievance include:
  - an interpersonal conflict between the discloser and another employee;
  - a decision that does not involve a breach of workplace laws;
  - a decision about the engagement, transfer or promotion of the discloser;
  - a decision about the terms and conditions of engagement of the discloser; or
  - a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.
10. However, a personal work-related grievance may still qualify for protection if:
  - it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report);
  - the organisation has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances;
  - the discloser suffers from or is threatened with detriment for making a disclosure; or
  - the discloser seeks legal advice or legal representation about the operation of the Whistleblower protections under the Corporations Act 2001.

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11. Association employees can internally raise work-related grievances and other types of issues or concerns not covered by this Policy, through the National Council's POL\_56-NCS\_Code of Conduct, POL\_70\_Grievance Policy, POL\_23\_NC Working Together Guidelines.

### ACCESSIBILITY OF THIS POLICY

#### WITHIN THE ORGANISATION

12. This policy will be made available to all National Council Members and the National Council Secretariate employees. It will be made accessible and communicated in the following ways:
  - 12.1 posting the policy on the intranet or other communication platform
  - 12.2 linking the policy in induction information packs and training for new starters.
13. The Association will inform and educate its Directors, Members and employees of the Whistleblower policy, procedures for reporting, and the protections available to them in order to facilitate a safe environment in which concerns of misconduct may be voiced without reprisal.
14. Staff involved in the management of Whistleblower reports will receive appropriate training in dealing with reports, investigations, and supporting disclosers and those who are the subject of allegations.

#### OUTSIDE THE ORGANISATION

15. To ensure disclosers outside the organisation can access the Association's Whistleblower Protection Policy, the Policy is available on the National Council's public website.

### LEGISLATION

- **Australian Federal Police Act 1979**
- **Corporations Act 2001**
- **Fair Work Act 2009**
- **Tax Administration Act 1953**

### REVIEWING AND UPDATING THIS POLICY

16. The National Council will review its Whistleblower Protection Policy, processes and procedures every two years, ensuring that they reflect the most up-to-date legal and corporate governance requirements.
17. Any changes made to the Policy will be communicated to all Members and employees.

**DOCUMENT INFORMATION**

<b>TITLE</b>	Whistleblower Protection
<b>DOCUMENT TYPE</b>	Policy
<b>DOCUMENT NUMBER</b>	POL_02
<b>AUDIENCE</b>	National Council Members and National Council Secretariate
<b>CATEGORY</b>	Administration
<b>TOPIC</b>	Whistleblower
<b>SUBTOPIC</b>	Misconduct
<b>EFFECTIVE DATE</b>	December 2023
<b>REVIEW DATE</b>	December 2025
<b>RESPONSIBLE OFFICER</b>	National Council Chief Executive Officer
<b>APPROVER</b>	National Council
<b>ENQUIRIES</b>	<a href="mailto:admin@svdp.org.au">admin@svdp.org.au</a>

Please ensure you are referencing the current version of this document by downloading it from the Governance Document Access Library.

## APPENDIX 1

### STATE AND TERRITORY WHISTLEBLOWER POLICIES

[New South Wales](#)

[Victoria](#)

Queensland (available in hard copy only)

Western Australia (available in hard copy only)

South Australia (available in hard copy only)

Canberra-Goulburn (available in hard copy only)

Tasmania (available in hard copy only)

[Northern Territory](#)