

Whistleblower Policy and Protocol

1. Introduction

- 1.1. Epworth has adopted this policy to encourage our staff and external partners to speak up, without fear, in raising any concerns that they have regarding disclosable matters as defined in this policy.
- 1.2. This Whistleblower Policy and Protocol is comprised of two parts:
 - (a) sections 2 to 10 of this document outline the policy (i.e. what persons and disclosures are protected); and
 - (b) sections 11 and 13 set out the protocol (i.e. how Protected Disclosures are received, handled and investigated).

Part 1: Policy

2. Policy Statement

- 2.1. This Whistleblower Policy and Protocol meets the requirements of a whistleblowing policy under Part 9.4AAA of the *Corporations Act 2001* (Cth). Nothing in this policy is intended to change or take away any protections which may be available at law. If there is inconsistency between this policy and the provision of relevant laws, the provisions of the relevant laws will apply to the extent of the inconsistency.
- 2.2. This Whistleblower Policy and Protocol is available to officers and employees of the Epworth Group via Epworth's internal Policy Management System and accessible to disclosers within or outside the entity on the Epworth website www.epworth.org.au.

3. Purpose of the Policy

- 3.1. Epworth is committed to fostering a culture of ethical behaviour and good governance. This Whistleblowing Policy and Procedure sets out Epworth's approach to encourage and support the reporting of disclosable matters and to protect eligible whistleblowers from any detriment that may arise as a result of raising a concern.
- 3.2. The purpose of this Whistleblower Policy and Protocol is to help:
 - (a) detect and address unacceptable conduct;
 - (b) provide a positive and open working environment;
 - (c) provide a framework for raising, investigating and reporting disclosable matters in connection with an entity in the Epworth Group;
 - (d) provide a framework for the protection of the rights of Protected Persons under the relevant laws; and
 - (e) provide a framework for the protection of VMOs who raise Reportable Conduct under this Whistleblower Policy and Protocol.

- 3.3. This Whistleblower Policy and Protocol does not replace other Epworth policies and protocols and is intended to complement normal communication channels between managers and staff.

4. Who the Policy Applies To: Protected Persons and VMOs

- 4.1. This Whistleblower Policy and Protocol applies to current and former:

- (a) officers and employees of an Epworth Group entity (e.g. current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers and directors);
- (b) suppliers of services or goods to an Epworth Group entity (whether paid or unpaid), including their employees (e.g. current and former agency staff, volunteers, contractors, consultants, service providers and joint venture partners);
- (c) board members of an Epworth Group entity; and
- (d) relatives, dependants or spouses of an individual in paragraphs (a) to (c) above (e.g. relatives, dependants or spouse of current and former employees, contractors, consultants, service providers, suppliers and joint venture partners),

(each a **Protected Person**). Protected Persons are eligible for protection under this Whistleblower Policy and Protocol and under the whistleblower protection provisions in the *Corporations Act 2001* (Cth).

- 4.2. Whilst Visiting Medical Officers (**VMOs**) may not fall within the definition of 'protected persons' under the *Corporations Act 2001* (Cth) and the legislative protections may not apply, Epworth recognises the close relationship between Visiting Medical Officers and the Epworth Group and encourages Visiting Medical Officers to raise concerns about Reportable Conduct in accordance with this policy. If a VMO does so, Epworth will ensure that the VMO's identity is not disclosed without their consent and the VMO will not suffer Detriment as a result of making the disclosure.
- 4.3. Persons outside the categories at paragraph 4.1 and 4.2 above (such as members of the public, donors, patients and visitors) are not eligible for protection under this Whistleblower Policy and Protocol.
- 4.4. Persons not eligible for protection under this Whistleblower Policy and Protocol may raise concerns by utilising the feedback/complaints procedures on the Epworth website.

5. Matters the Policy Applies To: Protected Disclosures

- 5.1. This Whistleblower Policy and Protocol applies to concerns raised by a Protected Person or VMO who has reasonable grounds to suspect Reportable Conduct (as described below) by any person has or is occurring in relation to an entity in the Epworth Group. It is not possible to provide an exhaustive list of the activities which should be reported for the purpose of this policy. Generally, Reportable Conduct includes any conduct that a Protected Person or VMO has reasonable grounds to suspect:
- (a) is about misconduct or an improper state of affairs or circumstances concerning Epworth or an entity in the Epworth Group;
 - (b) indicates that Epworth or any of its officers or employees (including officers or employees of an entity in the Epworth Group) engaged in conduct that:

- involves a breach of or is an offence against any of the following Commonwealth laws: the *Corporations Act*, the *ASIC Act*, the *Banking Act 1959*, the *Financial Sector (Collection of Data) Act 2001*, the *Insurance Act 1973*, the *Life Insurance Act 1995*, the *National Consumer Credit Protection Act 1973*, or the *Superannuation Industry (Supervision) Act 1993*, or regulations made under those laws;
 - is an offence against any other Commonwealth law that is punishable by imprisonment of 12 months or more;
 - indicates a significant risk to public safety or the stability of, or confidence in, the financial system, even if it does not involve breach of a particular law; or
 - is indicative of systemic issues, dishonest or unethical behaviour or practices;
- (c) is about misconduct or an improper state of affairs or circumstances in relation to the tax affairs of Epworth or an entity in the Epworth Group;
- (d) involves the deliberate concealment of information tending to show any of the matters listed above.

These matters are referred to as “**Reportable Conduct**” in this policy.

5.2. Examples of the types of matters that may be reported as Reportable Conduct include:

- (a) falsifying Medicare and health fund claims;
- (b) falsifying donation receipts;
- (c) offering or accepting a bribe;
- (d) theft or obtaining property by deception;
- (e) unlawfully accessing health information and medical records;
- (f) misconduct and improper conduct in relation to tax affairs;
- (g) assault and violence;
- (h) modern slavery;
- (i) wage theft;
- (j) illicit drug taking and dealing;
- (k) deliberate or reckless significant risk to public safety; and
- (l) threatening a person planning to make a disclosure.

5.3. Reportable Conduct may, but not necessarily, involve a breach of laws or regulations.

5.4. Suspected Reportable Conduct may involve employees, consultants, volunteers, suppliers, contractors or other external parties or agencies in the course of engaging with or doing business with an entity in the Epworth Group including visiting medical officers, government representatives and donors.

5.5. A Protected Person or VMO does not need to prove their allegations of Reportable Conduct but the concern must be reasonably held and cannot be speculative.

- 5.6. A Protected Person or VMO can still qualify for protection if a report of Reportable Conduct is not substantiated following investigation.
- 5.7. A Protected Person or VMO is not protected from the consequences of their own wrong-doing in making a report of Reportable Conduct.
- 5.8. Personal work-related grievances such as interpersonal workplace conflicts, managerial decisions including staff rostering, decisions that do not involve a breach of workplace laws, or terms and conditions of employment are not Protected Disclosures and are outside the scope of this Whistleblower Policy and Protocol and should be reported in accordance with the [Grievance Policy](#) (Linked PP).
- 5.9. Personal work-related grievances may be Protected Disclosures within the scope of this Whistleblower Policy and Protocol where the concerns raised include:
 - (a) an allegation of Reportable Conduct (refer examples in paragraph 5.1);
 - (b) an allegation that an entity in the Epworth Group has breached employment or other laws punishable by imprisonment by a period of 12 months or more; or
 - (c) the grievance includes victimisation due to whistleblowing.
- 5.10. Other comments or concerns that are not Protected Disclosures and fall outside the scope of this Whistleblower Policy and Protocol may be raised by utilising the feedback/complaints procedures on the Epworth website www.epworth.org.au/who-we-are/get-in-touch

6. Who Can Receive a Protected Disclosure?

- 6.1. To attract the legal protections under the Corporations Act, a Protected Person must make a report of Reportable Conduct to an Eligible Recipient as specified in Attachment 1 to this Whistleblower Policy and Protocol. If the report is made in this way, it will be a “**Protected Disclosure**”.
- 6.2. VMOs who are not Protected Persons may not qualify for the protection under the *Corporations Act 2001* (Cth) but will be afforded the other protections granted under this Whistleblower Policy and Protocol.
- 6.3. Epworth encourages Protected Persons and VMOs to make disclosures in accordance with the Protocol section in this Whistleblower Policy and Protocol.
- 6.4. Disclosures by Protected Persons to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the *Corporations Act 2001* (Cth) (or the *Taxation Administration Act 1953* (Cth) where relevant) are protected, even in the event that the legal practitioner concludes that a disclosure is not a Protected Disclosure.
- 6.5. Disclosures of information relating to Protected Disclosures can be made by a Protected Persons to ASIC or another Commonwealth body prescribed by regulation and qualify for protection under the *Corporations Act 2001* (Cth) (or the *Taxation Administration Act* where relevant). Information about disclosure outside the Epworth Group is available from ASIC (refer References).
- 6.6. Under certain circumstances Protected Disclosures can be made to a journalist or parliamentarian and qualify for protection (where previously made to ASIC or another Commonwealth body as prescribed by regulation). It is important for a Protected Person to understand the criteria for making a public interest or emergency disclosure and that they should contact an independent legal adviser before making a public interest disclosure or an emergency disclosure.

- 6.7. Before making any report, whether to an Eligible Recipient or to an external party, an individual may seek additional information from Epworth's Disclosure Officers or an independent legal adviser about this Whistleblower Policy and Protocol and protections under the *Corporations Act 2001 (Cth)* (or the *Taxation Administration Act* where relevant).

7. Legal Protections for Protected Persons

- 7.1. Protections under the *Corporations Act 2001 (Cth)* are available to Protected Persons, specifically:

- (a) identity protection (confidentiality);
- (b) protection from detrimental acts or omissions;
- (c) compensation and other remedies; and
- (d) civil, criminal and administrative liability protection,

apply whether the Protected Disclosure is made to a Disclosure Officer or to one of the parties specified in Attachment 1.

- 7.2. The identity protection available to Protected Person means that a person cannot disclose the identity of a Protected Person or information that is likely to lead to the identification of the Protected Person (which they have obtained directly or indirectly because the Protected Person made a Protected Disclosure) other than:

- (a) to ASIC, APRA, or a member of the Australian Federal Police (within the meaning of the *Australian Federal Police Act 1979 (Cth)*);
- (b) to a legal practitioner (for the purposes of obtaining legal advice or legal representation about the whistleblower provisions in the *Corporations Act 2001 (Cth)* or the *Taxation Administration Act* where relevant));
- (c) to a person or body prescribed by regulations; or
- (d) with the consent of the Protected Person.

- 7.3. A person can disclose the information contained in a Protected Disclosure with or without the Protected Person's consent if:

- (a) the information does not include the discloser's identity;
- (b) the entity has taken all reasonable steps to reduce the risk that the discloser will be identified from the information; and
- (c) it is reasonably necessary for investigating the issues raised in the disclosure.

- 7.4. It is illegal for a person to identify a Protected Person, or to disclose information that is likely to lead to the identification of the Protected Person, outside the exceptions listed in paragraphs 7.2 and 7.3 above.

- 7.5. Protected Persons can lodge complaints about a breach of confidentiality with any Eligible Recipient or to a regulator, such as ASIC, APRA or the ATO, for investigation.

- 7.6. A Protected Person will not be subjected to Detrimental Conduct for making a Protected Disclosure.

7.7. Detrimental Conduct includes:

- (a) dismissal of an employee;
- (b) injury of an employee in his or her employment;
- (c) alteration of an employee's position or duties to their disadvantage;
- (d) discrimination between an employee and other employees of the same employer;
- (e) harassment or intimidation of a person;
- (f) harm or injury to a person, including psychological harm;
- (g) damage to a person's property;
- (h) damage to a person's reputation;
- (i) damage to a person's business or financial position;
- (j) any other damage to a person; or
- (k) a threat (express or implied, conditional or unconditional) to cause detriment,

but does not include:

- (l) administrative action that is reasonable for the purpose of protecting a Protected Person from Detrimental Conduct (e.g. moving a Protected Person who has made a Protected Disclosure about their immediate work area to another office to prevent them from Detrimental Conduct); or
- (m) management action in relation to unsatisfactory work performance of a Protected Person.

7.8. A Protected Person can seek compensation and other remedies through the courts if:

- (a) they suffer loss, damage or injury because of a Protected Disclosure; and
- (b) Epworth fails to take reasonable precautions and exercise due diligence to prevent Detrimental Conduct,

and Protected Persons should seek independent legal advice in such circumstances.

7.9. A Protected Person is protected from any of the following in relation to their Protected Disclosure:

- (a) civil liability (e.g. any legal action against the Protected Person for breach of an employment contract, duty of confidentiality or another contractual obligation);
- (b) criminal liability (e.g. attempted prosecution of the Protected Person for unlawfully releasing information, or other use of the disclosure against the Protected Person in a prosecution (other than for making a false disclosure)); and
- (c) administrative liability (e.g. disciplinary action for making the Protected Disclosure).

7.10. The protections in paragraph 7.9 above do not grant a Protected Person immunity for any misconduct a Protected Person has engaged in that is revealed in their Protected Disclosure.

8. Support and Practical Protection for Protected Persons and VMOs

- 8.1. Epworth will support Protected Persons and VMOs and protect them from Detrimental Conduct by:
- (a) protecting the confidentiality of the Protected Person's identity. Disclosure Officers will keep information about the Protected Disclosure in a secured electronic file not accessible to other employees and will not maintain hardcopy documents. Disclosure Officers will not be a member of the Disclosure Committee and any documentation shared with the Disclosure Committee will have any identifying details redacted;
 - (b) protecting Protected Persons and VMOs from Detrimental Conduct. Disclosure Officers may seek advice from People & Culture on appropriate steps to mitigate any risk of Detrimental Action, recommend administrative action to the Disclosure Committee and offer employee assistance support to a Protected Person; and
 - (c) encouraging a Protected Person or VMO to seek independent legal advice if the Protected Person or VMO considers they have been subjected to Detrimental Conduct.

9. Ensuring Fair Treatment of individuals mentioned in a Disclosure

- 9.1. Individuals who are mentioned in a Protected Disclosure will be fairly treated, including those individuals who are the subject of the Protected Disclosure, by ensuring:
- (a) Protected Disclosures are handled confidentially by the Disclosure Committee and its delegates, when it is practical and appropriate in the circumstances;
 - (b) any investigation process is objective, fair and where appropriate, independent;
 - (c) an employee who is the subject of a Protected Disclosure has access to Epworth's employee assistance program throughout an investigation; and
 - (d) the individual who is the subject of the Protected Disclosure is made aware of the conduct of an investigation at the earliest reasonable and appropriate opportunity, but at the latest prior to any adverse finding being made against them.

10. Ensuring the Policy is Easily Accessible

- 10.1. This Whistleblower Policy and Protocol will be published on Epworth's website www.epworth.org.au.
- 10.2. A link to this Whistleblower Policy and Protocol on the website from Epworth's internal policies and protocols system will be maintained, so that this policy and protocol is easily accessible to employees in the same way other group policies and protocols are internally accessed.
- 10.3. Posters in corporate areas will promote and remind staff of this Whistleblower Policy and Protocol.
- 10.4. This Whistleblower Policy and Protocol is referenced in the [Fraud and Corruption Policy](#) (Linked PP) and [Fraud and Corruption Protocol](#) (Linked PP). This Whistleblower Policy and Protocol will form part of the induction pack for members of the Board of Management, directors of companies in the Epworth Group and members of the Group Executive.
- 10.5. Employees and VMOs will be alerted to updates to this Whistleblower Policy and Protocol in accordance with standard communication processes in relation to policies and protocols updates.

- 10.6. This Whistleblower Policy and Protocol and reports on Protected Disclosures received in any financial year will be made available to the external auditor on request and to the internal auditor in the course of internal audits of fraud and corruption risks.

Part 2: Protocol

11. How to Make a Disclosure

- 11.1. There are a range of internal and external disclosure options, including making disclosures anonymously, confidentially, securely and outside business hours. Epworth encourages Protected Persons and VMOs to make a report of Reportable Conduct to Epworth's Disclosure Officers or by using Epworth's appointed whistleblowing service, Your Call.
- (a) A report of Reportable Conduct can be made to Epworth's Disclosure Officers by email to: EC-DisclosureOfficer@epworth.org.au; or
- (b) A report of Reportable Conduct can be made to Your Call online and by phone using Your Call's external reporting hotline:
- Online: <https://www.yourcall.com.au/report>
You will be required to enter Epworth's unique identifier code EPWORTH.
 - Your Call's external reporting hotline: 1300 790 228 (9am to midnight AEST on business days).
- 11.2. A report of Reportable Conduct can also be made directly to any of the Eligible Recipients listed in Attachment 1.
- 11.3. A Protected Person or VMO can:
- (a) choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised; and
- (b) refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations.
- 11.4. A Protected Person or VMO who wishes to remain anonymous should maintain ongoing two-way communication with Epworth on an anonymous basis so that Epworth can ask follow-up question or provide feedback. Using the Your Call service is the best way to do this.
- 11.5. If a Protected Disclosure comes from an email address from which the Protected Person's or VMO's identity cannot be determined, and the Protected Person or VMO does not identify themselves in the email, the Protected Disclosure will be treated as an anonymous disclosure.

12. How Your Call works

- 12.1. Your Call is an external, independent provider that provides confidential reporting of Whistleblower concerns related to this Whistleblower Policy and Protocol. Reporting to Your Call also enables a report to be made anonymously.

- 12.2. Your Call uses an online message board which the person making the report will have access to after making the report. The message board allows a person to:
- (a) communicate with Your Call and with Epworth with or without revealing their identity;
 - (b) securely upload any relevant documentation and/or material that they wish to provide;
 - (c) receive updates; and
 - (d) request support or report detriment.
- 12.3. Disclosure Officers will receive a copy of any report made via the Your Call service. If the report relates to a Disclosure Officer, Your Call will exclude that person from all communications when Your Call provide information about your report to Epworth.
- 12.4. If you are deaf or have a hearing or speech impairment, you can contact Your Call online. If you would like to contact Your Call by phone, you can do so through the National Relay Service. Simply choose your contact method at www.relayservice.gov.au and request Your Call's hotline 1300 790 228.

13. Handling and Investigating a Disclosure

- 13.1. Epworth will receive, consider and investigate Protected Disclosures by reference to the process set out in this section 13. The process may vary matter to matter to take into account relevant circumstances including to whom the Protected Disclosure was made, employees who may be the subject of the Protected Disclosure and the identity of the Protected Person or VMO.
- 13.2. The timetable for considering and investigating Protected Disclosures will be determined on a case-by-case basis. If the Protected Person or VMO can be contacted, the Disclosure Officer will keep the Protected Person or VMO advised of the progress of any investigation and when it has concluded.
- 13.3. The Disclosure Officer will maintain records and documentation for each stage of the process, which may involve collecting documentation from the Disclosure Committee and/or its delegates.

Step 1:

The Disclosure Officer will determine if the disclosure is a Protected Disclosure (or where it has been made by a VMO who is not a Protected Person, should be treated as one for the purposes of this policy).

Step 2:

Where a disclosure is assessed not to be a Protected Disclosure, the Disclosure Officer will redirect the report internally for attention (for example a complaint or feedback from a member of the public or a patient) and advise the individual who made the report as to the action taken. Even if a disclosure is not a Protected Disclosure, there may be other Epworth policies and protocols that apply and the person who made the disclosure will be advised of the appropriate reporting avenue if they can be contacted.

Step 3:

Where a disclosure is assessed to be a Protected Disclosure, the Disclosure Officer will acknowledge the Protected Disclosure by response to the Protected Person or VMO, refer the Protected Person or VMO to this Whistleblower Policy and Protocol, allocate the Protected Disclosure a reference number, convene a Disclosure Committee and brief the members on this Whistleblower Policy and Protocol and the role and responsibilities of the Disclosure Committee.

The details of the Protected Disclosure, other than the identity of the Protected Person or VMO, are then provided to a Disclosure Committee.

The Disclosure Committee will consider the Protected Disclosure to determine whether to conduct or commission an investigation, with any investigation to be conducted as follows and on the following basis:

- the applicability of other policies and protocols to the investigation process;
- review all claims made, in conjunction with any evidence available;
- investigate and locate any evidence that may substantiate or refute the claims of the Protected Person or VMO (this may include interviewing other persons);
- the person/s against which the allegation has been made will have the opportunity to respond and to provide any material in support of their response and explanation, including attending a meeting with the Disclosure Committee or its delegate, with the opportunity to have a support person in attendance;
- a conclusion will not be reached and a recommendation will not be made until reasonable and appropriate enquiries have been made and submitted material considered;
- the Disclosure Committee may also refer the matter for investigation to an external body or the police if criminal conduct appears to have occurred, and the Board of Management will be advised of any such referral;
- the identity of the Protected Person or VMO will not be shared with the Disclosure Committee without the consent of that individual, to be requested by the Disclosure Officer;
- where the Disclosure Committee is made aware of the identity of the Protected Person or VMO, the investigation process will not involve the sharing of any information by the Disclosure Committee or its delegate that would be likely to indicate, suggest or reveal the identity of the Protected Person or VMO; and
- a Protected Person or VMO may at any time consent to their identity being disclosed in the investigation process and the provision of such consent will not limit or lessen the responsibility of Epworth to protect the Protected Person or VMO from Detrimental Conduct.

The investigation by the Disclosure Committee will be limited where the Protected Disclosure is made anonymously and the Disclosure Officer is not able to contact or obtain further information from the Protected Person or VMO, or the Protected Person or VMO does not consent to their identity being known to the Disclosure Committee or its delegate.

If the Protected Person or VMO can be contacted, they will be provided with regular updates on the progress (i.e. commencement, in progress, concluded) of the Disclosure Committee's consideration or investigation of the Protected Disclosure, at all times with anonymity and identity protection (as applicable) maintained by the Disclosure Officer in the provision of those updates.

Step 4:

At the conclusion of an investigation a report will be prepared by the Disclosure Committee. The report will broadly outline the following:

- the details of the Protected Disclosure (but not the identity of the Protected Person or VMO);

- delegates involved in the investigation, employees the subject of the Protected Disclosure or referred to in the Protected Disclosure, external investigators such as independent investigators or the police;
- the information and evidence collected during the investigation that either supports or refutes the allegation of Improper Conduct, including any limitations to the conduct of the investigation;
- the conclusions reached by the Disclosure Committee and the reasoning behind each conclusion;
- whether the Protected Person or VMO should be informed of the conclusions and reasoning (if no recommendation made then the Protected Person or VMO should be informed by the Disclosure Officer only that the investigation has concluded); and
- the recommendation of the Disclosure Committee as to any action to be taken and as to who should be the appropriate decision maker in respect of any such action.

The report is not required to be prepared in any specific format and should be documented and filed in such a way as to maintain confidentiality and identity protection and minimise the risk of unauthorised access to the report. For example, the Disclosure Committee may capture the report in email between the Disclosure Committee and the Disclosure Officer.

Step 5:

Authority to take any action recommended by the Disclosure Committee will be determined by the nature and extent of the Reportable Conduct substantiated by the Disclosure Committee, and by reference to other Epworth policies and protocols in effect from time to time (for example in relation to delegated authorities, procurement, codes of conduct, disciplinary action, fraud and corruption).

Step 6:

The Protected Person or VMO will be informed by the Disclosure Officer when the investigation has concluded.

Step 7:

The Disclosure Officer will maintain a register of Protected Disclosures, a copy of the report of the Disclosure Committee and actions taken in response to the report.

Step 8:

The level of reporting to the Board of Management as to Protected Disclosures will be determined by the nature and extent of allegations of Reportable Conduct made in the Protected Disclosures. At a minimum, the Disclosure Officer will prepare a general report as the number and nature of Protected Disclosures received in the relevant financial year to the Audit and Risk Committee of the Board of Management on an annual basis.

Definitions

APRA	Australian Prudential Regulation Authority
ASIC	Australian Securities and Investments Commission
ATO	Australian Taxation Office
Detrimental Conduct:	Refer to paragraph 7.7.
Disclosure Committee:	At least any two of the Group Chief Executive, President of the Board of Management, the Executive Director, People & Culture and the Executive Director having responsibility for the department in which the alleged improper conduct arose.
Disclosure Officer:	The employees of Epworth Foundation in the role of Legal Counsel, including the General Counsel.
Eligible Recipients:	Refer to Attachment 1.
Epworth:	One or more entities in the Epworth Group or an Eligible Recipient as the context requires.
Epworth Group:	Epworth Foundation, Epworth Medical Foundation Limited, Epworth Arts Foundation Limited and Epworth Geelong Limited.
External Auditor:	Jane Fisher, Partner, Audit and Assurance, Deloitte Touche Tohmatsu.
Internal Auditor:	Lauren Brown, Managing Partner, Protiviti Pty Ltd.
Protected Disclosures:	Refer to paragraph 5.1.
Protected Persons:	Refer to paragraph 4.1.
Reportable Conduct:	refer to section 5.1 and section 5.2.
Visiting Medical Officers:	means medical practitioners and dentists who are appointed to practice at Epworth pursuant to the Epworth Foundation By-laws.
VMOs:	Refer to paragraph 4.2.

Appendices

Attachment 1 – Who can a Whistleblower report be made to?

Applicable Legislation

ASIC Corporations (Whistleblower Policies) Instrument 2019/114

Corporations Act 2001 (Cth)

Tax Administration Act 1953 (Cth)

Epworth Group Entity	Basis of application of the whistleblower protection regime in Part 9.4AAA Corporations Act 2001 (Cth)	Exempt from having a whistleblower policy due to annual (consolidated) revenue being less than \$1 million as at the date of this policy
Epworth Foundation	Trading corporation (unconfirmed)	No
Epworth Arts Foundation Limited*	Public company limited by guarantee	Yes
Epworth Geelong Limited*	Public company limited by guarantee	Yes
Epworth Medical Foundation Limited	Public company limited by guarantee	No

References

Australian Taxation Office. (2019). *ATO Guide on Tax Whistleblowers*. Retrieved from

<https://www.ato.gov.au/general/gen/whistleblowers/>

Australian Securities & Investments Commission (ASIC). (2019). *ASIC: INFO 237*. Retrieved from

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/how-asic-handles-whistleblower-reports/>

Australian Securities & Investments Commission (ASIC). (2019). *ASIC; INFO 238: Whistleblower rights and protections*. Retrieved from <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/#what>

Australian Securities & Investments Commission (ASIC). (2019). *ASIC; Regulatory Guide 270 Whistleblower policies (RG 270), November 2019*. Retrieved from <https://asic.gov.au/media/5702691/rg270-published-13-november-2019-20200727.pdf>

Relevant National Safety and Quality Health Service (NSQHS) Standards 2nd Ed.

- | | |
|--|--|
| <input type="checkbox"/> Clinical Governance | <input type="checkbox"/> Comprehensive Care |
| <input type="checkbox"/> Partnering with Consumers | <input type="checkbox"/> Communicating for Safety |
| <input type="checkbox"/> Preventing and Controlling Infections | <input type="checkbox"/> Blood Management |
| <input type="checkbox"/> Medication Safety | <input type="checkbox"/> Recognising & Responding to Acute Deterioration |
| <input checked="" type="checkbox"/> NSQHS Standards are not applicable | |

Relevant Child Safe Standard

Standard 2

Standard 7

Linked policies, Protocols or Procedures

[Child Safety Policy](#)

[Children in Need of Protection – Mandatory Reporting Protocol](#)

[Equal Opportunity Policy](#)

[Equal Opportunity Complaints Protocol](#)

[Fraud and Corruption Policy](#)

[Fraud and Corruption Protocol](#)

[Health Practitioner Mandatory Reporting Protocol](#)

[Grievance Policy](#)

Departments

- Organisation wide

Document Control

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Attachment 1 – Who can a Whistleblower report be made to?

Disclosures to Eligible Recipients

To be protected, a Protected Person may make a report of Reportable Conduct, based on reasonable grounds to one of the Eligible Recipients. 'Eligible Recipients' are following people:

- Epworth's Disclosure Officers;
- Epworth's external whistleblowing service, Your Call;
- the directors of a company in the Epworth Group;
- members of the Epworth Board of Management;
- members of the Epworth Group Executive; or
- another senior manager of Epworth who makes, or participates in making decisions that affect the whole, or a substantial part, of the business of Epworth or who has the capacity to significantly affect its financial standing.

In accordance with the Corporations Act, a whistleblowing report may also be made externally to one of the following who are also 'Eligible Recipients':

- a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act or the Taxation Administration Act;
- ASIC, APRA or a Commonwealth authority prescribed under the Corporations Act;
- an actuary, auditor or member of an audit team conducting an audit of Epworth; and
- a report under the Taxation Administration Act may also be made externally to the Commissioner for Taxation or a registered tax agent or BAS agent who provides tax agent services to Epworth.

Public interest disclosures

A Protected Person may make a disclosure in the public interest to a member of parliament or a journalist if:

- they have previously made that disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation; and
- at least 90 days have passed since the disclosure was made, and the Protected Person does not have reasonable grounds to believe that action is being, or has been, taken to address the misconduct to which the previous disclosure related; and
- they have reasonable grounds to believe that making a further disclosure of the misconduct would be in the public interest; and
- after the end of the 90-day period the Protected Person notifies the body to whom they made the disclosure (ASIC, APRA or other Commonwealth body) in writing with sufficient information to identify the previous disclosure, and state that they intend to make a public interest disclosure to a member of parliament or a journalist; and
- the extent of the information disclosed in the public interest disclosure is no greater than is necessary to inform the recipient of the misconduct or the improper state of affairs or circumstances.

Emergency disclosures

A Protected Person may make an emergency disclosure to a member of parliament or a journalist if:

- they previously made that disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation;
- they have 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;
- the Protected Person notifies the body to whom they made the disclosure (ASIC, APRA or other Commonwealth body) in writing with sufficient information to identify the previous disclosure, and state that they intend to make an emergency disclosure to a member of parliament or a journalist;
- the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the recipient of the substantial and imminent danger.

It is important to understand that a report may only be made to a journalist or a parliamentarian in the circumstances described above. A Protected Person should seek independent legal advice before making a public interest disclosure or an emergency disclosure to a member of parliament or a journalist.