



Whistleblower Policy

1. Rationale

Lives Lived Well (LLW) is committed to establishing and maintaining a culture within the organisation of corporate compliance and ethical behaviour. Under the LLW Code of Conduct Policy and Code of Conduct – Working in a Child Safe Organisation, individuals have an obligation to report any concerns they may have about any serious wrongdoing that breaches those codes or any LLW organisational policy or procedure, or any known and expected legal and ethical standards.

In alignment with our organisational values, we seek to foster a workplace environment where individuals are empowered to “speak up with courage” about unsafe work practices, inappropriate or unlawful behaviour or other serious wrongdoing.

Whilst it is generally expected that these issues will be raised through the usual channels of line management or organisational complaint processes, the *Whistleblower Protection Policy* creates an additional safe and confidential environment where individuals can report their concerns freely with specific protections against retaliation.

2. Policy Statement

At LLW, we are all responsible for reporting serious misconduct and other important matters affecting the public interest. As a recipient of government funding, LLW is obliged to promote the public interest by facilitating the prevention and detection of misconduct through unlawful, negligent, or improper conduct, and maladministration.

3. Scope

Anyone with information regarding potential or serious misconduct is strongly encouraged to make a report.

This policy applies to the following persons (current or past) who are collectively referred to throughout this Policy as **Lives Lived Well Representatives**, which includes current or past:

- (a) Directors & Officers
- (b) Employees
- (c) Contractors
- (d) Volunteers
- (e) Agents and Suppliers
- (f) Consultants
- (g) Any employee, relative or dependents of an individual referred to above.

Any of the above categories of people can make a Whistleblower Report regarding **Reportable Conduct** and are considered to be **Eligible Persons** under this policy.



4. What matters can be reported under this Policy?

Any breach of the LLW Code of Conduct which involves unethical or illegal activity, including financial improprieties, or any activity which jeopardises the operation, reputation of LLW and or the safety of LLW clients, visitors, or the LLW workforce is considered **Reportable Conduct** and should be reported under this policy.

When making a disclosure, you will be expected to have **Reasonable Grounds** to suspect the information you are disclosing is true and accurate from first-hand knowledge, but you will not be penalised if the information turns out to be incorrect. However, you must not make a report that you know is untrue or misleading. Deliberate false reporting will not be covered by this Policy and will not be a **Protected Disclosure**. Where it is found that the person speaking up has knowingly made a false report, this may result in disciplinary action.

4.1. Reasonable Grounds

A report may have serious consequences, including potential damage to the reputation of people who are subject of allegations and wrongdoing. Therefore, it is important that those who make a report under this policy do so based on **Reasonable Grounds** for believing that the information being reported is true or likely to be true. **Reasonable Grounds** means a set of facts or circumstances that goes beyond mere suspicion and would satisfy an ordinary cautious, and prudent person.

4.2. Reportable Conduct

Any issue that a Lives Lived Well Representative reasonably believes is in breach of Lives Lived Well's policies or the law should be reported in accordance with this Policy as potential **Reportable Conduct**.

Reportable Conduct in this context includes:

- Illegal activities (including theft, violence or threatened violence, use of or dealing in illicit drugs, and criminal damage against property);
- A breach of the law relating to Lives Lived Well's operation or activities;
- Dishonest behaviour or fraudulent activity;
- Unlawful, corrupt, or irregular use of organisation funds or practices;
- Improper or misleading accounting or financial reporting practices;
- Unethical or unacceptable behaviour, including anything that would breach the Lives Lived Well Code of Conduct;
- Behaviour that is oppressive, discriminatory or grossly negligent;
- Any behaviour that poses a serious risk to the health and safety of any person at the workplace;
- Any behaviour that poses a serious risk to public health, public safety or the environment;
- Any significant unsafe work practice;
- Failure to comply with, or breach of, legal or regulatory requirements;
- 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;
- Any other conduct which may cause loss to Lives Lived Well or be otherwise detrimental to the interests, operation, or reputation of Unite For Care;
- Any conduct that deliberately covers up any of the above.

If you deliberately make a **malicious, false or vexatious allegation** under this policy, you will not be able to access the whistleblower protections under the related legislation and may be subject to disciplinary proceedings.

Reporting a **personal work-related grievance** that primarily affects you and does not have substantial implications for LLW would fall outside the scope of this policy. Examples of personal work-related grievances include:

- (a) an interpersonal conflict between you and another employee;
- (b) a decision that does not involve a breach of workplace laws;



- (c) a decision about your engagement, transfer or promotion;
- (d) a decision about your terms and conditions of engagement; or
- (e) a decision to suspend or terminate your engagement, or otherwise to discipline you.

In this case, you can raise your concern through the [Resolving Workplace Disputes and Complaints Policy.pdf](#)

If the personal work-related grievance is caused by previously reporting misconduct, or suggests misconduct beyond your personal circumstances, the personal work-related grievance may qualify for whistleblower protections under this Policy. Examples of a personal work-related grievance mixed with a Potential Misconduct include:

- (a) where there is a breach of employment or other laws punishable by imprisonment for a period of 12 months or more;
- (b) engaging in conduct that represents a danger to the public; or you suffer from or are threatened with detriment for making a disclosure.

5. Making a report

5.1. Eligible Recipients

The following options are **Eligible Recipients** for a whistleblower report or advice. You are encouraged to seek advice or make disclosures with the **LLW Whistleblower Protection Officer (WPO)** in the first instance. The WPO is the individual within LLW who has specific whistleblower responsibilities under this Policy. This includes protecting and safeguarding the interests of the person wanting to make a disclosure.

- **Whistleblower Protection Officers:**

- Julie Dignan (Director Data and Quality) julie.dignan@llw.org.au 0410 514 273
- Karen Zoch (Director People and Communication) karen.zoch@llw.org.au 0488 124 095

- **Eligible recipients:**

- Any Senior Management of LLW including:
 - CEO
 - Executive Leadership Team
 - Company Officers or Board members

- **Independent External Reporting Service:** LLW has an external and independent whistleblower service dedicated to receiving reports from whistleblowers. Lives Lived Well Representatives can make a disclosure directly to **ProAct Link** which is operated by ProActive Strategies Pty Ltd. You can identify yourself or remain anonymous when you make a report to ProAct Link. If you disclose your identity to ProAct Link you can request that your identity not be disclosed to Lives Lived Well. ProAct Link will not disclose your identity to LLW without your consent unless it is legally required to do so. After it receives a disclosure ProAct Link will provide details of that disclosure to the nominated LLW Whistleblower Protection Officers. ProAct Link is considered to be an **Eligible Recipient**. **ProAct Link** reporting options are:

- Phone: 1800 888 340
- Online: www.proactlink.com.au
- Email: report@proactlink.com.au

- **Other External Bodies:** Whilst it is LLW's preference for disclosures to be made internally, to allow us to investigate and support, nothing in this Policy is intended to restrict Lives Lived Well Representatives from disclosing **Reportable Conduct**, providing information to, or communicating with a government agency, law enforcement body, regulator, or legal adviser in accordance with any relevant law or regulation. Whistleblowers can therefore also report to:

- An actuary or an auditor of Lives Lived Well (our financial and external accreditation auditing bodies).



- External regulators such as ASIC (Australian Securities and Investments Commission), APRA (Australian Prudential Regulatory Authority), Australian Charities and Not-for-profits Commission (ACNC), Fair Work Commission, Human Rights Commission and the Tax Commissioner.
- Whistleblowers can also report to a legal practitioner to obtain legal advice or representation concerning the operation of the whistleblower provisions of relevant legislation.
- **Emergency or Public Interest Reports:** In certain limited circumstances such as if the breach has an imminent risk of causing harm or danger to public health or safety, an emergency or public interest disclosure can be made to a journalist or a Member of Parliament.

5.2. Anonymous Reporting

Disclosure reports can be made anonymously through internal reporting channels or externally through ProAct Link. Disclosures can be made anonymously and still qualify as a **Protected Disclosure**, providing the protections of the Corporations Act. All reasonable steps will be taken to ensure that a whistleblower's identity is kept confidential in-keeping with the whistleblower's consent to be identified or to remain anonymous. Investigations as a result of anonymous reports will be conducted as best as possible in the circumstances. However, please be aware that an investigation may only be possible if enough information is provided, and it may make it difficult to offer you the same level of practical support if we do not know your identity.

6. After the report has been made

LLW may receive a report through internal mechanisms or via our appointed independent Whistleblower reporting agency. Reports may be made by people internal or external to LLW. The report will be assessed for eligibility as a whistleblower report under the relevant legislation. LLW may seek advice on whistleblower eligibility from our independent Whistleblower reporting agency.

For a disclosure to be a **Protected Disclosure** under this policy (and therefore provide the discloser with protections under the relating legislation) the reporting whistleblower must be an **Eligible Whistleblower** which is a person who is a **Lives Lived Well Representative**, who:

- Reports conduct that is **Reportable Conduct** and
- Reports based on **Reasonable Grounds** to suspect that the information in the report is true or likely to be true; and
- Makes the report in accordance with this policy to one of the **Eligible Recipients** (refer to section: Reporting a Whistleblower Incident);
- Has not themselves engaged in serious misconduct or illegal activity in relation to the **Reportable Conduct**.

6.1. Investigation

Where the disclosure assessment indicates an investigation is practical and appropriate, an investigation will be undertaken. The appointed **Whistleblower Protection Officer** will review the report, escalate as appropriate, and coordinate / conduct any required investigations. Lives Lived Well may engage the services of external investigators as required and appropriate. Any such investigation shall observe the rules of natural justice and procedural fairness provisions.

Unless there are confidentiality or other considerations that preclude it, persons to whom the report relates (the subject of allegations) will be informed of any allegation at an appropriate time and given a chance to respond to those allegations. The investigation process will be conducted so as to protect all paper and electronic documents and other materials relating to the disclosure from unauthorised access.

At the conclusion of the investigation, where the discloser has provided a means of contact, Lives Lived Well will notify them of the outcome of the investigation subject to privacy considerations.



If a discloser is dissatisfied with the outcome, they may request that the complaint be reviewed by the CEO or suitably appointed person or body. Following its review, the Whistleblower will be notified of the review outcome.

Where a disclosure is not assessed as meeting whistleblower requirements, but is of concern, LLW may undertake further enquiries, conduct an internal or external investigation in accordance with LLW *Managing Workplace Disputes, Complaints Policy or Fraud and Corruption Control Policy*.

7. Protection under the law

According to the law, it is illegal for someone to disclose your identity as a **whistleblower** unless you consent or it is necessary when referring your report to ASIC, APRA, or the Australian Federal Police. However, a company or individual may disclose information that could identify you if it is for the purpose of investigating your report, and they have taken steps to minimize the risk of your identification.

Additionally, it is against the law for anyone to cause you harm, **detriment**, or threats due to your reporting of misconduct or suspected misconduct. For instance:

However, it is important to note that whistleblower laws do not grant you immunity if you were involved in the misconduct you are reporting, although your report cannot be used against you.

If you have **Reasonable Grounds** to suspect **Reportable Conduct**, even if it turns out your concerns are mistaken, Lives Lived Well will support and protect you and anyone else assisting in the investigation.

You will be protected from any of the following in relation to a **Protected Disclosure**:

- Civil liability (e.g., any legal action against the discloser for breach of an employment contract, duty of confidentiality or another contractual obligation).
- Criminal liability (e.g., attempted prosecution of the discloser for unlawfully releasing information, or other use of the disclosure against the discloser in a prosecution (other than for making a false disclosure)
- Administrative liability (e.g., disciplinary action for making the disclosure)

The protections do not grant immunity for any misconduct the discloser may have engaged in, that is revealed in the disclosure.

7.1. Detriment

Lives Lived Well will not tolerate any **detriment** inflicted on you because you or somebody else has made, or might make, a report of **Reportable Conduct**. Examples of detriment include:

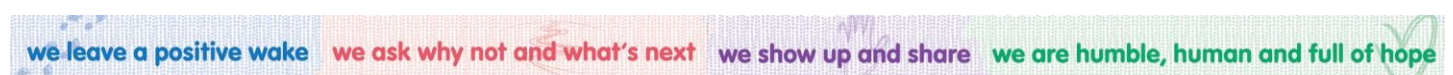
- retaliation, dismissal, suspension, demotion, disciplinary action or termination of your role;
- bullying, harassment, threats or intimidation;
- discrimination, subject to current or future bias, or derogatory treatment;
- harm or injury;
- damage or threats to your property, business, financial position, disadvantage in your contractual arrangements with Lives Lived Well or reputation;
- revealing your identity as a Whistleblower without your consent or contrary to law; and
- threatening to carry out any of the above actions.

Detrimental conduct does not include reasonable administrative actions or managing a Whistleblower's unsatisfactory work performance.

This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.

This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.

Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.



If you believe you have suffered detriment in violation of this Policy, we encourage you to report this immediately to a Whistleblower Protection Officer or an external body under this Policy. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.

You also can seek compensation and other remedies through the courts if you have suffered loss or injury because of the disclosure or if Lives Lived Well failed to take reasonable precautions to prevent the detrimental conduct.

7.2. Protecting a discloser from detriment

As part of the initial review of the disclosure, an assessment will be made of the potential risk of breach of confidentiality regarding the discloser's identity, and risk of detriment to them.

Considering these risks, decisions regarding response and investigation methods will be made, and suitable measures will be considered and implemented to mitigate these risks as required.

7.3. Protection of Confidentiality and Identity

Information contained in reports and provided by whistleblowers during an investigation will be kept confidential, except as required by law or where disclosure is necessary to regulatory authorities, law enforcement agencies or professional advisors to LLW. Subject to any legal obligations for disclosure, or to properly investigate a report, the whistleblower's identity is protected at LLW.

In some instances, the identity of the whistleblower becomes known through making a report, or through the nature of a report. In these cases, the disclosure of the identity of the whistleblower will be limited to a "need to know" basis and the whistleblower will be required to give consent.

If you feel that the confidentiality of your identity as a Whistleblower has been breached, you can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. Lives Lived Well may also take disciplinary action against individuals that breach the confidentiality of a Whistleblower's identity, including summary dismissal.

7.4. Protection from Retaliation

All reasonable steps will be taken to ensure that a whistleblower will not be subject to any form of victimisation, discrimination, harassment, demotion, dismissal, or prejudice, because they have made a report. Anyone who engages in retaliatory activity will be subject to LLW's disciplinary processes. This protection applies to a whistleblower, even if the report is subsequently determined to be incorrect or not substantiated provided the report was made in good faith in accordance with this Policy. This policy will not protect the whistleblower if they are also involved in, or connected to, improper conduct or illegal activities being reported.

8. Key Terms

Lives Lived Well Representatives/Eligible Persons/Eligible Whistleblower	Refer to section 3. Scope – includes current or past Directors, Employees, Contractors, Volunteers, Agents, Suppliers, Consultants and any employee, relative or dependents of the above.
Whistleblower Protection Officer (WPO)	Refer to section 5.1 Eligible Recipients – WPO are persons nominated in LLW to provide advice to those wanting to make a disclosure, to make or manage protected disclosure assessments and to ensure support and communication with whistleblowers in accordance with relevant policy and legislation.
Eligible Recipient	Refer to section 5.1 Eligible Recipients - includes LLW Senior Management and external services/bodies



Reportable Conduct	Refer to Section 4.2 Reportable Conduct – includes any breach of the LLW Code of Conduct which involves unethical or illegal activity, including financial improprieties, or any activity which jeopardises the operation, reputation of LLW and or the safety of LLW clients, visitors, or the LLW workforce
Protected Disclosure	A Protected Disclosure is a disclosure of information from an eligible whistleblower who has reasonable grounds to suspect reportable conduct .
Reasonable Grounds	Refer to Section 4.1 Reasonable Grounds – a set of facts or circumstances which goes beyond mere suspicion, and which would satisfy an ordinary cautious and prudent person.
Detriment	Refer to Section 7.1 – Detriment – Examples include retaliation, dismissal, demotion, bullying, discrimination, damage or threats.
Whistleblower	The person speaking up

9. Important References

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>

<https://asic.gov.au/about-asic/contact-us/complaints-about-companies-organisations-or-people/whistleblower-protections/>

<https://asic.gov.au/regulatory-resources/find-a-document/regulatory-guides/rg-270-whistleblower-policies/>

10. Availability of this Policy to Lives Lived Well Representatives

This policy will be available to Lives Lived Well employees via the LLW Intranet Policy Library and internal communications including the Leader's Brief, and will also be available to disclosers who are not directly employed, although are associated with Lives Lived Well through publication on the company website at www.liveslivedwell.org.au

11. LLW related Policy documents

POL-HR105 Code of Conduct Policy

PCD-CS1020 Code of Conduct – Working in a Child Safe Organisation

POL-HR121 Resolving Workplace Disputes and Complaints Policy

POL-QA705 Managing Complaints Policy

POL-FIN404 Fraud and Corruption Control Policy

