



WHISTLEBLOWER POLICY

Version	01		
Staff Consultation:	29 July 2024	Scheduled review	29 August 2027
Board Approval:	29 August 2024		

INTRODUCTION

Palms Australia is committed to fostering a culture of legal, ethical, and moral behaviour and exemplary corporate governance. We recognise the value of transparency and accountability in our administrative and management practices and support the reporting of improper conduct.

Palms Australia recognises that any genuine commitment to detecting and preventing illegal and other undesirable conduct must include a mechanism whereby employees and others can report their concerns freely and without fear of reprisal or intimidation. This Whistleblower Policy has been developed so that people can raise concerns regarding situations where they believe that Palms Australia or anybody connected with Palms Australia has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt, or other inappropriate conduct, as set out below.

SCOPE

This policy applies whether you are at work or engaged in any work-related activity. It is not restricted in its operation to work hours or your usual place of work. It applies at conferences, work functions, work related social events, and business trips.

This policy applies to current and former Palms Australia employees, volunteers, interns, board members, contractors, consultants, partners and suppliers (whether they are full time, part time or casual) and any relative, spouse, or dependant of any of these individuals.

Although they are under no obligation to do so, any associate, family member or dependant of any person in the above groups of people may also speak up. If they do choose to speak up in line with this Policy, we will extend to them the relevant rights and protections under this Policy.

PRINCIPLES

1. **Higher standard** – This Policy is designed to comply with Palms Australia’s legal obligations. If anything in this Policy is inconsistent with any law imposed on Palms Australia, that legal obligation or the “higher standard” will prevail over this Policy.
2. **Speak up and report it!** – We encourage personnel at Palms Australia to report any concerns in line with our policies and procedures.
3. **Our expectations of personnel** Palms Australia expects personnel to act honestly and ethically, and to make any report on reasonable grounds.
4. **Our responsibility to Whistleblowers** – Our obligations to personnel are spelled out in this policy, but in particular in section 6 ‘Protection’.
5. **Confidentiality and consent** Palms Australia will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While Palms Australia encourages Whistleblowers to identify yourself to the Executive Director, you may opt to report your concerns anonymously.

REPORTABLE CONDUCT

Who can make a report?

A Whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with Palms Australia, and wishes to avail themselves of protection against reprisal for having made the report.

What is Reportable Conduct?

A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper situation or circumstances in relation to Palms Australia or its related bodies corporate.

Reportable Conduct is any past, present, or likely future activity, behaviour or situation considered to be:

- a) dishonest;
- b) corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
- c) fraudulent;
- d) illegal (including theft, drug sale or use, violence or threatened violence, or property damage);
- e) in breach of regulation, internal policy or code (such as our Code of Conduct);
- f) improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;
- g) a serious impropriety or an improper state of affairs or circumstances;
- h) endangering health or safety;
- i) damaging or substantially risking damage to the environment;
- j) a serious mismanagement of Palms Australia's resources;
- k) detrimental to Palms Australia's financial position or reputation;
- l) maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);
- m) concealing reportable conduct.

Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier, or service provider.

What is *not* Reportable Conduct?

While everybody is encouraged to speak up and report any concerns to Palms Australia, not all types of conduct are intended to be covered by this Policy or by the protections under the *Corporations Act 2001* (Cth).

Complaints or allegations of misconduct that do not meet the criteria of a whistleblowing disclosure will be addressed in accordance with the *Complaint Management Policy*.

Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment. However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

Unlawful discrimination, harassment or bullying complaints may be addressed in accordance with the *Code of Conduct* and policies related to bullying, harassment and equal employment.

What information do I need to make a report?

To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct.

For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:

- a) date;
- b) time;
- c) location;
- d) name of person(s) involved;
- e) possible witnesses to the events; and
- f) evidence of the events (e.g. documents, emails).

1.1.1 In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

1.2 How can I make a report?

1.2.1 A report must be made to:

- a) The Executive Officer or the Chairperson (where they are not implicated in the Whistleblower complaint);
- b) Any other member of the Board where the Executive Officer and Chairperson are implicated in the whistleblower complaint
- c) The organisation's auditor, or a member of the audit team where the Executive Officer and the Board are implicated in the whistleblower complaint.

1.2.2 Palms Australia will also protect individuals who have made a report in connection with Palms:

- a) To the Australian Securities and Investments Commission (**ASIC**) or another Commonwealth regulatory body prescribed in legislation;
- b) To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections; or
- c) That qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that you understand the criteria for making a public interest or emergency disclosure and you may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

1.2.3 While Palms Australia encourages you to identify yourself to a the Executive Officer, you may opt to report your concerns anonymously.

2. PROTECTION

2.1 How will I be protected if I speak up about Reportable Conduct?

2.1.1 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, Palms Australia will support and protect you and anyone else assisting in the investigation.

- 2.1.2 Palms Australia 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 a detriment include:
- a) retaliation, dismissal, suspension, demotion, or termination of your role;
 - b) bullying, harassment, threats or intimidation;
 - c) discrimination, subject to current or future bias, or derogatory treatment;
 - d) harm or injury;
 - e) damage or threats to your property, business, financial position or reputation; or
 - f) revealing your identity as a Whistleblower without your consent or contrary to law;
 - g) threatening to carry out any of the above actions.
- 2.1.3 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.

RELATED DOCUMENTS

- Fraud and Corruption Prevention Policy
- Honesty and Disclosure of Interest Policy
- Procurement Policy
- Organisation Manual

REVIEW

This policy will be reviewed from time to time or as legislation is amended, considering current good practice and applicable regulatory advice.

VERSION CONTROL

Version	Purpose/ Change	Author	Date
01	Introduce a Whistleblower Policy	Jen Wiggins/ Soraya Kassim	29 July 2024