



# Whistleblower Policy

Version 002

Approved 12 December 2024

## 1. Purpose

Mental Health First Aid International (**MHFAI**) is committed to the highest standards of conduct and ethical behaviour, and to promoting and supporting a culture of honest and ethical behaviour and exemplary corporate governance and compliance.

This Whistleblower Policy (**Policy**) is in place so that people can raise concerns regarding situations where they believe that MHFAI or anybody connected with MHFAI has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct and to provide information about the protections available to whistle-blowers.

This Policy aims to:

- a) encourage a person to disclose improper conduct in good faith if they know or have reasonable grounds to suspect such conduct
- b) provide a mechanism to disclose misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation
- c) enable MHFAI to deal with disclosures from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information
- d) ensure that any disclosable matter is identified and dealt with appropriately
- e) ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported, and
- f) help to ensure that MHFAI maintains the highest standards of ethical behaviour and integrity.

## 2. Scope and Application

This Policy outlines:

- the types of disclosures which qualify for protection under the *Corporations Act 2001* (Cth);
- to whom disclosures should be made;
- how eligible whistle-blowers will be supported and protected;
- how MHFAI will ensure fair treatment of employees mentioned in the disclosures; and
- how disclosures of misconduct will be investigated.

This Policy applies to *eligible whistle-blowers* in respect of disclosures of *disclosable matters* to *eligible recipients*.

### **3. Policy Statement**

This Policy covers:

- 3.1 Principles
- 3.2 Eligible whistleblowers and disclosable matters
- 3.3 Protection
- 3.4 Confidentiality
- 3.5 False reports or disclosures
- 3.6 Process for making a disclosure and investigations

#### **3.1 Principles**

- a. MHFAI is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.
- b. MHFAI recognises the value of transparency and accountability in its administrative and management practices and supports the disclosure of improper conduct.
- c. If anything in this Policy is inconsistent with any law imposed on MHFAI, that legal obligation or the “higher standard” will prevail over this Policy.
- d. MHFAI encourages Workers and others to disclose any concerns in line with our policies and procedures.
- e. MHFAI expects Workers to act honestly and ethically, and to make any disclosure on reasonable grounds.
- f. MHFAI will maintain confidentiality of all disclosures and fully protect the identity of those making the disclosure. While MHFAI encourages Whistleblowers to identify yourself to a Whistleblowing Protection Officer, you may opt to disclose your concerns anonymously.

#### **3.2 Eligible whistleblowers and disclosable matters**

##### **3.2.1 Eligible Whistleblowers**

An eligible whistleblower includes:

- a current or former 'Worker' with MHFAI;
- suppliers of goods and services (paid or unpaid) to MHFAI, and their employees; and
- a relative or dependent, or spouse of a dependent, of any of the above.

### 3.2.2 Disclosable Matter

An eligible whistleblower may disclose a 'disclosable matter.'

A 'disclosable matter' is information that an eligible whistle-blower has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to:

- a) MHFAI (including any related body corporate); or
- b) any of the officers and employees of these entities.

A 'disclosable matter' may include any past, present or likely future activity, behaviour or state of affairs 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 MHFAI's resources;
- k) detrimental to MHFAI'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 a disclosable matter.

A 'disclosable matter' 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.

'Reasonable grounds' means that a reasonable person in the same position would also suspect the information indicates misconduct or a breach of the law.

### 3.2.3 What is not a 'disclosable matter'?

While everybody is encouraged to speak up and disclose any concerns to MHFAI, not all types of conduct are intended to be covered by this Policy or by the protections under the *Corporations Act 2001* (Cth). This Policy does not apply to service complaints or personal work-related grievances, unless the grievance includes victimisation due to whistleblowing. Those matters are dealt with under other policies.

Personal work-related grievances are those that relate to the discloser's current or former employment with MHFAI that might have implications for the discloser personally but do not:

- a) Have any other significant implications for MHFAI (or another entity); or
- b) Relate to any conduct or alleged conduct about a disclosable matter.

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 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, or the grievance includes victimisation due to whistleblowing.

Disclosures that are not about 'disclosable matters' do not qualify for protection under the *Corporations Act 2001* (Cth).

### 3.3 Protection

If you have reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances in relation to MHFAI, even if it turns out your concerns are mistaken, MHFAI will support and protect you and anyone else assisting in the investigation.

MHFAI will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a disclosure. 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.

This protection applies regardless of whether any concerns raised are found to be true, provided that you are acting honestly and ethically and made the disclosure 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 disclosure to an external body under this Policy. MHFAI will protect individuals who have made a disclosure in connection with MHFAI;

- a) To the Australian Securities and Investments Commission (**ASIC**), or the Australian Prudential Regulation Authority (**APRA**) 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.

If you believe you have suffered a detriment in violation of this Policy, MHFAI encourages you to report this immediately to the Whistleblowing Protection Officer(s) or CEO, or an external body

under this Policy. Your concerns of being disadvantaged will be treated as a report of a disclosable matter in line with this Policy.

You may also be entitled to the following legal protections for making a disclosure:

- a) protection from civil, criminal or administrative legal action;
- b) protection from having to give evidence in legal proceedings; and/or
- c) compensation or other legal remedy.

Employees are also able to access MHFAI's Employee Assistance Program (EAP).

### **3.4 Confidentiality**

While there is no requirement for an individual making a disclosure to identify themselves, MHFAI encourages all individuals to disclose their identity when raising a concern. This will assist us to gather further information. MHFAI will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures. All information relating to a disclosure will be stored securely and access will be limited to authorised staff.

If you choose to disclose your identity, your identity (and information that is likely to lead to your identification) will be treated confidentially and will not be disclosed unless:

- a) you consent in writing to the disclosure;
- b) the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);
- c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice; and/or
- d) the disclosure is authorised under the *Corporations Act 2001* (Cth).

It is illegal for a person to identify a discloser or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as ASIC, Australian Charities and Not-for-profits Commission, APRA or the ATO, for investigation. MHFAI may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

### **3.5 False reports or disclosures**

Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure may be subject to disciplinary action, including dismissal.

The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

## **3.6 Process for making a disclosure and investigations**

### **3.6.1 Making a disclosure**

Where you have reasonable grounds to suspect disclosable conduct you should report the matter to any person authorised by MHFAI to receive Whistleblower disclosures. Authorised people are:

- a) CEO
- b) Whistleblower Protection Officer
- c) Board Director
- d) MHFAI Auditor

If you are not comfortable or able to disclose the matter internally, you may disclose it to ASIC.

For a matter 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 disclosure 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).

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

### **3.6.2 Investigating a disclosure**

Upon receiving a disclosure, within a reasonable timeframe, MHFAI will endeavour to assess the disclosure to determine whether:

- a) It qualifies for protection; and
- b) A formal, in-depth investigation is required.

After receiving your disclosure MHFAI will:

- a) assess the matter;
- b) consider whether there are any conflicts of interest prior to investigating;
- c) determine whether external authorities need to be notified;
- d) appoint a Whistleblowing Investigator if appropriate.

If an investigation is deemed necessary, it will be conducted fairly, objectively and in a timely manner. The investigation process will vary depending on the nature of the disclosure and the amount of information provided.

MHFAl may need to speak with a Whistleblower as part of an investigation. If the identity of the Whistleblower is known, MHFAI will endeavour to keep them informed about the status of an investigation.

If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, the individual who disclosed the matter will be notified at the earliest possible opportunity.

MHFAl may not be able to investigate a disclosure if it is unable to contact the discloser.

MHFAl will ensure fair treatment of employees mentioned or implicated in a disclosure within the meaning of this Policy or to whom such disclosure relates. This will include, but is not necessarily limited to:

- maintaining confidentiality to the maximum extent practicable;
- ensuring any appointed investigator acts in an impartial manner and without bias in the conduct of any investigation;
- to the extent possible and appropriate, informing the employee of the substance of a protected disclosure, as far as it applies to them and giving them a reasonable opportunity to respond; and
- providing reasonable support such as access to MHFAI's Employee Assistance Program (EAP).

### **3.6.3 Outcome of an investigation**

At the conclusion of the investigation, a report will be prepared outlining:

- a) a finding of all relevant facts;
- b) a determination as to whether the allegation(s) have been substantiated or otherwise;
- c) the action that will be taken, which may include disciplinary action and dismissal.

Where possible and appropriate, having regard to MHFAI's privacy and confidentiality obligations, the Whistleblower will be informed of the outcome of any investigation into their concerns.

## 4. Responsibilities

<p><b>Workers</b></p>	<p>Workers are defined as employees, directors, officers and volunteers of MHFAI or of any related body corporate.</p> <p>Workers are responsible for disclosing misconduct or dishonest or illegal activity that has occurred or is suspected within MHFAI as quickly as possible, whether anonymously or otherwise.</p>
<p><b>Whistleblowing Protection Officer</b></p>	<p>Whistleblowing Protection Officer(s) are responsible for:</p> <ul style="list-style-type: none"> <li>a) Receiving whistleblower disclosures and protecting the interests of disclosers</li> <li>b) Determining whether the disclosure falls within the scope of the Policy</li> <li>c) Determining whether and how a disclosure should be investigated</li> <li>d) In conjunction with the CEO, appointing a Whistleblowing Investigator where an investigation is deemed appropriate. In the case of a disclosure about the CEO, in conjunction with the Board Chair.</li> <li>e) Ensuring investigations are conducted in accordance with this Policy</li> <li>f) Ensuring any disclosures involving a director or the CEO are reported to the Chair of the Board</li> <li>g) Updating disclosers on progress and details of outcomes to the fullest extent possible</li> <li>h) Maintaining to the fullest extent possible confidentiality of the disclosure and identify of the discloser</li> <li>i) Immediately reporting concerns in relation to any detrimental conduct to the CEO or Chair of the Board (provided that the concerns do not relate to them.</li> <li>j) Reporting matters to relevant authorities</li> </ul>



<p><b>Whistleblower Investigator</b></p>	<p>Whistleblower Investigators are responsible for:</p> <ul style="list-style-type: none"> <li>a) Investigating disclosures in accordance with this Policy and Procedure</li> <li>b) Maintaining to the fullest extent possible confidentiality of the disclosure and identify of the discloser</li> <li>c) Gathering evidence and taking steps to protect or preserve evidence</li> <li>d) Making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report</li> <li>e) Keeping comprehensive records about the investigation</li> <li>f) Making recommendations to the Whistleblowing Protection Officer about how to implement the strategy in relation to how disclosed misconduct can be stopped, prevented and/or mitigated in future</li> <li>g) Reporting back to the Whistleblower Protection Officer on the progress of their investigation 7 days after the report and every 14 days thereafter</li> <li>h) Complying with the directions of the Whistleblower Protection Officer in relation to any further follow up, and reporting action and requirements, including the implementation of any recommendations.</li> </ul>
<p><b>Chief Executive Officer (CEO)</b></p>	<p>The Chief Executive Officer will:</p> <ul style="list-style-type: none"> <li>a) Ensure Workers are made aware of their rights and responsibilities in relation to whistleblowing at induction</li> <li>b) Ensure Workers are regularly encouraged to speak up about concerns of disclosable matters.</li> <li>c) Assisting the Whistleblower Protection Officer(s) (WPO) in the assessment and oversight of whistleblower disclosures</li> <li>d) Providing advice and support to disclosers</li> <li>e) Maintaining a secure and restricted record of all disclosures made under this Policy and Procedure</li> <li>f) Arranging role-specific training as and when required.</li> <li>g) Recommend to the Board, changes to this Policy, as and when required.</li> </ul>
<p><b>Board</b></p>	<p>The Board will:</p> <ul style="list-style-type: none"> <li>• Review this Policy biennially or as circumstances require.</li> </ul>

## **5. Compliance**

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.

Breaches of this Policy will be investigated and may result in disciplinary action and/or termination.

## **6. Policy Owner**

The CEO is accountable for this Policy.

## **7. Scheduled Review Date**

To ensure effective protection under the Policy, the Board will monitor and review this Policy biennially.

## **8. Related Documents**

Code of Conduct Policy  
Equity & Diversity Policy  
Delegations of Authority Policy  
Grievance Policy  
Risk Policy  
OHS Policy  
Privacy Policy

## **9. Legislation & Industrial Instruments**

Corporations Act 2001 (Cth)  
Australian Charities and Not-  
for-Profits Commission Act  
(Cth) 2012

Taxation Administration Act 1953

## **10. Contacts**

Whistleblower Protection Officers can be contacted on the email address below:

[whistleblower@mhfa.com.au](mailto:whistleblower@mhfa.com.au)

The names of the current Protection Officers can be found in the Ancillary Roles document in the Policies, Protocols, Procedures & Forms folder in the Reference Library on the MHFAI intranet.

EAP contact details:

Access EAP – 1800 818 728

## 11. Document Controls

### Version

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### Revision History

<b><i>Version</i></b>	<b><i>Date of Issue</i></b>	<b><i>Approved</i></b>	<b><i>Summary of changes</i></b>
001	27 February 2020	27 February 2020	Final approved
002	12 December 2024	12 December 2024	Periodic review. Minor changes to formatting, names, roles, etc. Legal review performed by Landers. Minor changes to comply with Corporations Act 2001, narrowing of definition of 'worker', removing of ACNC as recipient of disclosure.