

Whistleblower Policy

Table of contents

1. Policy statement	2
2. Purpose of the policy	2
3. Scope	2
4. Defined Persons	3
5. Eligible Disclosures (eligible whistleblower matters)	4
6. Making a disclosure (criteria to qualify for protection)	6
7. The Investigation Process.....	9
8. Governance & Compliance.....	10
9. Definitions	11
10. Documents related to this policy	12
11. Appendix A – Contact details for Mater's eligible recipients.....	13
12. Document controls.....	14



1. Policy statement

The Board is committed to encouraging the highest standards of conduct and ethical behaviour from Mater people and encourages the disclosure of any details of suspected improper conduct or wrongdoing.

In specific circumstances such a disclosure may be deemed an “eligible whistleblower disclosure”. This affords legal protections to the eligible whistleblower and imposes legal obligations on the eligible recipient of the disclosure.

This policy defines those circumstances and briefly explains the processes followed at Mater when an eligible disclosure is made.

2. Purpose of the policy

This policy and its supporting documents are provided to:

- Encourage disclosure of wrongdoing;
- Support a culture of “Speaking with Good Judgement”, which underpins Mater's commitment to integrity and good governance;
- Guide potential eligible whistleblowers to safely make a disclosure and access protections;
- Maintain the confidentiality of any eligible disclosure;
- Provide eligible whistleblowers with protection and support;
- Encourage a transparent and prompt response to eligible disclosures.

3. Scope

3.1 Legislative framework - Corporations Act 2001

- i. The Corporations Act 2001 Pt 9.4AAA provides for a consolidated whistleblower protection regime for Australia's corporate sector.
- ii. As a significant trading entity registered as a charitable organisation under the Australian Charities and Not-for-Profits Corporation, Mater is bound by the obligations in the Act.

3.2 Application of Policy

This policy applies to:

- i. Potential and actual “Eligible Whistleblowers”,
- ii. Potential and actual “Eligible Recipients of an eligible disclosure”,



- iii. Any other Mater person who may become aware of a potential or actual eligible disclosure.

Protections and obligations defined within this policy are applied whether or not the eligible whistleblower intended them to apply.

4. Defined Persons

4.1 Eligible whistleblowers

A person is eligible to be a whistleblower if that person is or has been:

- i. an employee, temporary or permanent (including secondees);
- ii. an officer or director;
- iii. a contractor affiliated with Mater;
- iv. a supplier of services or goods to Mater (whether paid or unpaid), this includes employees of a supplier;
- v. an associate of Mater, this may include any consumer of Mater's services, students, research participants or participants of fund-raising activities; or
- vi. a relative, spouse or dependent of any of the above.

4.2 Eligible recipients of disclosures

For a disclosure to be eligible for protection under this policy, the disclosure must be made to one of the following persons:

- i. a member of the Mater Board (including any subsidiary Board);
- ii. the Mater Group Chief Executive (GCE);
- iii. the Mater Company Secretary;
- iv. a "senior manager"¹ defined as an executive director that reports directly to the GCE, see Appendix A;
- v. any internal or external auditor engaged by Mater (includes audit team members);
- vi. any actuary engaged by Mater;
- vii. the Whistleblower Protection Officer (WPO);
- viii. another person nominated by the GCE and identified in the procedure;
- ix. a legal representative of the person making the disclosure, for the purposes of obtaining related advice;
- x. the formal hotline/whistleblower contact point for regulated bodies and other external parties – this might include ASIC, APRA the ATO or another entity.

¹ As defined in Section 9 of the Corporations Act 2001 (Cth)



A person making a disclosure may also have an obligation to make a report to a statutory body (e.g. AHPRA, OHO or under the Child Protection Act 1999). In these cases, the individual should ensure that they comply with all such reporting requirements. The WPO can facilitate advice on these reporting obligations. The individual is encouraged to access one of the eligible recipients and make them aware of the matter.

Please see Appendix A for the contact details for Mater's eligible recipients.

4.3 Whistleblower Protection Officer

Mater has nominated a Whistleblower protection officer:

- i. The Whistleblower Protection Officer is designated by the Mater GCE with the approval of the Board.
- ii. The evaluation and investigation of all whistleblower investigations is to be overseen by the WPO. The WPO is to ensure that the processes implemented are consistent with this policy and the related procedure.
- iii. The WPO will advise the GCE of any matters under investigation and make reports as described in section 8 below.
- iv. The WPO may initiate an investigation independently.
- v. Should the WPO be named in a disclosure, the Chair of the Board will assume WPO responsibilities.

5. Eligible Disclosures (eligible whistleblower matters)

5.1 Eligible matters

The Act specifies when a disclosure qualifies as an eligible whistleblower matter. Matters that fall outside the scope described below **do not** qualify the person making the disclosure for whistleblower protections, nor oblige the receiver to act under this policy.

For a matter to satisfy whistleblower eligibility:

- i. the person making the disclosure must have **reasonable grounds** for suspecting that **misconduct or dishonest / illegal / unethical behaviour has occurred**.
- ii. the concern must have **arisen within Mater** or one of the Mater entities.
- iii. the concern doesn't need to be about illegal activity, it might be a systemic issue that has relevance to the governance or regulation of the organisation.
- iv. the person making the disclosure is not required to prove their allegations.
- v. the **concern doesn't need to be proven**.
- vi. it might be triggered by concerns related to breaches of specific Commonwealth laws (as per section 9 Definitions).



- Examples include; systemic issues of public interest that affect the quality and safety of Mater's services, misappropriation, theft or fraud, money laundering, involvement in bribery, financial irregularities, misuse of public resources, misuse of controlled substances, violence or threats of violence, criminal damage to property, posing a significant risk to public safety or the environment, or engaging in threatening or detrimental conduct against a whistleblower.

5.1.1 Ineligible matters

Isolated personal work-related grievances are not eligible whistleblower matters. If a work-related grievance is accompanied by aspects consistent with 5.1 it may still qualify as a whistleblower matter. If a Mater person has a workplace grievance to raise, the processes within the Workplace Complaints Resolution procedure should be followed.

False or vexatious disclosures will not be considered an eligible whistleblower matter. A Mater person who makes a deliberate false or vexatious report may be disciplined and/or face liability for their actions.

Example of ineligible workplace grievances include; complaints about interpersonal conflict, concerns about management decisions that do not breach workplace laws, complaints related to the terms and conditions of employment.

5.1.2 Public interest and emergency disclosures

- A person having made a whistleblower disclosure can elect to make a public interest or emergency disclosure that also qualifies for protection.
- The public interest or emergency disclosure must meet either the public interest or emergency disclosure test to ensure ongoing protection.
- The disclosure may be made to a member of parliament or qualified journalist provided the criteria below are addressed.
- The person intending to make the disclosure should seek independent legal advice on whistleblower protection prior to proceeding with a public interest or emergency disclosure.

5.1.2.1 Public interest test

A disclosure made in the public interest may also qualify the individual for whistleblower protection if:

- i. The individual has already made a qualifying whistleblower disclosure to an eligible recipient; and
- ii. 90 days have elapsed since the previous disclosure; and
- iii. The individual does not have reasonable grounds to believe that action has been or is being taken in response to the disclosure; and
- iv. The individual has reasonable grounds to believe that the disclosure is in the public interest; and
- v. The individual has provided one of Mater's eligible recipients with notice of intent to make a public interest disclosure; and



- vi. The disclosure is made to a member of Parliament (Commonwealth or State) or a qualified journalist; and
- vii. The scope and volume of information provided in the public interest disclosure is limited, it should only provide the minimum necessary information to inform the recipient of the misconduct or improper state of affairs.

5.1.2.2 Emergency disclosure test

An emergency disclosure may qualify the whistleblower for protection if:

- i. the whistleblower has already made an eligible whistleblower disclosure; and
- ii. the whistleblower has reasonable grounds for believing that the disclosure is associated with an imminent danger that affects the health or safety of one or more persons or to the environment in a substantial way; and
- iii. the whistleblower has provided one of Mater's eligible recipients with written notice that clearly identifies the previous disclosure and states that the whistleblower intends to make an emergency disclosure; and
- iv. the emergency disclosure is made to a member of Parliament (Commonwealth or State) or a qualified journalist; and
- v. The scope and volume of information provided in the emergency disclosure is limited, it should only provide the minimum necessary information to inform the recipient of the substantial imminent danger.

6. Making a disclosure (criteria to qualify for protection)

6.1 Guidance for persons making a disclosure

Before making a disclosure, the individual should confirm that they are an eligible whistleblower and the person they are disclosing to is an eligible recipient.

Contact details for Mater's eligible recipients are included in Appendix A. There are a variety of options available for making disclosures.

Whilst anonymity is fully supported, all whistleblowers are encouraged to consider providing their name and contact details. These details will be kept confidential. If the whistleblower is known to the investigators, this could facilitate confidential discussions and significantly improve the effectiveness of the investigation.

The person making the disclosure should provide as much information as possible. Evidence or information about how to obtain evidence will be valuable for the investigation.

6.1.1 Information for the whistleblower

- i. Mater will take all reasonable steps to ensure their identity is protected and they are not exposed to detriment.



- ii. The matter will be investigated appropriately, and confidential reports will be shared with the senior executive and board members responsible for governance.
- iii. The investigators would benefit from the opportunity to discuss the disclosure, but anonymity may be maintained.
- iv. The whistleblower may remain anonymous and still be eligible for protection.
- v. The whistleblower will not necessarily be absolved from the workplace or legal consequences of their involvement in any misconduct that is apparent in this disclosure or comes to light through investigation.
- vi. The whistleblower must be made aware that they must also maintain confidentiality.

6.1.2 Anonymity and confidentiality

- i. An individual may make a disclosure anonymously and maintain their anonymity; this doesn't affect protections.
- ii. The individual making the disclosure can refuse to answer questions they feel will reveal their identity.
- iii. If the individual maintains anonymity, they are encouraged to stay in contact with the eligible recipient to support dialog and further questions. This will improve the quality of the investigation.
- iv. If a disclosure comes via email that is unidentifiable and remains that way, this should be treated as an anonymous disclosure.
- v. At any time after disclosure, the individual may choose to make their identity known and still maintain protections.
- vi. The individual making the disclosure must also maintain absolute confidentiality about the matter.

6.1.3 Maintaining confidentiality

- i. All communications with an anonymous whistleblower should be through the eligible recipient or a person designated by the WPO.
- ii. The whistleblower seeking to maintain confidentiality, may be identified by a pseudonym or a reference number.
- iii. If the whistleblower is known to the eligible recipient, with the permission of the whistleblower, a support person is to be provided to maintain contact. This may be the initial recipient, it is not to be the investigator.

6.2 Legal protections for persons making a disclosure

6.2.1 Protections for whistleblowers

Protections provided to a whistleblower include the following:

- i. Unless specifically authorised under the Act, it is illegal for a person to identify a whistleblower or share information that may uncover the identity of a whistleblower.



- ii. A whistleblower may raise a complaint about breach of confidentiality by making another contact with an eligible recipient. Additionally, the whistleblower may raise a complaint with regulators like ASIC or APRA.
- iii. Provided there are no overriding legal reasons, a disclosure may be made anonymously and remain anonymous. Confidentiality must be scrupulously maintained.
- iv. These protections will be provided whether the disclosure was made internally or externally.
- v. Mater has an obligation to protect the whistleblower's identity. Every effort to ensure anonymity is required. The identity, if known, will only be shared with authorised persons. The WPO determines who is authorised in each case. The whistleblower may subsequently agree to be identified.
- vi. Details about the disclosure will also be protected. At all times, any information about the disclosure is classified as protected and access is to be restricted. The WPO determines the limits of circulation of this information.
- vii. Disclosure of details about the concern may occur if:
 - a. the information does not identify the whistleblower
 - b. the person disclosing has taken reasonable steps to deidentify the information to protect the whistleblower
 - c. there are reasonable grounds to justify the release of the information to support completion of the investigation.
- viii. Where anonymity has been requested the person making the disclosure must also maintain confidentiality and refrain from discussing the issue with anyone who is not authorised.
- ix. The whistleblower is also entitled to legal protections in relation to civil, criminal and administrative liabilities. Independent legal advice should be sought.
- x. The whistleblower may be entitled to compensation and other remedies.

6.2.2 Protection from detrimental acts or omissions

- i. A person must not engage in conduct that causes detriment to a whistleblower or another person because of the disclosure. Threats to cause detriment are also prohibited.
- ii. There are significant legal penalties associated with detrimental conduct as described at i above.
- iii. To the extent that it is within the power of Mater, the organisation will ensure that all measures that are reasonably practicable will be taken to ensure the whistleblower does not experience any detriment because of their disclosure. Mater takes responsibilities (to the extent of its control) for protecting the whistleblower from any detriment or reprisal in response to their disclosure.

6.3 Support and practical protection for whistleblowers

- i. In each instance of disclosure, the WPO will facilitate a risk assessment of possible detriment for the whistleblower; steps are to be taken to minimise the risk.
- ii. If the whistleblower is known to the WPO, the nominated support person is to make regular contact with the whistleblower to offer support.



- iii. Mater encourages the use of the confidential independent employee assistance schemes offered through Human Resources. These are to be offered and provided to the whistleblower.
- iv. A whistleblower may request consideration for relocation or leave during the investigation of a disclosure if anonymity is likely to be impossible.
- v. Mater recipients should refer to the procedure for the specific requirements on maintaining protections.

7. The Investigation Process

7.1 Natural Justice and Procedural Fairness

All eligible disclosures are to be forwarded to the WPO, either directly from an eligible whistleblower, or via an eligible recipient. Once made, a disclosure may not be withdrawn by the whistleblower. Should the WPO be the subject of the disclosure, the Chair of the Board will assume WPO responsibilities.

Mater is required to investigate each eligible disclosure. Investigations will observe the rules of natural justice and the provisions of procedural fairness. Investigations will vary in their depth and complexity depending upon the nature of the disclosure. External experts may be engaged to conduct investigations. Any external party will also be bound by this policy.

All eligible disclosures are recorded in a protected register with restricted access.

The following key stages are followed by the WPO in conducting investigations;

- i. The WPO selects or appoints a suitable investigator and provides that investigator with terms of reference that include briefings on security of information, reporting and timeframes.
- ii. The investigation must be conducted in an objective and fair manner within the constraints of the nature of the disclosed matter.
- iii. Refer to the procedure for more information on the requirements for conducting an investigation.
- iv. The WPO determines when it is appropriate for the person or persons at the subject of this disclosure to be made aware of the disclosure.
- v. The WPO also coordinates providing appropriate feedback to the whistleblower if the individual is known to the WPO.
- vi. The investigator must prepare a report of findings and present that to the WPO.
- vii. The WPO ensures the report is appropriately escalated for action.

7.1.1 Availability of a support person

- i. The WPO will ensure that a suitable support person for the individual/s mentioned in the disclosure is made available.
- ii. The identity of the individual/s is to remain confidential throughout the process.



- iii. The support person must ensure that they are fully aware of the requirements within this policy, especially the aspects regarding confidentiality and protection of the whistleblower.
- iv. The support person must ensure the individuals involved are offered access to confidential independent employee assistance services.
- v. The support person should be present when the individual/s are provided with information about the outcome.

8. Governance & Compliance

This policy is available in the Mater Policy and Procedures Library (internal) for all Mater people and on the Mater website for external persons.

Key Mater people will receive training on this policy and regular updates will be provided. A broader communications plan will be used to raise awareness of the whistleblower policy and emphasise the important role it plays in governance of Mater.

The WPO shall prepare reports for the Mater GCE and Chair of the Board to advise on protected disclosures received, progress on investigations and outcomes. At all times the whistleblower protections will be maintained.

Over time the WPO should analyse disclosures for emerging risks, themes and trends to inform planning for future audit and improvement.

This policy will be reviewed every 3 years and the effectiveness of this policy will be audited from time to time.

8.1 Legislative compliance

- a. Corporations Act 2001 (Cth)
- b. Fair Work Act 2009 (Cth)
- c. Privacy Act 1988 (Cth)

8.2 Industry standards

ASIC Regulatory Guide 270 Whistleblower Policies.



9. Definitions

Term	Definition
Mater or Mater Group	The entity Mater Misericordiae Limited ACN: 096 708 922; this includes all subsidiaries of Mater.
Mater people	<p>Mater people or a Mater person is anyone who carries out work for Mater. This includes employees, contractors, subcontractors and visiting medical officers. Additionally, this includes engaged employees of labour hire companies (e.g. nursing and midwifery agency staff), outworkers, apprentices and trainees, students, volunteers and persons conducting a business or undertaking who perform work for Mater.</p> <p>The term Mater people may refer to one or more individuals. The term 'Mater Person' is the singular of 'Mater People'. The Mater terms 'Mater People' and 'Mater Person' have the same meaning as the term 'worker' under the Work Health and Safety Act 2011 (Qld).</p>
Specific Commonwealth Laws	<ol style="list-style-type: none"> 1. constitutes an offence against, or a contravention of, a provision of the: <ol style="list-style-type: none"> a. Corporations Act; b. Australian Securities and Investments Commission Act 2001; c. Banking Act 1959; d. Financial Sector (Collection of Data) Act 2001; e. Insurance Act 1973; f. Life Insurance Act 1995; g. National Consumer Credit Protection Act 2009; h. SIS Act; or i. an instrument made under an Act referred to in RG 270.54(a) (i-viii); 2. constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; 3. represents a danger to the public or the financial system; or 4. is prescribed by regulation.



10. Documents related to this policy

Mater documents

Document Type	Document ID	Document Title

External documents

1.	ASIC Regulatory Guide 270 Whistleblower policies 13 November 2019
2.	Brown, A J et al, Clean as a whistle: a five-step guide to better whistleblowing policy and practice in business and government. Key findings and actions of Whistling While They Work 2, Brisbane: Griffith University, August 2019.
3.	Parliamentary Joint Committee on Corporations and Financial Services: Whistleblower Protections 13 September 2017
4.	Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)



11. Appendix A – Contact details for Mater's eligible recipients

- These contact details must be made readily available to all persons with a relationship to Mater.
- Access must be available for anonymous and confidential disclosure both in and out of hours.

Eligible Recipient	Contact
Mater's Whistleblower Protection Officer and Company Secretary <ul style="list-style-type: none">• Ms Lucy Laakso	e: lucy.laakso@mater.org.au
Mater's Group Chief Executive <ul style="list-style-type: none">• Dr Peter Steer	e: ceo@mater.org.au
Mater's Board representative for whistleblower matters <ul style="list-style-type: none">• Mr Patrick Brady – Board Chair	e: patrick.brady@mater.org.au
Mater's Executive <ul style="list-style-type: none">• Ms Angi Bissell – Chief Operating Officer• Ms Alanna Jacoby – Chief of Mission• Mr Laurie Rogencamp – Group Chief, Corporate Development and Legal• Mr Robert Mackway-Jones – Interim Chief Finance Officer	<div>e: angi.bissell@mater.org.au</div> <div>e: alanna.jacoby@mater.org.au</div> <div>e: laurie.rogencamp@mater.org.au</div> <div>e: robert.mackway-jones@mater.org.au</div>



12. Document controls

12.1 Document revision history

Revision	Release date	Description
1.	17 Dec 2019	Release of version in the Mater Document Centre
1.	30 May 2022	Republished in the MPPL
2.	12 April 2024	Updated Mater's eligible recipients. Approved by the Board on 04 April 2024

12.2 Document review and approval

Name Person/committee	Position If applicable	Function
Dr Peter Steer	Mater GCE	Document Owner
Mr Laurie Rogencamp	Group Chief, Corporate Development and Legal	Document Author
	Members of Executive	Consulted
	Members of the Board	Consulted
	Board	Authorised

12.3 Keyword indexing

recipients, large proprietary companies, protection, public companies, registrable superannuation entities, whistleblower policy, whistleblowing, WPO, protection officer, protection, modern slavery, vulnerable, complaint Whistleblower, whistle-blower, whistle blower, detrimental conduct, disclosable matters, discloser, disclosure, eligible whistleblowers, eligible

