

St Vincent's Health Australia Policy

Portfolio: Legal, Governance & Risk

Policy Title: SVHA Group Whistleblower Policy ("Policy")

Policy Statement:

The St Vincent's Health Australia Group ("**SVHA**") is committed to high standards of ethical and values based behaviour in all of the work we do by promoting and supporting a culture of honest, just and responsible behaviour, corporate compliance and strong corporate governance. SVHA values transparency and accountability across our public, private and aged care services.

SVHA includes all St Vincent's Health Australia Group Corporate Services & Support Services, the St Vincent's Health Australia Private Hospitals Division, the St Vincent's Health Australia Public Hospitals Division and the St Vincent's Health Australia Care Services Division.

For clarity, this policy is applicable to the following legal entities:

- St Vincent's Health Australia Ltd;
- St Vincent's Healthcare Limited;
- St Vincent's Hospital (Melbourne) Ltd;
- St Vincent's Hospital Sydney Ltd;
- St Vincent's Care Services Ltd;
- St Vincent's Private Hospitals Ltd;
- St Vincents & Mater Health Sydney Ltd
- St Vincent's Private Hospital Northside Ltd
- St Vincent's Care Services Boondall Ltd;
- St Vincent's Care Services Carseldine Ltd
- St Vincent's Private Hospital Sydney
- St Vincent's Clinic

Pursuant to Item E15 of the SVHA Delegations Manual, effective October 2013, this Policy requires the approval of the SVHA Board.

1 *Purpose*

The purpose of this Policy is to:

- Foster an environment that promotes ethical decision making;
- Establish a framework that will enable the prompt reporting of misconduct and wrongdoing, and ensure that individuals who report wrongdoing can do so safely, securely, and with confidence that they will be protected and supported;
- Ensure that disclosures are received, assessed, investigated and dealt with, confidentially and within reasonable timeframes; and
- Embed a process of reporting and continuous improvement to help identify and address vulnerabilities in SVHA's internal control systems.

2 Who may make a report

Reports may be made under this Policy by any current or former:

- (i) officer, employee, or volunteer worker of SVHA;
- (ii) supplier, consultant, or contractor of SVHA (including their employees, whether paid or unpaid);
- (iii) associate of SVHA; and
- (iv) relatives, spouses and dependents of any of the above individuals.

A **Discloser** is any of the above individuals who makes a report in accordance with this Policy.

In certain circumstances, a Discloser may be eligible for protection as a whistleblower under the *Corporations Act 2001* (Cth); the *Public Interest Disclosures Act 1994* (NSW); the *Protected Disclosures Act 2012* (VIC); or the *Whistleblowers Protection Act 1994* (QLD). More information on this is attached in [Appendix 1](#).

Disclosures by other individuals

An individual who does not fall under any of the above categories may still make a disclosure under this Policy, but only if it is a Public Interest Reportable Matter (see Section 3 below) that relates to St Vincent's Hospital (Melbourne) Limited and its facilities.

These individuals will also be Disclosers when they make a disclosure in accordance with this Policy.

3. Issues that should be reported

A **Reportable Matter** means any information about SVHA (or an officer or employee of SVHA) that the Discloser has reasonable grounds to suspect concerns misconduct, or an improper state of affairs in relation to SVHA.

The following are examples of conduct that would be a Reportable Matter:

- i. conduct that constitutes an offence against, or a contravention of the *Corporations Act 2001* (Cth), the *Australian Securities and Investments Commission Act 2001* (Cth); any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- ii. conduct that represents a danger to the public or the financial system;
- iii. conduct that breaches any internal policy or code of SVHA;
- iv. illegal conduct (such as theft, use of illicit drugs, violence or criminal damage against property);
- v. dishonest, fraudulent or corrupt activity, including bribery;
- vi. mismanagement of SVHA resources including any uneconomical, inefficient or ineffective use of resources or funds;
- vii. misconduct, or an improper state of affairs in relation to the tax affairs of SVHA;
- viii. the dishonest destruction, concealment or alternation of any documents or records in connection with any other Reportable Matter;
- ix. retaliation against an individual for making or proposing to make a disclosure under this Policy.

A **Public Interest Reportable Matter** means any information about an entity in SVHA's Public Hospitals Division (including any officer, employee, contractor or other worker engaged by an entity in SHVA's Public Hospitals Division) that the Discloser believes on reasonable grounds indicates:

- i. corrupt conduct;
- ii. maladministration;
- iii. a serious and substantial waste of public money;
- iv. government information contravention;
- v. a substantial risk to public health and safety; or
- vi. a substantial risk to the environment.

Public Interest Reportable Matters should be made to a Disclosure Coordinator or the Principal Officer, in accordance with Section 4. Public Interest Reportable Matters may also be made to an external body, as described in [Appendix 1](#).

Issues that should not be reported under this Policy

Personal Work Related Grievances of current or former employees are not covered under this Policy, and should be reported to your line manager or Human Resources representative, in accordance with local human resources policies. Disclosures about these matters may be protected under other legislation.

A **Personal Work Related Grievance** means a grievance about any matter in relation to the discloser's employment, or former employment, having (or tending to have) implications for the discloser personally. This includes:

- i. an interpersonal conflict between the discloser and another employee;
- ii. a decision relating to the engagement, transfer or promotion of the discloser;
- iii. a decision relating to the terms and conditions of engagement of the discloser; and
- iv. a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

However, Personal Work Related Grievances does not include:

- any conduct that would be considered victimisation of, or reprisal against, an individual because they have made, may have made, or propose to make a report under this Policy; or
- a matter that would have significant implications for SVHA.

Government Policy: A report that principally involves questioning the merits of government policy is not a Reportable Matter or a Public Interest Reportable Matter.

Reasonable Grounds

A Discloser must have reasonable grounds for a report made under this Policy. A mere allegation with no supporting information is unlikely to be considered as having 'reasonable grounds'. However a Discloser does not need to prove their allegations. A Discloser will still qualify for protection under this Policy even if their disclosure turns out to be incorrect.

The reporting of false information is taken very seriously by SVHA. Individuals who deliberately or knowingly report false information will not be able to access the protections available under this Policy for Disclosers, and individuals who are employees, officers or contractors of SVHA may be subject to disciplinary action. False or misleading statements about Public Interest Reportable Matters may also be a criminal offence under applicable laws about public interest disclosures.

4 How to make a report

Internal Reporting for Employees

SVHA employees should first report any matters of concern to their direct line manager or human resources advisor. Where this is not appropriate, where the employee does not feel comfortable making an internal report, or where an employee has made an internal report but no action has been taken within a reasonable time, the report can be made using the reporting channels outlined below.

Report to a Disclosure Coordinator

Any Discloser may make a report directly to a Disclosure Coordinator. All reports about a Public Interest Disclosable Matter should be made to a Disclosure Coordinator. There are currently three Disclosure Coordinators for SVHA, being:

- **The Group General Manager, Legal, Governance & Risk: Rob Beetson, Ph: (02) 9367 1103, Email: rob.beetson@svha.org.au**
- **The Group Mission Leader: Lisa McDonald, Ph: (03) 9231 1728, Email: lisa.mcdonald@svha.org.au**
- **The Divisional CEO, SVHA Public Hospitals Division: Professor Patricia O'Rourke, Ph: (03) 9288 2717, Email: patricia.orourke@svha.org.au**

Where it is not appropriate to make a report to a Disclosure Coordinator because the report may involve a Disclosure Coordinator, a report may be made directly to the SVHA Principal Officer:

- **Group Chief Executive Officer: Toby Hall, Ph: 02 9367 1100, Email: toby.hall@svha.org.au**

A report to a Disclosure Coordinator or the Principal Officer may be made by telephone, e-mail or post marked "Confidential – Addressee Only" and addressed to Level 22, 100 William Street Woolloomooloo NSW 2011.

Report to External Whistleblowing Hotline

A Discloser who does not feel comfortable making a report via the above channels, or where this would not be appropriate for any reason, may make a report through the KPMG FairCall Whistleblowing Hotline. The service allows for anonymous reporting, and is available 24 hours a day. Reports may be made to this service using the following methods:

Telephone	1800 500 965
Email	faircall@kpmg.com.au
Post	Addressed to "The <i>FairCall</i> Manager KPMG Forensic PO Box H67 Australia Square Sydney NSW 1213"
Facsimile	+61 2 9335 7466

Report to an Eligible Recipient

If a Discloser is unable to use any of the above channels for reporting, a report can be made to an Eligible Recipient within SVHA. **Eligible Recipients** in relation to an SVHA Group entity are:

- (i) officers, directors and senior managers. For the purpose of this policy senior managers are defined as the members of the SVHA Executive Leadership Team;
- (ii) internal or external auditors, or a member of an audit team conducting an audit;
- (iii) (for tax-related reports only) a registered tax agent or BAS agent who provides tax agent services or BAS services to the entity, or any other employee or officer of the company who has functions or duties that relate to the tax affairs of the company.

Reports to an Eligible Recipient:

- must be made in person or by telephone; and
- the Discloser must first inform the Eligible Recipient that they wish to make a report under this Policy, so that the Eligible Recipient can make appropriate arrangements in relation to confidentiality.

An Eligible Recipient may direct the Discloser to make the report to a Disclosure Coordinator, if they consider it appropriate in the circumstances.

Report to other External Bodies

SVHA encourages employees and other Disclosers to make a report to SVHA in the first instance or the KPMG Fair Call Hotline, so that it can identify and address wrongdoing as early as possible. However, the Discloser may make a report about a Reportable Matter or a Public Interest Reportable Matter to an external party as set out in [Appendix 1](#).

5 Content of a Report

Information to include in the Report

For a report to be investigated, it must contain sufficient information to form a reasonable basis for investigation. For this reason, Disclosers should provide as much information as possible, in any form, about the Reportable Matter or Public Interest Reportable Matter.

By way of example, information could include (but must not necessarily include):

- (iii) the date, time and location;
- (iv) the name(s) of person(s) involved and possible witnesses to the events;
- (v) evidence of the events (e.g. documents, emails etc); and
- (vi) steps the Discloser or another person may have already taken to report the matter or to resolve the concern.

6 Anonymity and Confidentiality

Disclosers are encouraged (but not required) to disclose their identity when making a report. Providing their identity will assist in:

- monitoring their wellness and protections against Detriment; and
- investigating their report and obtaining further information from them as is necessary to complete the investigation.

Even where a Discloser consents to the disclosure of their identity, reports must be handled confidentially, and the Discloser's identity should only be disclosed where there is a need to know that information.

If the Discloser has not consented to the disclosure of their identity, the matter may still be referred for investigation, but the investigator will be required to take all reasonable steps to reduce the risk that the Discloser will be identified as a result of the investigation.

Information about a Discloser's identity may only be disclosed without consent in the following circumstances:

- i. Where the information is disclosed to ASIC, APRA, the Australian Federal Police or to a person or body prescribed by regulations; or
- ii. Where the information is disclosed to a legal practitioner for the purpose of obtaining legal advice in relation to the operation of applicable whistleblowing protection laws.

Information that may be likely to lead to the identification of the Discloser may be disclosed without consent if:

- i. The information does not include the Discloser's identity;
- ii. all reasonable steps have been taken to reduce the risk that the Discloser will be identified from the information; and
- iii. It is reasonably necessary for investigating the issues raised in the report.

It is illegal for a person to identify a Discloser or disclose information that is likely to lead to the identification of a Discloser, apart from the exceptional circumstances described above.

6 Assessment and Investigation of Reports

Assessment of Reports

An Eligible Recipient who receives a report under this Policy must pass the information in the report on to a Disclosure Coordinator or the Principal Officer for assessment and investigation. If the Discloser has not consented to the disclosure of his or her identity:

- the Eligible Recipient must not disclose the Discloser's identity when the information is passed on to a Disclosure Officer / the Principal Officer; and
- all persons involved in handling the report must take all reasonable steps to reduce the risk that the Discloser will be identified. These steps may include, for example, ensuring that no identifying information is included in any written record of the report, ensuring that the information is kept confidential and is only accessible to those who have a need to know the information, and not taking any steps to try and identify the Discloser.

The Disclosure Coordinator (or the Principal Officer) is responsible for assessing all reports made under this Policy, and will determine whether the report concerns a Reportable Matter or a Public Interest Reportable Matter. If the report concerns a Public Interest Disclosable Matter and may be a public interest disclosure under applicable legislation, the Disclosure Coordinator or the Principal Officer must ensure that any reporting or notification requirements are carried out, in compliance with SVHA's obligations under applicable legislation.

If the report concerns a Reportable Matter, the Disclosure Coordinator or Principal Officer will assess whether a formal investigation of the matter is possible and/or is required, and whether the matter may be investigated or confirmed in other ways. An investigation may not be possible if the Discloser cannot be contacted or further details cannot be obtained (for example, if a report is made anonymously and no contact details are provided). Some reports about Public Interest Reportable Matters must be investigated by other bodies. Further information on this is in [Appendix 1](#).

Appointment of an Investigator

If a formal investigation is appropriate and necessary in the circumstances, the Disclosure Coordinator or the Principal Officer will appoint an investigator to investigate the matter. The investigator can be:

- (i) an employee of SVHA with the required skills and experience;
- (ii) an external independent resource; or
- (iii) another suitably qualified person,

who, in whichever case, is not implicated directly or indirectly in the report.

Conduct of the investigation

To the extent that they include sufficient detail and are assessed as requiring investigation, reports of Reportable Conduct made under this Policy will be investigated as soon as possible after the matter has been reported. The investigator will be required to use his or her best endeavours to conduct the investigation in a timely, thorough, confidential, objective and fair manner and as is reasonable and appropriate having regard to the nature of the Reportable Conduct and all of the circumstances.

Where appropriate, and subject to confidentiality considerations, the subject(s) of the report will be informed of the allegations and will have an opportunity to respond.

All investigations must seek to gather a full and detailed description of the allegations which form the basis of the report, the facts surrounding and context to the allegations, and the evidence that supports, or does not support, the allegations. The investigation should ensure that (subject to confidentiality considerations):

- all relevant parties to the matter are heard, and all of their statements and submissions are considered;
- all other available and relevant evidence is collected;
- all reasonable inquiries are made and followed up;
- all statements, submissions and other evidence are verified as appropriate.

On completion of an investigation, the investigator should prepare a report to the SVHA Principal Officer containing the findings / conclusions reached by the investigator in relation to the allegations and the basis for them.

Communication with the Discloser

Where appropriate, the Disclosure Coordinator or the Principal Officer will update the Discloser on the progress of the investigation. A Discloser must not disclose and must keep confidential any details of the investigation, its progress or its outcome.

Where appropriate, and where the identity of the Discloser is known, the Disclosure Coordinator will inform the Discloser of the outcome of an investigation into a report made by the Discloser in accordance with this Policy.

Investigation outcomes

The outcome of the investigation may result in disciplinary action for officers and employees up to and including dismissal without notice. Serious criminal matters will be reported to the police or the appropriate regulatory authorities.

Record Keeping

SVHA will ensure that all files (whether paper or electronic) relating to reports under this Policy are kept in a secure filing system that can only be accessed by the SVHA Principal Officer and the Disclosure Coordinators. All printed material will be kept in files that are clearly marked as a 'CONFIDENTIAL-Whistleblower Protection Matters' and warn that unauthorised access and dissemination of information concerning a report of Reportable Conduct under this Policy is not permitted and may result in disciplinary and/or legal consequences. All electronic files produced will be stored securely and will be provided with password protection.

7. Protections for Disclosers

It is a breach of this Policy to subject a Discloser to any Detriment, or threaten to cause Detriment to a Discloser, because they have made, or propose to make, a report under this Policy.

“**Detriment**” includes (without limitation):

- i. dismissal;
- ii. injury of an employee in his or her employment;
- iii. alteration of an employee's position or duties to his or her disadvantage;
- iv. discrimination between an employee and other employees of the same employer;
- v. harassment or intimidation;
- vi. harm or injury (including psychological harm);
- vii. damage to a person's property; and
- viii. reputational, financial or any other damage to a person.

Detriment does not include administrative action that is reasonable to protect a Discloser from Detriment (for example a temporary transfer), or reasonable management action in relation to managing an employee's work performance, if the action is in line with SVHA's performance management framework.

If a Discloser believes they have suffered or may suffer Detriment because they have made a report under this Policy, or if any person has threatened to cause Detriment to them or another person in connection with a report, they should immediately report the matter to a Disclosure Coordinator.

The Discloser cannot be subject to civil, criminal or administrative liability for making a report under this Policy (although, he or she may be subject to civil, criminal or administrative liability for their personal misconduct that is revealed in a disclosure).

Further information on legal remedies is set out in [Appendix 1](#).

8. Support for Disclosers

Support available for Disclosers includes:

- connecting the Discloser with access to the Employee Assistance Program (EAP)
- appointing an independent support person from the human resources team to deal with any ongoing concerns they may have
- connecting the Discloser with third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636)

Use of these support services by a Discloser may require the Discloser to consent to disclosure of their identity or information that is likely to lead to the discovery of their identity.

9. Fair Treatment of Persons Implicated

Any reports that implicate an employee or officer of SVHA must be kept confidential, even if the Discloser has consented to the disclosure of their identity, and should only be disclosed to those persons who have a need to know the information for the proper performance of their functions under this Policy, or for the proper investigation of the report.

No action will be taken against employees or officers who are implicated in a report under this Policy until an investigation has determined whether any allegations against them are substantiated. However, an employee or officer who is implicated may be temporarily stood down on full pay whilst an investigation is in process, or may be temporarily transferred to another office, department or workplace, if appropriate in the circumstances. Any such stand-down or temporary transfer may only continue for the duration of the investigation. If the investigation determines that the allegations are not substantiated, the employee officer must be immediately reinstated to full duties.

An employee or officer who is implicated in a disclosure has a right to be informed of the allegations against them, and must be given an opportunity to respond to those allegations and provide additional information, if relevant, in the course of an investigation into those allegations (subject to the Discloser's right to anonymity). An employee or officer who is implicated in a report will be informed of the outcome of any investigation.

Support available for persons implicated in a report under this Policy includes:

- connecting the person with access to the Employee Assistance Program (EAP)
 - appointing an independent support person from the human resources team to deal with any ongoing concerns they may have
 - connecting the person with third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636).
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10. Review and Monitoring

The Principal Officer will report to the Board of SVHA on a quarterly basis regarding the effectiveness of this Policy, and SVHA's whistleblowing processes. All such reports shall be de-identified and shall ensure confidentiality of Disclosers.

If a report under this Policy relates to serious misconduct or involve a serious risk to SVHA, a Disclosure Officer or the Principal Officer may immediately notify the Board.

SVHA shall review this Policy, and its whistleblowing processes, on a periodic basis to ensure that it is operating effectively, and to rectify any issues identified in the review.

The Principal Officer shall ensure that reporting obligations relating to Public Interest Reportable Matters are complied with.

11. Communication

In addition to making this Policy accessible on its internet website, SVHA will distribute communications in relation to this Policy to employees on a regular basis.

Review officer:

Group General Manager, Legal, Governance & Risk

Date introduced: 17 December 2014

Last review date: 5 December 2019

Next review date: 30 June 2020

Approval:

Approved by the St Vincent's Health Australia Board on 5 December 2019

Appendix 1

Protections for Whistleblowers under the Corporations Act

A Discloser may qualify for protection as a whistleblower under the *Corporations Act 2001* (Cth) if they are an 'eligible whistleblower' in relation to SVHA, and:

- They have made a disclosure of information relating to a 'disclosable matter' directly to an 'eligible recipient', or to ASIC, the Australian Prudential Regulation Authority (APRA) or another Commonwealth body prescribed by regulation;
- They have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the *Corporations Act* (even in the event that the legal practitioner concludes that a disclosure does not relate to a 'disclosable matter'); or
- They have made an 'emergency disclosure' or a 'public interest disclosure'.

Public interest disclosures and emergency disclosures under the Corporations Act

Disclosures can be made to a journalist or a parliamentarian under certain circumstances and qualify for protection under the Corporations Act. Amongst other requirements, such disclosures must first be made to ASIC, APRA or another Commonwealth body prescribed by regulation, and a further written notice must be given to the body to whom the disclosure was initially made. A Discloser should obtain independent legal advice to ensure that they understand the criteria for making an emergency disclosure or a public interest disclosure that qualifies for protection.

Legal Remedies under the Corporations Act

A Discloser that suffers loss, damage or injury because of a protected disclosure may seek compensation and other remedies through the courts. A Discloser should seek independent legal advice if they wish to obtain such a remedy. A Discloser may also contact regulatory bodies such as ASIC or APRA if they believe that they have suffered Detriment due to making a report about a disclosable matter, or if there has been a breach of confidentiality such as a disclosure of their identity without their consent.

Public Interest Disclosures under the NSW Public Interest Disclosures Act

Employees, contractors and employees or officers of a company engaged to provide services to St Vincent's Hospital Sydney (including St Joseph's Hospital and Sacred Heart Health Service) (**SVHS**) may qualify for protection under the *Public Interest Disclosures Act 1994* (NSW) if they:

- make a report of corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention by SVHS or any of its officers or by another public authority or any of its officers; and
- make the report to an investigating authority (including the ICAC and the Ombudsman), to SVHA's Principal Officer, to a Disclosure Coordinator, or to an external body listed below.

Reports regarding the following matters can be made to the following external recipients:

Content of report	Recipient
Information that the Discloser honestly believes, on reasonable grounds, shows or tends to show that a public authority or another public official has engaged, is engaged or proposes to engage in corrupt conduct.	The Independent Commission against Corruption (ICAC)
Information that the Discloser honestly believes on reasonable grounds, shows or tends to show that, in the exercise of a function relating to a matter of administration conferred or imposed on a public authority or another public official, the public authority or public official has engaged, is engaged or proposes to engage in conduct of a kind that amounts to maladministration.	The Ombudsman
Information that the Discloser honestly believes on reasonable grounds, shows or tends to show that an authority or officer of an authority has seriously and substantially wasted public money.	The Auditor-General
Information that the Discloser honestly believes on reasonable grounds, shows or tends to show that a public authority or another public official has engaged, is engaged or proposes to engage in government information contravention.	The Information Commissioner

Disclosures can be made to a journalist or a member of the State Parliament under certain circumstances and qualify for protection under the NSW Public Disclosures Act. Amongst other requirements, such disclosures must first have been made to an investigating authority, public authority or officer of a public authority in accordance with the Act, and the disclosure must be substantially true. A Discloser should consult with a Disclosure Coordinator, or obtain independent legal advice to ensure that they understand the criteria for making a disclosure that qualifies for protection.

A Disclosure Coordinator will assess all reports of Public Interest Reportable Matters made under this Policy, to confirm whether they constitute a public interest disclosure under the NSW Public Interest Disclosures Act. If a report is assessed as constituting a public interest disclosure, a copy of this policy, and an acknowledgement in writing of the receipt of the disclosure will be provided to the Discloser within 45 days (provided that the Discloser is able to be contacted). The Principal Officer will ensure that any reports under this Policy that constitute a public interest disclosure relating to corrupt conduct in connection with SVHS are reported to ICAC.

The NSW Health Policy Directive “Public Interest Disclosures” forms SVHS’s local policy relating to public interest disclosures, and is available on the NSW Health website at:

https://www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2016_027.pdf

Public Interest Disclosures under the VIC Protected Disclosure Act

A person may qualify for protection under the Protected Disclosure Act 2012 (VIC) if they make a report in relation to St Vincent’s Hospital Melbourne (including Caritas Christi Hospice, Prague House, St George’s Health Service) (SVHM):

- about information that the Discloser believes on reasonable grounds shows or tends to show that a person, public officer or public body has engaged, is engaging or proposes to engage in improper conduct; or
- about information that the Discloser believes on reasonable grounds shows or tends to show that a public officer or public body has taken, is taking or proposes to take detrimental action against a person because that person has made a protected disclosure; and
- the report is made to SVHM or to the Principal Officer or a Disclosure Coordinator.

Reports regarding the following matters can be made to the following external recipients:

Content of Report	Recipient
Improper conduct of a person, public officer or public body	Independent Broad-based Anti-Corruption Commission (IBAC)
Improper conduct of a person, public officer or public body	An investigating entity that would be authorized to investigate the subject matter of the disclosure

A Disclosure Coordinator will assess all reports of Public Interest Reportable Matters made under this Policy, to confirm whether they constitute a protected disclosure under the VIC Protected Disclosure Act. If the report is considered to be a protected disclosure, it must be notified to IBAC for assessment within 28 days, and the Discloser must be advised in writing that the disclosure has been notified to the IBAC for assessment. If the report is not considered to be a protected disclosure, the Discloser must be advised in writing that the disclosure has not been notified to the IBAC for assessment.

The SVHM policy relating to protected disclosures is available on the SVHM intranet at: [\[insert link\]](#).

Mixed Disclosures

A report may contain information about misconduct or an improper state of affairs or circumstances that relates to both SVHS and SVHM, or that relates to the SVHA group as a whole, including SVHS and SVHM. In these circumstances, the Disclosure Coordinator may determine that the report constitutes a public interest disclosure under both the NSW Public Interest Disclosures Act and the VIC Protected Disclosure Act. The Disclosure Coordinator and the Principal Officer must ensure that all reporting and other requirements are carried out for these kind of reports in relation to both legislative regimes.

Appendix 2

Roles and responsibilities

SVHA Board	<ul style="list-style-type: none"> • Ensuring appropriate governance mechanisms and framework are in place to achieve the objectives of this Policy; • Reviewing the summary of reports relating to reports of Reportable Matters to ensure SVHA has appropriate controls in place to prevent, detect and respond to risks associated with Reportable Conduct; and • Overseeing, reviewing and monitoring the effectiveness of this Policy.
Principal Officer	<ul style="list-style-type: none"> • Appointing appropriate SVHA Disclosure Coordinators; • Determining the steps required to be taken following receipt of a report under this Policy (whether received directly or through an Disclosure Coordinator), including where necessary referring and/or reporting matters to external authorities; • Taking appropriate disciplinary, remedial or other managerial action based on the outcome of an investigation; • Reviewing this Policy regularly for effectiveness; • Implementing organisational change identified as necessary as a result of any report under this Policy; • Keeping the Board apprised of the investigation of reports under this Policy; and • Ensuring that there are systems in place across all SVHA entities, services, facilities and offices to support and protect Disclosers who make a report under this Policy. <p>The SVHA Principal Officer may obtain such advice (including legal advice) as they consider necessary in connection with carrying out their role under this Policy. Such advice may be from persons within SVHA or from persons external to SVHA.</p>
Disclosure Coordinators	<ul style="list-style-type: none"> • Receiving, recording and impartially assessing and determining the nature of all reports under this Policy and then raising the Disclosure with the SVHA Principal Officer; • Appointing an investigator to investigate a report received under this Policy; • Coordinating all matters relating to a report under this Policy by liaising with the investigator; • Developing and implementing plans to minimise the risk of reprisal against a Discloser; • Assessing, determining and (as applicable) organising the welfare needs of persons implicated or involved in a report under this Policy ; • Providing updates and reports to the SVHA Principal Officer in relation to reports under this Policy; • Coordinating any annual or other reporting requirements under applicable legislation; • Liaising with any external authorities as delegated by the Principal Officer; • Ensuring all documentation and records relating to reports under this Policy are maintained in accordance with this Policy and any relevant regulatory requirements (as applicable); • Ensuring that each Discloser is provided with a copy of this Policy and a written acknowledgement of their Disclosure; • Providing appropriate updates / feedback to the Discloser about the progress of the matter.
Investigator	<ul style="list-style-type: none"> • Carrying out an investigation of the relevant report which is impartial and otherwise in accordance with this Policy; • Ensuring that the fact of the report and the investigation, the identity of the Discloser (where suspected or known) and the identity of all others concerned with the report remains appropriately confidential at all times; • Recording all relevant information, preparing a detailed report of the investigation and delivering the report to the SVHA Principal Officer and the relevant SVHA Disclosure Coordinator.
Group Executive Leadership Team	<ul style="list-style-type: none"> • Ensuring that this Policy is effectively communicated to all staff; and • Promptly referring all reports of Reportable Conduct and all information received in relation to such Disclosures to an SVHA Disclosure Coordinator whilst maintaining obligations in relation to anonymity and confidentiality.
Managers and	<ul style="list-style-type: none"> • Ensuring that this Policy is accessible by all staff under their supervision and to maintain general awareness of this Policy;

supervisors	<ul style="list-style-type: none"> • Promptly referring all reports of Reportable Matters and all information received in relation to such reports to an SVHA Disclosure Coordinator or the SVHA Principal Officer, whilst maintaining obligations in relation to anonymity and confidentiality; • Not commencing any inquiry/ investigation into a report unless required to do so by an SVHA Disclosure Coordinator or the SVHA Principal Officer; • Supporting Disclosers and those involved in a report or an investigation (where known) whilst protecting and maintaining confidentiality; and • Making a report to an SVHA Disclosure Coordinator or the SVHA Principal Officer if they believe any individual has been subjected to or threatened with Detriment because of making or proposing to make a report under this Policy.
All individuals	<ul style="list-style-type: none"> • Report any information that the Discloser believes on reasonable grounds indicates misconduct or improper state of affairs or circumstances in relation to an SVHA entity. • Provide all relevant information to assist in the assessment and/or investigation of a report under this Policy; • Keep any information reported under this Policy, including the fact that a report has been made, strictly confidential, and only discuss such information with a Disclosure Coordinator or the Principal Officer. • Refrain from taking or threatening any Detriment against any Discloser or individual who may be involved in a report made under this Policy; • Read and understand all communications issued by SVHA in relation to this Policy; • Where aware that a person is a Discloser, support that person and maintain any information known about the report and the individuals involved in confidence except to the extent that this Policy or the law requires otherwise; • Immediately make a report to a Disclosure Coordinator, if they believe any Discloser (or other relevant person) has been threatened or subjected to Detriment for making a report under this Policy.

Appendix 2

Legal and compliance considerations:

- The Corporations Act 2001 (Cth)
- Whistleblowers Protection Act 1994 (QLD)
- Protected Disclosure Act 2012 (Vic)
- Public Interest Disclosures Act 1994 (NSW)
- AS 8001 Fraud and Corruption Control
- AS 8004 Whistleblower Protection Programs for Entities
- NSW Health Public Interest Disclosures Policy Directive
- SVHM Protected Disclosure Policy
- Whistleblowers Protection Act 2001, Victorian Ombudsman's Guidelines

Relevant references:

Internal

- SVHA Code of Conduct
- SVHA Fraud Control Policy
- SVHA Ethics Policy

External

NSW:

- NSW Health Protected Disclosures Policy-
www.health.nsw.gov.au/policies/pd/2011/pdf/PD2011_061.pdf
- www.ombo.nsw.gov.au

VIC:

- Guidelines for Making and Handling Protected Disclosures-
<http://www.ibac.vic.gov.au/docs/default-source/guidelines/guidelines-for-making-and-handling-protected-disclosures-june-2013.pdf?sfvrsn=2>
- Guidelines for Protected Disclosure Welfare Management-
<http://www.ibac.vic.gov.au/docs/default-source/guidelines/guidelines-for-protected-disclosure-welfare-management-june-2013.pdf?sfvrsn=2>
- www.ibac.vic.gov.au