

ST JOHN AMBULANCE (NSW)

St John Ambulance (NSW) Whistleblower Policy

August 2023



ST JOHN NSW VALUES



Our values define who we are. They guide our actions and behaviour. They influence the way we work with each other, our customers and communities.



RESPECT

We are ambassadors for St John. We are respected for the work that we do and the way that we do it. We recognise our strength comes from our diversity. We have the courage to be authentic and true.



INTEGRITY

We do the right thing. We are honest and trustworthy. We are accountable for our actions and take ownership of our shared goals. We are there when you need us. You can depend on us.



LEADERSHIP

We are the custodians of our future. We enable our teams to grow and succeed. We lead by example and learn from our mistakes. Our passion and commitment engage and inspire.



COMMUNICATION

We are sincere in our voice and actions. We share ideas and listen to each other, our customers and community. We are open and transparent in all that we do.



COLLABORATION

We work best when we work together. We care for our colleagues and our community. We take initiative, generate new ideas and embrace change. We share success. Together we can make a difference.



Whistleblower Policy

Our Commitment

St John NSW is committed to creating an environment and culture where our Members (Staff and Volunteers) feel free and safe to speak up when there are reasonable concerns that Members are not acting ethically or upholding St John NSW Values and Behaviour Statement.

St John NSW will treat all information disclosed in a confidential manner and conduct a fair and objective investigation.

The Purpose

The purpose of this Policy is to:

- encourage greater disclosure of wrongdoing;
- help deter wrongdoing in line with the St John NSW risk management framework and governance framework;
- ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- ensure disclosures are dealt with on a timely and appropriate basis;
- ensure transparency around receiving, handling and investigating disclosures;
- support the organisation's values, code of conduct, long-term sustainability and reputation; and
- meet the organisation's legal/regulatory obligations.

The Policy aims to create a positive and open environment to enable Members (volunteers and staff Members) to feel comfortable in coming forward to make a disclosure and eliminate the negative connotations associated with whistleblowing.

What is a disclosable matter?

Under this Policy and the applicable Whistleblower laws (set out in Part 9.4AAA of the *Corporations Act 2001* (Cth) (**Corporations Act**)), there are certain types of wrongdoing that may be reported which is known as "disclosable matters".

A disclosable matter is a type of matter in which the discloser has reasonable grounds to suspect that the information they disclose concerns:

- Misconduct; or
 - An improper state of affairs or circumstances;
- in relation to St John NSW or its related bodies corporate.

The term "misconduct" includes (but is not limited to) fraud, negligence, default, breach of trust and breach of duty.

Other types of disclosable matters include concerns that St John NSW, its related bodies corporate or employees, or officers of St John NSW, have engaged in conduct that:

- Constitutes a contravention of the *Corporations Act 2001* (Cth), the *Australian Securities and Investments Commission Act 2001*, the *Superannuation Industry (Supervision) Act 1993*, the *Banking Act 1959* or any insurance or life insurance statutes;
- Constitutes an offence against a law of the Commonwealth which is punishable by imprisonment for 12 months or more; and/or
- Represents a danger to the public or the financial system (including conduct posing significant risk to public safety or the stability or confidence in the financial system even if the conduct does not involve a breach of a particular law).

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

The following is a non-exhaustive list of examples of matters that may attract the protections of this Policy and applicable Whistleblower laws:

- Dishonest, fraudulent, corrupt or illegal actions such as theft, assault, harassment, drug use, or criminal damage against property;
- Fraud, money laundering or misappropriation funds;
- Offering or accepting a bribe;
- Failure to comply with, or breach of, legal or regulatory requirements; and
- Engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or planning to make, a disclosure.

What is not a disclosable matter?

Certain kinds of matters are not disclosable and therefore will not be dealt with in accordance with this Policy or relevant Whistleblower laws.

Importantly, the disclosure of information which relates to a personal work-related grievance generally does not qualify for protection under the *Corporations Act*. However, these reports may be protected under other legislation, such as the *Fair Work Act 2009* (Cth).

For clarity, St John NSW emphasises that this Policy is not intended to apply to disclosures relating to conduct concerning a person's employment or former employment (other than provided for in this Policy), such as:

- an interpersonal conflict at work;
- a decision relating to engagement, transfer or promotion;
- a decision relating to terms and conditions of engagement; or
- a decision to suspend or terminate the engagement or to discipline the person.

These matters will generally not fall within the scope of this Policy, and will typically be investigated or addressed separately under St John's NSW Complaints Policy.

However, a disclosure about a personal work-related grievance may still qualify for protection if:

- It includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance;
- The entity has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents danger to the public or the

disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances;

- The discloser suffers from or is threatened with detriment for making a disclosure; or
- The discloser seeks legal advice or legal representation about the operation of the Whistleblower protections under the *Corporations Act*.

Similarly, concerns held by St John NSW volunteers about interpersonal conflicts, disciplinary action or other matters relating to their engagement as volunteers will generally not be disclosable matters and therefore not subject to Whistleblowing protections. The exception to this position will be if a volunteer's concerns also relate to one or more of the "disclosable matters" outlined above. Concerns held by volunteers which are not disclosable matters should be escalated in accordance with other relevant St John NSW policies.

Members must not put in vexatious or malicious reports. St John discourages any deliberate false reporting.

Who is an eligible Whistleblower?

An eligible whistleblower can be someone who is or was:

- A Member of St John NSW;
- An individual or a staff member of a person that supplies services or goods to St John NSW (including volunteers);
- An individual who is an associate of St John NSW;
- A relative or dependant of any of the above, or a dependant of the spouse of any of the above; and
- An individual prescribed by the *Corporations Regulations 2001* (Cth) as being an eligible whistleblower.

What are the protections for the Whistleblower?

St John NSW will protect and respect any eligible Whistleblower who reports or who is believed to have made a Whistleblowing complaint in good faith.

For example, the person must not be disadvantaged or victimised by having made the disclosure by:

- Any form of harassment or discrimination;
- Current or future bias;
- Demotion;
- Termination of Membership or employment; or
- Threats of any of the above.

When a Member makes a report they can be confident that:

- They are entitled to remain anonymous while making a disclosure, during the course of the investigation, and after the investigation is finalised, and still qualify for protection.
- They may refuse to answer questions if they feel that the answer could reveal their identity at any time.
- If disclosed, their identity will remain confidential at all times (to the extent permitted by law).
- They will be kept informed of the process and outcomes.
- They are protected from reprisal, harassment or victimisation for making the report.

- They may receive compensation and remedies, or civil, criminal and administrative liability protection.
- Should victimisation or retaliation occur, St John NSW will treat the actions as serious misconduct.

Those Members that choose to make anonymous allegations therefore recognise that St John NSW can only move forward utilising the information provided in the complaint, and will therefore be unable to update the complainant or to provide an outcome to them.

If a Member who has made a report believes retaliatory action or victimisation has occurred or they have been threatened, they are to report this to the GM People, Performance & Culture (PPC) **or** the CEO **or** through the Whistleblower hotline on 1300 30 45 50 or <http://stjohnnsw.stoplinereport.com>

If a Member wants to raise a concern, the Member must do so in “good faith” which means the disclosure must be honest, genuine, and motivated by wanting to disclose serious misconduct. Allegations which are considered by St John NSW to be vexatious, malicious, motivated by revenge, motivated by personal gain or motivated by a desire to harm the reputation of another will not attract Whistleblower protections. St John NSW also reserves the right to handle allegations made in these circumstances in a manner which departs from the process outlined in this Policy; for example, by declining to formally investigate a complaint.

How to raise a serious Whistleblowing concern?

Any Member may raise a reasonable whistleblowing concern with St John NSW in two ways:

1. By speaking with a responsible person; or
2. By contacting STOPLINE on a confidential and anonymous basis.

Option 1: Reporting to a responsible person

Members can discuss their concern with their Manager or Leader. If this is not appropriate, then Members are encouraged to raise the concern with their ‘one up’ Manager or Leader. If this is not appropriate, then the matter should be raised with a Member of the Executive Team or the General Manager PPC .

The individual receiving the disclosure will focus on the substance rather the motive behind the disclosure.

Option 2: Contacting the STOPLINE

If the Member does not feel comfortable with raising a concern with a responsible person, then they can raise the concern with St John NSW by contacting the STOPLINE:

<http://stjohnnsw.stoplinereport.com> **OR** phone 1300 30 45 50

A concern raised in this way is treated confidentially and anonymously (if the Member asks for this option). Disclosures made anonymously still receive the same protections under the *Corporations Act*. This second option is accessible 24 hours a day, every day.

**** NOTE:** *If the issue relates to a child safety issue, the Member may wish to follow this process or call the Child Wellbeing Officer as soon as practical. This contact information is located on the St John NSW Members Website. If the matter is a serious child safety incident or issue, then the matter should be reported to the Police immediately.*



A discloser may first seek additional information from the People & Culture Manager or the General Manager PPC before making a disclosure.

Investigation

All matters will be escalated in the first instance to the GM PPC unless the GM PPC is implicated in which case the matter will be escalated to the CEO. If the matter implicates the CEO, then the matter will be escalated to the Board Chair.

If the matter involves a St John NSW Board Member, the CEO will consult with the Board, independent of the named person, regarding the handling of the report.

All reports will be assessed and, if appropriate, independently investigated, with the objective of locating evidence that either substantiates or refutes the claims made by the Whistleblower.

For a concern to be investigated, it must include enough information to form reasonable grounds for investigation.

If an investigation is required, St John NSW will take reasonable steps to investigate while protecting the Whistleblower.

Investigations will be conducted confidentially, fairly, objectively and without bias. An internal or external investigator may be appointed to investigate any Whistleblowing report.

If an investigation starts, St John NSW will confidentially inform the Whistleblower (if they have provided their details) and keep them informed of the progress. Where appropriate, Whistleblowers will be given a summary of the outcome of the investigation, subject to relevant privacy and confidentiality obligations.

If the concerns are substantiated to the requisite standard (i.e. on the balance of probabilities), then appropriate disciplinary steps or other action will be taken in accordance with the St John Managing Performance & Conduct Policy. If the concerns raised have not been substantiated, an explanation will be provided to the Whistleblower, subject to relevant privacy and confidentiality obligations.

Note:

If a report concerns allegations or suspected breach of corporations or securities laws, the recipient of a report under this Policy must seek legal advice before disclosing any information at all relating to the report.

St John NSW may elect (or required by law) to report the concern to external authorities (for example an assault may be reported to the Police). This may occur at any stage following receipt of the report. St John NSW will comply with all legal obligations (including with respect to privacy) in making any such report.

What are the timelines for responding to Whistleblower complaints?

The investigation and resolution of the matter in a timely and appropriate manner is a key factor in ensuring the matter is addressed. The following table outlines the **best endeavours** target for resolution.

Action	Timings (Bus Days)
Whistleblower Report Submitted	Day 0 (D)
Acknowledgement of Submission	D+1
Triage and Review by GM PPC/CEO	D+2
Appointment of Investigator (Internal or External based on sensitivity & severity)	D+3
Investigation Complete	D+12
All parties briefed and matter documented	D+21

What happens if I want to make a complaint about the Whistleblower complaint handling process or appeal a decision?

Please refer to the St John Complaint Handling Policy and the Managing Performance and Conduct Policy.

What happens if there is a breach of this Policy?

This policy is intended to apply to Whistleblowing concerns. The policy must not be used for trivial or vexatious matters.

If a Member breaches this Policy, the Member may be subject to disciplinary action which may include termination of employment or Membership.

What are the other Policies this relates to?

- Values & Statement of Behaviour
- Child Safety Policy
- Managing Performance and Conduct Policy
- Complaint Handling Policy
- Bullying Policy
- Discrimination & Harassment Policy
- Health & Safety Policy
- Criminal Charge & Convictions Policy

How will this Policy be monitored?

The People & Culture Board Committee will review this policy annually to monitor the effectiveness of the Whistleblower Policy and ensure compliance with legal obligations.

What support is available?

St John NSW has a number of support programs available to ensure the welfare for all Members. This includes Peer Support, Chaplaincy and Volunteer & Employee Assistance Program.

For further information please refer to St John NSW Member's Website.

Who to contact with questions?

If you would like further information, please contact the People & Culture Manager, the Executive Team Member concerned or the GM PPC. Contact details are available on the St John NSW Members Website.

This Policy will be reviewed every 3 years or as required.



ST JOHN AMBULANCE (NSW)

WEBSITE

www.stjohnnsw.com.au

CONTACT

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