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Title: Whistleblower Policy	

Whistleblower Policy

Background

Burnet is committed to fostering a culture where directors, employees, students, contractors and volunteers of Burnet and others acting on its behalf are encouraged to raise concerns about unethical and unacceptable conduct and can do so in a safe environment.

Purpose

The purpose of this policy is to strengthen Burnet's core values by empowering all Representatives to report any wrongful act where such persons have reasonable grounds to suspect the occurrence of a wrongful act. This policy is intended to provide reporting mechanisms and the means through which all Representatives regardless of their location are able to report alleged or suspected wrongful acts.

Burnet Institute's Whistleblower policy and procedure provides protection of the human rights of employees, contract workers and workers in our operations and supply chains both directly and indirectly as set out in the Burnet Institute's Human Rights Policy and Supplier Code of Conduct.

The procedure associated with this policy ensures that potential adverse human rights impacts are properly addressed by the Burnet Institute and that adequate remediation is provided to complainants for any actual adverse human rights impacts that are caused or contributed to by the Burnet Institute's business activities and operations.

The Chief Operating Officer (COO) through the Organisational Support Services Leadership Group, is to ensure that all Representatives are made aware of this policy, who to report concerns to and any amendments to such policy and procedures.

Scope

All Representatives have an obligation to report wrongful acts or suspected wrongful acts in accordance with this policy. All Representatives have the right to speak freely and honestly to report wrongful acts in a safe environment without fear of retaliation or reprisal; and Burnet will respond in a timely, respectful and confidential manner to all disclosures of wrongful acts.

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This policy is not intended to replace any other existing channels of redress and is subject to any relevant law or collective agreement.

Definitions

Associate of Burnet is any person employed under a contract of employment or contract of training, whether the contract is express or implied, oral, or written. The definition includes, but is not limited to:

- persons employed by Burnet (full-time, part-time, or casual); persons employed on research grants; and
- postgraduate students and post-doctoral fellows (when they are employed part-time to perform work such as teaching or research assistant)

Contractors includes principal consultants, contractors and their sub-contractors, who may be engaged by Burnet for a variety of purposes including construction, building and facilities maintenance and repair, communication installations, deliveries and project work.

Eligible Recipient includes:

- an officer, or senior Management of Burnet;
- an auditor, or member of an audit team conducting an audit of Burnet.
- and an actuary of Burnet; and
- **Integrity Line**, an independent external reporting service (details below)

Grievance Mechanism: means a process for handling a complaint or grievance about Modern Slavery practices that is consistent with the criteria set out in the Guiding Principles on Business and Human Rights (https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf).

Modern Slavery: means the *Modern Slavery Act 2018* (Cth)

People Responsibility: a collective term for those who have the day-to-day responsibility for employees' workplace activities and/or is the person in control and management of the workplace. This definition includes those who are responsible for the allocation of tasks to staff, honours and postgraduate students, and the oversight of laboratory or workshop tasks, field trips, contractors and volunteers.

Representative is any person who is or has been:

- an officer or employee of Burnet.
- an individual who supplies services or goods to Burnet (or is part of the supply chain for a supplier to Burnet or goods or services), and their employees; an individual who is an Associate of Burnet; and
- a relative or dependent of any of the above categories of persons.

Senior Management: a collective term for Burnet's Executive, Program Directors, Heads of Disciplines and Head of International Operations or Executives who represent the employer and who have high level responsibility for the conduct of Burnet's functions.

Whistleblowing is defined as voluntary disclosure of individual or organisational wrongful act by a person who has access to data, events or information about an actual, suspected or anticipated wrongful act within the organisation.

Whistleblower refers to any Representative who attempts to make or wishes to make a report in connection with a wrongful act under this policy and who wish to avail themselves of the protections offered by this policy.

Wrongful act includes, but is not limited to:

- breach of legal obligations (including negligence, breach of contract, breach of administrative law);
- criminal offences.
- breach of human rights.
- actual or suspected fraud; abuse of authority.
- disclosures related to miscarriages of justice.
- health and safety risks, including risks to the public as well as other employees; damage to the environment;
- the unauthorised use or mismanagement of organisational funds; possible fraud and corruption;
- bullying;
- sexual or physical abuse; other unethical conduct; or
- the concealment of any of the above.

Policy statement/overview

Policy statements and procedures overview

Burnet seeks to provide its Representatives with a supportive work environment in which they feel able to raise issues of legitimate concern. Burnet will take steps to protect its personnel from detrimental treatment or dismissal if they report actual or suspected wrongful acts in good faith. Burnet undertakes to act in accordance with relevant legislation on disclosure of wrongful acts in the workplace (in Australia, PNG, Myanmar and internationally).

Policy

1. Confidentiality

If a wrongful act or a suspected wrongful act is reported under this policy, Burnet will endeavour to protect the whistleblower's identity. In order not to jeopardise the investigation into the alleged wrongful act, the whistleblower is also expected to keep the fact they have raised a concern, the nature of the concern and the identity of those involved confidential.

Generally, Burnet will not disclose the whistleblower's identity unless:

- the whistleblower consents to the disclosure.
- the disclosure is required or authorised by law; and/or
- the disclosure is necessary to further the investigation.

Mostly, reports made under this policy will be treated confidentially. However, when a report is investigated it may be necessary to reveal its substance to people such as other Representative, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies. At some point it may

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also be necessary to disclose the fact and the substance of a report to the person who is the subject of the report. Burnet will take reasonable precautions to store any records relating to a report of a wrongful act securely and to permit access by authorised personnel only. Unauthorised disclosure of information relating to a report, the identity of the whistleblower or information from which the identity of the whistleblower could be inferred will be regarded seriously and may result in disciplinary action, which may include dismissal.

2. Protection of whistleblowers

No person who raises genuinely held concerns in good faith under this policy will be dismissed or subjected to any detriment as a result of such action, even if the concerns turn out to be unfounded. Detriment includes, but is not limited to, unwarranted disciplinary action and victimisation in any of the following forms:

- dismissal;
- demotion;
- any form of harassment;
- discrimination;
- current or future bias; or
- threats of any of the above.

Any such retaliatory action will be treated as serious misconduct and will result in disciplinary action which may include dismissal. If a whistleblower believes retaliatory action has occurred or has been threatened, the whistleblower has the right to make a submission to the Burnet Board. The Burnet Board is independent of management and will arbitrate the matter.

3. Whistleblowers implicated in a wrongful act

Even though a whistleblower may be implicated in the wrongful act, they will not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy. However, making a report will not necessarily shield the whistleblower from the consequences flowing from the whistleblower's involvement in the wrongful act. In some circumstances an admission may be a mitigating factor when considering disciplinary or other action.

4. False disclosures

Burnet will treat all disclosures of wrongful acts seriously and protect staff who raise concerns in good faith. However, while protection is provided to whistleblowers under this policy, deliberate false reports will not be tolerated and anyone found making a deliberate false claim or report will be subjected to disciplinary action, which may include dismissal.

Procedure for raising a concern

1. Initial Reporting

If a Representative believes that the actions of anyone (or a group of people) working, contracting to, or volunteering for Burnet do or could constitute a wrongful act they should raise the matter with an Eligible Recipient.

Representatives may raise their concerns verbally or in writing and should include full details together with any supporting evidence that may be available. They should state they are using the Whistleblowing Policy and specify whether they wish for their identity to be kept confidential.

A report can also be made via **Integrity Line**, an independent external reporting service, as follows:

- **Phone:** 1800 468 456 (9.00 am to 5.00 pm Monday to Friday)

Online reporting: integrityline.com.au (<http://integrityline.com.au> (<http://integrityline.com.au>)) 24 hour service

If a Representative's concerns relate to Human Rights including Modern Slavery, the Grievance Mechanism will be in accordance with this policy or the External Complaints Handling Policy (as appropriate).

2. How a disclosure will be handled

All disclosures will be taken seriously and the following procedure will be used:

- The whistleblower must disclose at the outset, any personal interest they may have in the This must include full disclosure of any involvement the whistleblower has had in the matter.
- The person to whom it was raised shall manage the disclosure (the Disclosure Manager).
- The Disclosure Manager will identify a suitable individual who will be instructed to investigate the allegation. This person may be internal or external to Burnet. Burnet undertakes to start the investigation as soon as is practical after the disclosure. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, there will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.
- The whistleblower may be asked to provide more information during the course of the investigation.
- The person investigating the disclosure will prepare an investigation report that will be reviewed by the Disclosure Manager.
- Appropriate action will be decided by the Disclosure Manager in discussion with relevant senior managers and the executive team. Action may include initiating a disciplinary process, or informing external authorities if a criminal action has been committed, e.g. fraud or theft. If referral to an external authority is necessary the Board will be advised and the whistleblower will be informed, although if Burnet considers it appropriate to do so, such a referral may need to be made without the whistleblower's knowledge or consent.
- If it is found that there is not sufficient evidence of a wrongful act, or the actions of the individual(s) are not serious enough to warrant disciplinary action, it may be appropriate for the Disclosure Manager to take a more informal approach to dealing with the matter. In this circumstance possible outcomes

RISK_of the investigation could be that:

- The allegation could not be substantiated; or
- Action has been taken to ensure that the problem does not arise again.
- If the whistleblower is not satisfied with the response they have received they have the option to raise the matter directly with the CEO, the Chair of the Board or the Burnet Board directly.

Corrective action and compliance

Should allegations be found to be unsubstantiated, every effort will be made to address any negative effects on the reputation and morale of personnel involved. As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigator to enable Burnet to minimise the risk of the recurrence of any wrongful act that has been disclosed. The Disclosure Manager, or a designated senior manager will be responsible for reviewing and implementing these recommendations.

Communication with the Whistleblower

Provided the disclosure was not submitted anonymously, the whistleblower will be kept informed of the progress of the investigation by the Disclosure Manager. The whistleblower will be informed of the outcomes of the investigation subject to the considerations of privacy of those against whom the allegations have been made.

Management of a person against whom a report is made.

Generally the person(s) who is the subject of any report that is investigated, will:

- be informed as to the substance of the allegations;
- be given the opportunity to answer the allegations before any investigation is finalised;
- be informed about the substance of any adverse comments that may be included in any report arising from the investigation before it is finalised; and
- have their defence set out fairly in any report.

Burnet recognises that individuals against whom a report is made must also be supported during the handling and investigation of the alleged wrongful act. Burnet will take reasonable steps to ensure the person who is the subject of a report, is treated fairly, particularly during the assessment and investigation process. Support provided by Burnet may include referral for counselling. Where a person is named by a whistleblower as being suspected of a possible wrongful act but preliminary inquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted then the whistleblower will be informed of this outcome and the matter laid to rest.

Where an investigation does not substantiate the report, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.

Responsibility for implementation

The Executive is responsible for the implementation and review of this policy. Related legislation

Related legislation

ACFID Code of Conduct (ACFID Code of Conduct in particular Principle D.2.3 Anti-fraud and anti-corruption)

Appendices

Annexure A: Whistleblower Reporting Form (/media/1898/whistleblower-reporting-form.pdf)