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## 1. INTRODUCTION

### 1.1 Purpose

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This policy aims to encourage reporting of wrongdoing by providing a convenient and safe reporting mechanism, and to protect people who make such disclosures.

### 1.2 Scope

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This policy is mandatory and applies to all past and present board and board sub-committee members, executives, managers, staff, contractors, consultants and volunteers. It extends to clients and suppliers.

### 1.3 Policy Statement

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YSAS is committed to the highest standards of conduct and ethical behaviour and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance. People who have a working relationship with YSAS are often the first to realise that there may be something seriously wrong. However, they may not wish to speak up for fear of being victimised or subject to reprisals for reporting wrongdoing.

YSAS encourages the reporting of any instances of actual or suspected unethical, illegal or fraudulent behaviour and serious breaches of its Code of Conduct. YSAS provides protections and measures so that those persons who make a report may do so confidentially and without fear of detriment or victimisation.

When a person makes a disclosure:

- their identity (or information likely to lead to them being identified as a discloser) must remain confidential;
- they will be protected from detriment or victimisation for making the disclosure and any person found to have engaged in such behaviour against a discloser may be subject to disciplinary or other appropriate corrective action;
- an independent internal inquiry will be conducted, unless it is determined an external investigation is necessary; and
- the discloser will be informed about the outcome, if their identity is known.

## 1.4 Definitions

<i>Protected Disclosure</i>	<p>A disclosure:</p> <ul style="list-style-type: none"> <li>• made by a Whistleblower;</li> <li>• that relates to Wrongdoing;</li> <li>• where the Whistleblower has reasonable grounds for their concerns; and</li> <li>• the concerns are raised with a person who, under this policy, can receive the report.</li> </ul>
<i>Whistleblower</i>	<p>A Whistleblower can be:</p> <ul style="list-style-type: none"> <li>• our current and former officers or employees;</li> <li>• our current and former associates (such as directors and company secretaries);</li> <li>• our current and former contractors, suppliers, agents and their employees;</li> <li>• our consultants, secondees and volunteers; and</li> <li>• relatives, spouses or dependent of any of the above.</li> </ul>
<i>Whistleblowing</i>	<p>The disclosure by a Whistleblower of actual or suspected Wrongdoing.</p>
<i>Wrongdoing</i>	<p>Behaviour that is misconduct or suggests an improper state of affairs, including conduct that:</p> <ul style="list-style-type: none"> <li>• is unlawful, criminal or is in breach of corporate and financial legislation;</li> <li>• would constitute an offence against a law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;</li> <li>• is fraudulent, corrupt, or is an abuse of public trust;</li> <li>• unreasonably endangers the health and safety of the public or the environment;</li> <li>• demonstrates poor governance, mismanagement or maladministration (e.g. behaviour which is manifestly unjust, based on improper motives, is oppressive or negligent or results in serious or substantial waste of public money or public property); or</li> <li>• would constitute a serious breach of the Code of Conduct.</li> </ul> <p>A Wrongdoing under this policy will generally not include personal workplace grievances which do not have significant implications for YSAS generally, such as personal conflicts within the workplace, decisions relating to engagement, promotion and termination of an individual and performance management and discipline.</p>

## 1.5 Responsibility

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### 1.5.1 Whistleblowers

Whistleblowers who have reasonable grounds to suspect Wrongdoing may make a disclosure in accordance with this policy.

Where a disclosure is a Protected Disclosure, the Whistleblower is entitled to certain protections.

You may be subject to disciplinary or other form of appropriate corrective action if we conclude that you have made a disclosure maliciously and without having reasonable grounds for doing so. The legal protections are not available where a disclosure is made without reasonable grounds and is deliberately false.

Anyone who makes a disclosure under this policy but is later found to have been actively involved in the relevant wrongdoing may be subject to disciplinary action.

Even though a Whistleblower may be implicated in the Wrongdoing they must not be subjected to any actual or threatened detrimental conduct or victimisation because they made the disclosure.

### 1.5.2 Whistleblower Protection Officer

If the Whistleblower wishes, a Whistleblower Protection Officer may be appointed to support and provide protection to the Whistleblower according to this Policy.

The Whistleblower Protection Officer must have a direct reporting line to an Executive Leader from an area of the organisation that is independent of line management in the area that is the subject of the report.

The Whistleblower Protection Officer will provide support and assistance as deemed necessary by them.

The Whistleblower Protection Officer is responsible for keeping the Whistleblower informed of the progress and outcomes of the inquiry/investigation, subject to considerations of confidentiality and privacy.

### 1.5.3 Whistleblower Governance Officers

Whistleblowers are encouraged to make disclosures to a Whistleblower Governance Officer. A Whistleblower Governance Officer is the person named in 2.2 of this policy and is responsible for receiving disclosures of Wrongdoing under this policy.

Whistleblower Governance Officers must:

- inform the Whistleblower of their ability to request a Whistleblowing Protection Officer to support them;
- appoint and liaise with the Whistleblowing Protection Officer, if requested by the Whistleblower;
- take necessary steps to protect the identity and confidentiality of the Whistleblower;
- notify the Protected Disclosures Coordinator of the disclosure allegations;
- be satisfied that each disclosure of Wrongdoing they received was appropriately inquired into or investigated;

- be satisfied that action taken in response to the inquiry/investigation is appropriate to the circumstances; and
- in the event there is a complaint by the Whistleblower that detrimental or retaliatory action has been taken as a result of the disclosure, conduct any necessary investigation into those allegations.

### 1.5.4 Other Recipients

While Whistleblowers are encouraged to make disclosures to a Whistleblower Governance Officer, disclosures may also be made to YSAS officers or senior managers, auditors (or a member of an audit team conducting an audit at YSAS), or an actuary of YSAS. If the disclosure contains allegations against any YSAS Executive or where the Whistleblower has a reasonable belief that the Whistleblower Governance Officers are not sufficiently independent, a disclosure should be made to the Chair of Risk & Audit Committee (collectively referred to as Recipients).

If disclosures are made to a Recipient, the Recipient is responsible for ensuring the disclosure is provided to the Protected Disclosures Coordinator.

### 1.5.5 Protected Disclosures Coordinator

The Protected Disclosures Coordinator receives particulars about all Whistleblower disclosures and performs the following functions:

- Arranges for an inquiry/investigation into the disclosures made by the Whistleblower;
- Ensures that the confidentiality of the Whistleblower is maintained;
- Ensures appropriate government agencies are notified about Whistleblower disclosures where required;
- Ensures YSAS CEO and Board are notified of Whistleblower disclosures (if appropriate and while protecting the confidentiality of the Whistleblower); and
- Maintains a Whistleblower Register for trend analysis and to identify systemic issues requiring attention.

In the event a Whistleblower Governance Officer was not the recipient of, or involved in the disclosure, the Protected Disclosures Coordinator must fulfil the responsibilities (to the extent possible) of the Whistleblower Governance Officer as outlined in section 1.6.3.

The Protected Disclosures Coordinator is the **Company Secretary**.

### 1.5.6 Investigator

YSAS will investigate all matters reported under this policy as soon as practicable after the matter has been reported. The Investigator is appointed by the Protected Disclosures Coordinator and may be internal or external to YSAS.

The Investigator must have internal independence of line management in the area affected by the Wrongdoing disclosure. The internal investigator may be the Chief Finance & Corporate Services or Manager Quality & Risk.

The Investigator is responsible for ensuring the investigation is conducted in an objective and fair manner, and is reasonable and appropriate having regard to the nature of the

disclosure and the circumstances. Where a disclosure is submitted anonymously, YSAS will conduct the investigation and its enquiries based on the information provided to it.

The Investigator may seek the expertise of other officers in YSAS to assist in the investigation and may seek the advice of internal or external experts as required.

## 2. POLICY APPLICATION

### 2.1 Making a Disclosure

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#### 2.1.1. Whether this policy applies

Whistleblowers should consider this policy and whether it applies to their concern or allegation. In some instances, it may be appropriate for the person to raise their concern or allegation directly with their supervisor or line manager in order to resolve it. Alternatively, other YSAS policies or procedures may be the appropriate forum to resolve the issue, for example if it is a personal work related grievance.

If this policy does apply to the Whistleblower's allegations then the Whistleblower may make a disclosure under this policy in person, or by phone, email or in writing to a Whistleblower Governance Officer, or a Recipient, via an external service provider as detailed in 2.2.

Whistleblowers are encouraged to inform the Whistleblower Governance Officer, or a Recipient that they are making disclosure under this policy and provide as much detail and information as possible in order for YSAS to determine what action needs to be taken and to investigate any disclosure.

#### 2.1.2 Anonymous disclosures

Anonymous disclosures of Wrongdoing are allowed under this policy. However, it may be more difficult to investigate an anonymous disclosure or provide feedback on the outcome. Specific protection mechanisms may be difficult to enforce if a Whistleblower chooses to remain anonymous.

#### 2.1.3 Other Complaint Mechanisms

This policy does not apply to personal workplace grievances or matters that are dealt with more appropriately under other YSAS policies and procedures, which may include:

- Grievance procedures for employees, to raise any matters they may have in relation to their work or their work environment, other persons, or decisions affecting their employment. This Policy does not replace other reporting structures such as those for dispute resolution, discrimination, or matters relating to workplace bullying or harassment.
- Complaint mechanisms for clients or volunteers.

### 2.2 Process for making a disclosure

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Disclosures under this policy can be reported to YSAS Whistleblower Governance Officer via an external service provider, WISE workplace

<b>Telephone hotline</b>	<b>1300 933 977</b>
<b>Online reporting</b>	<a href="https://ysas.grapevineonline.com.au/">https://ysas.grapevineonline.com.au/</a>
<b>Secure mailbox</b>	<b>PO Box 119, Carlton South, VIC 3053</b>

#### Whistleblower Governance Officers

<b>Company Secretary</b>	Kamalini Kandasamy
<b>Manager People &amp; Capability</b>	Danielle Leigh
<b>Manager Quality &amp; Risk</b>	Sara Careem
<b>Chair Risk &amp; Audit Committee</b>	Cathy Buckmaster

### 2.3 Protection & Support

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YSAS is committed to protecting persons from being victimised in the workplace and will not tolerate any detrimental conduct, or threats of detrimental conduct, against a Whistleblower.

Victimisation is conduct that causes any detriment to another person or constitutes the making of a threat to cause detriment to another person where the reason (or part of the reason) for the conduct is a belief or suspicion that the person made, may have made or proposes to make a disclosure of wrongdoing.

Detrimental conduct includes:

- dismissal;
- injury of an employee in their employment;
- altering an employee's position or duties to their disadvantage, including demotion;
- discrimination, harassment or bullying;
- threats and reprisals (express or implied);
- damage to a person's property, reputation, business or financial position; or
- any other damage to a person including action causing injury, loss, liability or damage.

Any such conduct made in reprisal for a disclosure made under this Policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. In some circumstances such conduct may be illegal in which case YSAS will notify the relevant authorities.

Not all disclosures of serious wrongdoing are Protected Disclosures. However to ensure consistency and fairness YSAS will aim to protect those making disclosures, which are made genuinely and on a reasonable basis, even where the disclosure is not a Protected Disclosure.

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### 2.4 Confidentiality

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YSAS will not disclose a Whistleblowers identity or information likely to lead to their identification unless:

- it is necessary to further an investigation and the Whistleblower consents to the disclosure;
- YSAS needs to disclose this information to obtain confidential legal advice or representation; or
- the disclosure is required or authorised by law or to prevent a serious and imminent threat to life, health or property.

When a disclosure is investigated it may be necessary to reveal its substance to people such as other YSAS personnel, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies.

It will be necessary to disclose the facts and substance of a disclosure to a person who may be the subject of the disclosure in order for the matter to be investigated fairly. YSAS will take steps to ensure the confidentiality of the Whistleblower however the source of the disclosure may be obvious to a person who is the subject of it.

YSAS will take reasonable precautions to ensure any records relating to a disclosure of Wrongdoing are stored securely and access is restricted to authorised persons.

Unauthorised disclosure of information that could prejudice confidentiality and identify a Whistleblower will be regarded seriously and may result in disciplinary action. Where applicable, YSAS will notify relevant authorities of such unauthorised disclosures.

### 2.5 Investigation

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All disclosures made under this policy will be properly assessed by the Whistleblowing Governance Officer or Protected Disclosures Coordinator, and if appropriate, investigated by either an internal or external investigator.

Investigation processes will vary depending on the precise nature of the conduct being investigated.

Investigations must be conducted in a fair and independent manner, taking into account:

- the seriousness of the disclosure;
- the requirements of procedural fairness; and
- protections for the Whistleblower.

Where necessary, either before, during or after an investigation, YSAS may report the Wrongdoing allegation or any findings to appropriate authorities or regulatory bodies.



### 2.6 Fair Treatment

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YSAS recognises that individuals against whom a disclosure is made must also be supported during the handling and investigation of the Wrongdoing. YSAS takes reasonable steps to treat fairly any person who is the subject of a disclosure, particularly during the assessment and investigation process, in accordance with an established support protocol which may be extended to include appointing an independent senior officer in YSAS to provide support.

Where a person is identified as being suspected of possible Wrongdoing, but 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 finalised.

The Whistleblowing Governance Officer will decide whether or not the person named in the allegation should be informed that a suspicion was raised and found to be baseless upon preliminary review. This decision will be based on a desire to preserve the integrity of a person so named, so as to enable workplace harmony to continue unfettered and to protect the Whistleblower where it is a bona fide disclosure.

Generally, where an investigation is conducted, and the Investigator believes there may be a case for an individual to respond to, the Investigator must ensure that a person who is the subject of a disclosure:

- Is informed of the substance of the allegations;
- Is given a fair and reasonable opportunity to answer the allegations before the investigation is finalised;
- Has their response set out fairly in the Investigator's report; and
- Is informed about the substance of any adverse conclusions in the Investigator's report that affects them.

Where adverse conclusions are made in an Investigator's report about an individual, that individual has a right to respond to those conclusions prior to any action being taken by YSAS against them.

## 3. COMPLIANCE, MONITORING & REVIEW

Any breach of this policy may result in disciplinary action that could result in termination of employment from or engagement with YSAS.

The Board will receive a summary of disclosures made under this Policy at least on a biannual basis. The summary provided to the Board will not identify individual Whistleblowers.

This policy is to be reviewed by the Risk and Audit Committee, every two years or sooner if warranted by internal or external events or changes. Any changes to this policy recommended by the Risk and Audit Committee will require YSAS Board endorsement.

## 4. ASSOCIATED DOCUMENTS

### YSAS Policies

- Code of Conduct
- Disciplinary and Workplace Behaviour Management Policy
- Staff Grievance and Resolution Policy
- Conflicts of Interest Policy
- Gifts, Benefits & Hospitality Policy
- Feedback and Complaints Policy
- Safeguarding Young People Policy
- Occupational Health & Safety (OHS) Policy

### Legislation & Standards

- *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)*

## 5. POLICY GOVERNANCE, VERSION CONTROL, CHANGE HISTORY

Document group	Corporate Governance – Organisational Governance	Last review	Dec 2019
Document owner	Company Secretary	Issue date	September 2020
Document reviewer	Risk and Audit Committee	Next review	September 2022
Approval body	YSAS Board (31 Aug 2020)	Version	2
Summary of changes	New Policy – updated following legal review		