

Whistleblower Policy

Principal

Whistleblowing can be an effective way of uncovering fraud and other misconduct which may not be identified by internal or external controls. Maxima is committed to the principles of transparency and accountability and views Whistleblowing as an opportunity to reflect upon organisational procedures and promote an ethical culture.

Where a Director, employee, contractor or volunteer, believes, on reasonable grounds, that another person or persons associated with Maxima has been involved in illegal, improper or unethical conduct, they are encouraged and supported to report the conduct without reprisal or consequence.

Maxima protects Whistleblowers from retaliatory action of any kind including:

- Dismissal;
- Demotion;
- Harassment or discrimination;
- Victimisation of any kind;
- Current or future bias; or
- Threats of any of the above.

Definitions

Anonymity: (see Maxima's Whistleblower Procedure) - is when one's identity is unknown. In the case of an anonymous Whistleblower, their identity is not known by anyone, including those who receive and investigate the report.

WPO Whistleblower Protection Officer (see Maxima Whistleblower Procedure) – has delegated responsibility and training to take complaints and conduct investigations under this policy and procedure.

Confidentiality: (see Maxima Whistleblower Procedure) is when one's identity is protected to prevent harm. In the case of a Whistleblower, their identity may be known to those receiving and investigating the report, but is protected from the broader organisation and public.

Whistleblower: is a person associated with the organisation, whether it be a Director, employee, contractor or volunteer, who discloses information regarding organisational wrongdoing/misconduct, and wishes to be protected against reprisal for reporting.

Whistleblowing: is the deliberate, voluntary disclosure of individual or organisation wrongdoing by a person with access to data, events or information about misconduct by the organisation.

Wrongdoing is illegal, improper or unethical conduct that:

- Is in breach of legislation or regulations, or which is otherwise illegal
- Is fraudulent, dishonest or corrupt
- Perverts the course of justice
- Is an abuse of public trust
- Unreasonably endangers health safety or the environment
- Actions that result in a wastage of public money or property
- Could cause financial or non-financial damage to the organisation, or the reputation of the organisation
- Is a breach of the Maxima's Code of Conduct
- Constitutes maladministration
- Infringes on the rights of any person
- Is an abuse of a position of trust.

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Legislative Obligations

Under the Corporations Act 2001 section 1317AI amendment 1/7/2019 proprietary organisations that have two of the following characteristics are legislated to have a Whistleblower Policy.

- \$50+ million in consolidated Revenue
- \$25+ Million in gross assets
- 100 or more employees

Maxima holds a contract with the Commonwealth under the Disability Services Grant Agreement whereby Maxima is deemed a Provider to the Commonwealth. Maxima staff and managers are deemed Public Officials for the purposes of section 142.2 of the Criminal Code Act 1995 (Cth) which requires public officials to disclose suspected wrongdoing (see definition above) by another public official or by an Australian government agency. Maxima must also inform staff and managers that:

- Acting with the intention of dishonestly obtaining a benefit for any person is punishable by penalties including imprisonment
- Disclosures of disclosable conduct under the *Public Interest Disclosure Act 2013 (Cth)* can be made directly to their supervisors within the Provider, or to an authorised officer of the Department, and where a disclosure of disclosable conduct is made to a supervisor within the Provider, the supervisor is required under section 60A of the *Public Interest Disclosure Act 2013 (Cth)* to pass information about the conduct to an authorised officer of the Department
- Suspensions or evidence of incorrect claims or acceptance of payments or any other activities that may be a breach of the Agreement may be reported to the Department through the *Employment Services Tip Off Line*.

Responsibilities

This policy will be reviewed and evaluated for effectiveness every 3 years, ensuring that it reflects the most up-to-date legal and corporate governance requirements. Any changes made to the policy will be communicated to all staff, on hired workers and volunteers.

In addition, Maxima will raise awareness, inform and educate Directors, staff, contractors, and volunteers of the Whistleblower policy and procedures for reporting, as well as the protections available to them in order to facilitate a safe environment in which concerns of misconduct may be voiced without reprisal.

Management Actions

The governing body and senior management are responsible for implementing the policy, encouraging a culture of "speaking up", and evaluating and making improvements to the effectiveness of the policy.

Scope

This policy is to be used throughout Maxima and apply to all employees including on hired workers, volunteers, Board members and contractors.

Associated Documents

List associated documents and (document code),

- o Whistleblower Procedure (GPR 000),
- o Disability Services Grant Agreement Clause 15.4