

## Whistleblower Policy

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<b>Policy owner:</b>	Deputy CEO
<b>Approved by:</b>	Board, Finance & Risk Committee
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<b>Informed:</b>	All workplace participants
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<b>1.0</b>	1 Jan 2020	New Policy to comply with ASIC Guidance
<b>1.1</b>	22 Jul 2020	Refinements including to more closely reflect Corporations Act requirements and ASIC Guidance
<b>1.2</b>	31 Mar 2021	Remove Mary-Jane McCormack as Whistleblower Protection Officer
<b>1.3</b>	26 Oct 2021	Policy reformatted
<b>2.0</b>	July 2022	Reviewed with no substantive changes
<b>3.0</b>	June 2024	Policy reviewed for compliance with the Corporations Act and amendments made to provisions relating to Eligible Recipients. Policy amended to clarify that a disclosure made to a legal practitioner for the purpose of obtaining legal advice or legal representation will qualify for protection

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## 1. PURPOSE OF THIS POLICY<sup>1</sup>

Victor Chang Cardiac Research Institute Limited (VCCRI) is committed to the highest standards of conduct and ethical behaviour, research integrity and good corporate governance. VCCRI aims to support a culture where Workplace Participants (as defined below) feel comfortable in raising concerns with their supervisors and senior management.

Concerns relating solely to workplace grievances (bullying, harassment or other inappropriate workplace behaviour) can be raised under People and Culture processes including the Grievance Policy. Concerns relating to the *Research Code of Conduct* can be made following the process set out under the *Managing & Investigating Potential Breaches of Research Code of Conduct (2019) Policy*.

Reports, based on reasonable grounds, of Protected Disclosure (defined below) involving VCCRI's activities can be made following the processes set out in this Policy. VCCRI is committed to ensuring such Protected Disclosures can be made without fear of intimidation, disadvantage or reprisal, and protections will be given to Whistleblowers even where the Protected Disclosure is revealed to be incorrect or unsubstantiated. Even where certain information may not be strictly protected under this Policy, VCCRI will do its best to ensure any information a person provides, or concerns a person may have, will be treated respectfully and carefully by our senior management.

This Policy applies to all persons performing work at the direction of, in connection with, or on behalf of VCCRI. This includes employees and students (full-time, part-time or casual), Victor Chang Innovation Centre users, contractors, subcontractors, honorary appointments, visiting academics/scientists, volunteers, consultants, and temporary staff (**Workplace Participants**).

## 2. SCOPE OF THIS POLICY

The scope of this Policy is to provide guidance to Whistleblowers who wish to raise a Protected Disclosure. This Policy sets out:

- (a) who can make a protected disclosure (**Whistleblower** – section 3);
- (b) the types of disclosures that qualify for protection (**Protected Disclosure** – section 4);
- (c) who can receive a Protected Disclosure (**Eligible Recipients** – section 5);
- (d) VCCRI's framework and process for receiving, handling and investigating Protected Disclosures in a fair and timely manner (sections 6, 8 and 9); and
- (e) the protections available to Whistleblowers (**What Protections Are Offered** – section 7).

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<sup>1</sup> RG 270.39 to RG 270.40.

### 3. WHO IS A WHISTLEBLOWER<sup>2</sup>?

A Whistleblower is a person who discloses a Protected Disclosure to an Eligible Recipient (see below) following the process in this Policy; and

- (a) is, or has been, an officer or employee of VCCRI (including permanent, part time, fixed term or temporary, interns, secondees, students, managers and directors);
- (b) is, or has been, a supplier of services or goods to VCCRI (whether paid or unpaid) including their employees (including current and former contractors, consultants, service providers and business partners);
- (c) is an associate<sup>3</sup> of VCCRI; or
- (d) is a relative, spouse or dependent of a person listed above.

### 4. WHAT IS A PROTECTED DISCLOSURE<sup>4</sup>?

A Protected Disclosure is the name given to a report made by a Whistleblower if:

- (a) the Whistleblower has reasonable grounds<sup>5</sup> to suspect that the information in the report concerns misconduct, or an improper state of affairs or circumstances, in relation to VCCRI (or any related body corporate of VCCRI). This may include conduct which is fraudulent, negligent, dishonest, or corrupt, including financial fraud or bribery or conduct involving a breach of trust or a breach of duty even though the conduct in question may not involve a contravention of a particular law; or
- (b) they have reasonable grounds to suspect that the information indicates VCCRI (or its related bodies corporate) including their employees or officers have engaged in conduct that:
  - (i) constitutes an offence against any law of the Commonwealth that is punishable by

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<sup>2</sup> RG 270.41 to 270.46. The *Taxation Administration Act 1953* (Cth) (Tax Administration Act) also provides protections in relation to disclosures about a breach of an Australian tax law by VCCRI. Tax disclosures may be made by an individual set out in clause 3. However, in relation to tax disclosures, an associate is defined by reference to section 318 of the *Income Tax Assessment Act 1936* (Cth), and only a spouse or child of one of the individuals listed in clause 3.1.1 – 3.1.3 (or a dependent of one of the above individuals or their spouse) may make a protected disclosure. If a report relates to tax affairs (tax disclosure), protections under the Taxation Administration Act only apply:

- (a) where a report is made to the Commissioner of Taxation, if the person considers that the information may assist the Commissioner to perform their duties under a taxation law in relation to VCCRI or an associate of VCCRI;
- (b) where a report is made to an Eligible Recipient referred to in section 5 of this Policy:
  - (i) if the person has reasonable grounds to suspect the information indicates misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of VCCRI or an associate of VCCRI; and
  - (ii) if the person considers that the information will assist the recipient of the information to perform their duties under a taxation law in relation to VCCRI.

<sup>3</sup> Associate includes non-executive directors and the company secretary of VCCRI and any related bodies corporate.

<sup>4</sup> RG270.47-270.57.

<sup>5</sup> "Reasonable grounds" is based on objective reasonableness of the reasons for the Whistleblower's suspicion. A Whistleblower's motive for making a disclosure, or their personal opinion of the person(s) involved, does not prevent them from qualifying for protection.

- imprisonment for a period of 12 months or more;
- (ii) represents a danger to the public or the financial system or is prescribed by regulation; or
- (iii) is conduct which constitutes an offence against a provision of legislation including:
  - A. the Corporations Act (2001);
  - B. the Australian Securities and Investments Commission Act (2001); and
  - C. the Banking Act (1959).

#### **4.1. REPORTS RELATING SOLELY TO PERSONAL WORK-RELATED GRIEVANCES<sup>6</sup>**

The protections under this Policy and the Corporations Act do not apply to disclosures relating **solely** to *personal work-related grievances*, and that do not relate to Detriment (defined below), or threat of Detriment, to the Whistleblower.

*Personal work-related grievances* are those that relate to the Whistleblower's current or former employment and have, or tend to have, implications for the Whistleblower personally but do not:

- (a) have any other significant implications for VCCRI or another entity; or
- (b) relate to any conduct, or alleged conduct, about a Protected Disclosure.

Some examples of disclosures that will not be Protected Disclosures are:

- (a) employee management or performance related matters or decisions about suspension or discipline of the Whistleblower that are not related to Protected Disclosures; or
- (b) decisions relating to engagement, transfer or promotion that are not related to Protected Disclosures.

As noted earlier, work-related grievances that do not amount to Protected Disclosure can be raised under VCCRI's *Grievance Policy*, but those reports will not attract the protections under the Corporations Act and this Policy.

#### **4.2. A PERSONAL WORK-RELATED GRIEVANCE MAY BE PROTECTED IF...**

A personal work-related grievance may still be a Protected Disclosure, for example if:

- (a) the disclosure includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance;
- (b) VCCRI has breached laws punishable by imprisonment for a period of 12 months or more;
- (c) VCCRI has engaged in conduct that represents a danger to the public;
- (d) the disclosure relates to information that suggests misconduct beyond the Whistleblower's personal circumstances;
- (e) the Whistleblower suffers from, or is threatened with, Detriment (defined in section 7 below) for making the disclosure; or
- (f) the Whistleblower seeks advice from a legal practitioner regarding their rights with respect to the whistleblower protections under the Corporations Act.

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<sup>6</sup> RG 270.58 to RG 270.63.

#### 4.3. FALSE REPORTING

VCCRI encourages Whistleblowers to make Protected Disclosures on reasonable grounds and acknowledges that a Whistleblower can still qualify for protection even if their disclosure turns out to be incorrect. However, a deliberate false disclosure may lead to the Whistleblower being the subject of disciplinary action which may include dismissal.

### 5. TO WHOM SHOULD DISCLOSURES BE MADE<sup>7</sup>?

A Whistleblower must make a Protected Disclosure directly to one of VCCRI's Eligible Recipients in order to be able to qualify for protection under the Corporations Act and this Policy.

#### 5.1. ELIGIBLE RECIPIENTS

An Eligible Recipient is:

- (a) a Director of VCCRI, or the Institute Director or Deputy Director(s) of VCCRI;<sup>8</sup>
- (b) any other officer or senior manager of VCCRI or a related body corporate (a senior manager for these purposes is a person who makes or participates in making decisions that affect the whole or a substantial part of VCCRI's business or who has the capacity to affect significantly VCCRI's financial situation);
- (c) a member of an audit team conducting an audit of VCCRI or an actuary of VCCRI;
- (d) the Company Secretary of VCCRI from time to time, who will be the Institute's Whistleblower Protection Officer;
- (e) ASIC or APRA or another Commonwealth body prescribed in the regulations; or
- (f) under certain circumstances, a journalist or parliamentarian (*see below*).

VCCRI encourages Whistleblowers to make disclosure to one of VCCRI's Eligible Recipients in the first instance, and we encourage such disclosure to be made as soon as possible after the conduct occurs or arises. Protection for Whistleblowers may not apply where disclosures are made to people other than Eligible Recipients or via social media.

A disclosure made to a legal practitioner for the purpose of obtaining legal advice or legal representation will qualify for the protection under the Corporations Act and this Policy.

#### 5.2. DISCLOSURES MADE TO A JOURNALIST OR PARLIAMENTARIAN<sup>9</sup>

Protection will only be offered to a Whistleblower who informs a member of parliament or a journalist where the following criteria are met:

- (a) the Whistleblower has previously made a report regarding the matter to ASIC, APRA, or a prescribed Commonwealth authority; and
  - (i) at least 90 days have passed since the Whistleblower made the disclosure to ASIC, APRA

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<sup>7</sup> RG 270.64 to RG 270.78. In relation to tax affairs, reports may also be made to VCCRI's external auditor, to an employee or officer of VCCRI who has functions or duties relating to VCCRI's tax affairs or to a registered tax agent or BAS agent. A person may also make a report to the Commissioner of Taxation as outlined in this Policy.

<sup>8</sup> Or an officer or senior manager of St Vincent's Health Australia.

<sup>9</sup> Under certain circumstances, protections under the Corporations Act (but not the Tax Administration Act) may apply to public interest disclosures or emergency disclosures being disclosures to a member of Parliament or a journalist.

- or the Commonwealth body prescribed by regulation and the Whistleblower does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure and has reasonable grounds to believe that making a further disclosure of the information is in the public interest (a *public interest disclosure*); or
- (ii) the Whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment, and the extent of the information disclosed must be no greater than necessary to inform the parliamentarian or journalist of the substantial and imminent danger (an *emergency disclosure*); and
- (b) before making the *public interest disclosure* or *emergency disclosure*, the Whistleblower has given written notice to the body to which the previous disclosure was made that:
- (i) includes sufficient information to identify the previous disclosure; and
  - (ii) states that the Whistleblower intends to make a *public interest disclosure* or an *emergency disclosure*.

VCCRI recommends that a Whistleblower contact an independent legal adviser before making a disclosure to a member of parliament or a journalist.

## 6. HOW SHOULD REPORTS BE MADE<sup>10</sup>?

Reports of Protected Disclosure (**Reports**) must be provided to an Eligible Recipient to receive protection under the Corporations Act and this Policy. Reports can be made anonymously (see below) or confidentially and can be made outside business hours.

To ensure a person's Report is dealt with appropriately, it is preferable that the Report is in writing and makes it clear that the issue is being raised in connection with this Policy. Reports should contain as much details as possible of:

- (a) the nature of the conduct alleged;
- (b) the person or people responsible for the alleged conduct; and
- (c) the nature and whereabouts of any further evidence that would substantiate the information in the Whistleblower's Report.

If a person wishes to obtain further information, including before making a potential Protected Disclosure, they can do so by contacting an Eligible Recipient or an independent legal adviser.

### 6.1. CAN A WHISTLEBLOWER BE ANONYMOUS?

Whistleblowers can choose to identify themselves to the Eligible Recipient or may choose to remain anonymous throughout all stages (including when the Report is made, throughout an investigation and after an investigation is finalised). Anonymous Reports are still protected under the Corporations Act and this Policy.

Anonymous Reports should be made using an anonymous email address, which would enable VCCRI to communicate with the Whistleblower. Anonymous Reports could also be made by sending correspondence to VCCRI's postal address.

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<sup>10</sup> RG 270.92 to RG 270.93.

A Whistleblower may refuse to answer questions that may reveal their identity at any time, including during any follow-up conversations.<sup>11</sup> A Whistleblower who wishes to remain anonymous should maintain ongoing two-way communication as much as possible to ensure questions can be asked and facts can be clarified. VCCRI's capacity to investigate a Report may be limited (or VCCRI may not be able to undertake an investigation) if the Eligible Recipient has no means of contacting the Whistleblower.<sup>12</sup>

## 7. WHAT PROTECTIONS ARE OFFERED TO WHISTLEBLOWERS<sup>13</sup>?

### 7.1. IDENTITY PROTECTION (CONFIDENTIALITY)

Where a Whistleblower has made a Protected Disclosure to an Eligible Recipient, it is **illegal** for a person to disclose the Whistleblower's identity, or to disclose information (obtained directly or indirectly) that is likely to lead to the identification of a Whistleblower.<sup>14</sup> These protections are subject to the following exceptions:<sup>15</sup>

- (a) VCCRI may disclose identifying information to:
- ASIC, APRA, the Australian Federal Police, or any other relevant Commonwealth or State or Territory authority;
  - a legal practitioner to obtain legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act;
  - a person or body prescribed by regulations; or
  - with the consent of the Whistleblower, and
- (b) VCCRI may disclose information contained in a Protected Disclosure with or without the Whistleblower's consent if:
- the information does not include the Whistleblower's identity;
  - VCCRI has taken all reasonable steps to reduce the risk that the Whistleblower will be identified from the information; and
  - it is reasonably necessary for investigating the issues raised in the Protected Disclosure.

The Whistleblower must also maintain confidentiality regarding the issue and refrain from discussing the matter with unauthorised persons.

Without the Whistleblower's consent, VCCRI cannot disclose information that is likely to lead to the identification of the Whistleblower as part of an investigation unless the information does not include the Whistleblower's identity, VCCRI removes information relating to the Whistleblower's identity or other information that is likely to lead to the identification of the Whistleblower and it is reasonably necessary for investigating the issues raised in the Report.<sup>16</sup>

Unauthorised disclosure of a Whistleblower's identity (or any information likely to lead to identification) will be a breach of this Policy and may also be an offence under Australian law. A Whistleblower should

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<sup>11</sup> RG 270.84.

<sup>12</sup> RG 270.119.

<sup>13</sup> RG 270.87 to RG 270.105. In addition, important protections for people making a report are contained in the Taxation Administration Act in relation to tax disclosures.

<sup>14</sup> RG 270.91 and RG 270.94.

<sup>15</sup> RG 270.92 to RG 270.93.

<sup>16</sup> RG 270.118.

contact the Whistleblower Protection Officer if it is suspected that there has been an unauthorised disclosure.<sup>17</sup>

## 7.2. HOW WILL VCCRI PROTECT A WHISTLEBLOWER'S IDENTITY?

Examples of how VCCRI may protect a Whistleblower's identity (confidentiality) are:<sup>18</sup>

- (a) a Whistleblower will be referred to in a gender-neutral context;
- (b) a Whistleblower can adopt a pseudonym;
- (c) where possible, the Whistleblower will be contacted to help identify certain aspects of their Protected Disclosure that could inadvertently identify them; and
- (d) disclosures will be handled by qualified staff.

Further, to ensure record-keeping and information sharing processes are secure, VCCRI will:

- (e) securely store all paper and electronic documents relating to the Protected Disclosure and strictly limit access of information to those directly involved in managing and investigating the Protected Disclosure;
- (f) ensure that no one named or implicated in the Protected Disclosure or who has a conflict of interest with respect to the Protected Disclosure has access to paper and electronic documents relating to the Protected Disclosure;
- (g) ensure that only a restricted number of people directly involved in the handling and investigation of a Protected Disclosure, and none of whom has a conflict of interest, are aware of a Whistleblower's identity and then only with the Whistleblower's consent;
- (h) not use email addresses or printers that can be accessed by other staff for communications and documents relevant to the Protected Disclosure; and
- (i) remind each person involved with handling and investigating a Protected Disclosure of that person's confidentiality requirements, and that unauthorised disclosure of a Whistleblower's identity may have serious repercussions and be a criminal offence.

## 7.3. PROTECTION FROM DETRIMENTAL CONDUCT<sup>19</sup>

*Detriment*<sup>20</sup> includes, but is not limited to, dismissal, demotion, harassment, discrimination, disciplinary action, injury, damage to reputation or property or financial position, bias, threats or other unfavourable treatment connected with making a report.

It is illegal to:

- (a) cause Detriment to a Whistleblower (or another person) on the belief or suspicion that the Whistleblower made, may have made, proposes to make or could make a Protected Disclosure and the belief or suspicion is the reason or part of the reason for acting to cause that Detriment; and
- (b) make a threat to cause Detriment to a Whistleblower (or another person) in relation to a Protected Disclosure. A threat may be express, implied, or conditional or unconditional. A

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<sup>17</sup> RG 270.94 and RG 270.110.

<sup>18</sup> RG 270.108.

<sup>19</sup> RG 270.95 to RG 270.101.

<sup>20</sup> RG 270.99.

Whistleblower (or another person) who has been threatened does not have to actually fear that the threat will be carried out.

*Detriment*<sup>21</sup> does not include managing unsatisfactory work performance in accordance with VCCRI's performance management framework or action that it is reasonably practical for VCCRI to take for the purpose of protecting a Whistleblower from Detriment e.g. changing the Whistleblower's direct manager or moving the Whistleblower to a separate office area (with the Whistleblower's consent).

VCCRI will take practical steps to protect Whistleblowers from Detriment<sup>22</sup>, including by:

- (a) following the procedure set out in section 8;
- (b) ensuring that all managers and Eligible Recipients are appropriately trained in responding to and protecting Whistleblowers;
- (c) offering, where appropriate and indicated, an *Employee Assistance Program* or service; or
- (d) implementing strategies and support to help the Whistleblower to minimise and manage stress, time or performance impacts, or other challenges resulting from the Protected Disclosure or the investigation, including allowing a Whistleblower workplace flexibility.

Unauthorised disclosure of a Whistleblower's identity (or any information likely to lead to identification) or causing Detriment to a Whistleblower (or another person) in relation to a Protected Disclosure will be a breach of this Policy and may also be an offence under Australian law. A Whistleblower should contact the Whistleblower Protection Officer or may lodge a complaint with a regulator, such as ASIC or APRA, if it is suspected that there has been an unauthorised disclosure.<sup>23</sup>

#### **7.4. COMPENSATION AND OTHER REMEDIES<sup>24</sup>**

A Whistleblower or other stakeholder may seek compensation or other remedies through the courts if:

- (a) VCCRI failed to take reasonable precautions and exercise due diligence to prevent Detriment; and
- (b) They suffer loss, damage or injury because of a Protected Disclosure.

VCCRI encourages any person who believes that they may have suffered Detriment or have a claim for compensation to seek independent legal advice.

#### **7.5. PROTECTION FROM CIVIL, CRIMINAL AND ADMINISTRATIVE LIABILITY<sup>25</sup>**

A Whistleblower is protected from:

- (a) Civil liability, for example any legal action against them by VCCRI for breach of employment contract, confidentiality, or any other contractual obligation;
- (b) Criminal liability, for example attempted prosecution of the Whistleblower for unlawfully releasing information or other use of the disclosure against the Whistleblower in a prosecution (other than for making a false disclosure); and
- (c) Administrative liability, for example any disciplinary action brought about as a consequence of

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<sup>21</sup> RG 270.100.

<sup>22</sup> RG 270.106.

<sup>23</sup> RG 270.94 and RG 270.110.

<sup>24</sup> RG 270.102 to RG 270.103.

<sup>25</sup> RG 270.104 to RG 270.105.

the Whistleblower making the disclosure.

However, these liability protections do not grant immunity to any Whistleblower for any misconduct that they may have engaged in that is revealed in their disclosure.

## **8. INVESTIGATION OF A PROTECTED DISCLOSURE<sup>26</sup>**

This section outlines the key steps involved in investigating a Report, though the actual process may vary depending on the nature of the disclosure.<sup>27</sup>

### **8.1. STEP 1: PROVIDE REPORT TO WHISTLEBLOWER PROTECTION OFFICER AND ACKNOWLEDGE RECEIPT**

The Eligible Recipient must, as soon as reasonably practicable after receipt of the Report:

- (a) provide the Report to the Whistleblower Protection Officer (if the Eligible Recipient is not the Whistleblower Protection Officer); and
- (b) acknowledge receipt of the Report to the Whistleblower.

### **8.2. STEP 2: WHISTLEBLOWER PROTECTION OFFICER NOTIFIES THE INSTITUTE DIRECTOR AND CHAIR OF FINANCE AND RISK COMMITTEE**

The Whistleblower Protection Officer must notify the Institute Director and the Chair of the Finance and Risk Committee of the receipt of the Report as soon as reasonably practicable. If either the Institute Director or the Chair of the Finance and Risk Committee are implicated in the Report, the Whistleblower Protection Officer will instead notify the Chair of the Board.

These notifications must contain a high-level summary of the Report and the issues raised but must not include a Whistleblower's identity or any information that is likely to lead to the identification of a Whistleblower.<sup>28</sup>

### **8.3. STEP 3: WHISTLEBLOWER PROTECTION OFFICER ASSESSES THE REPORT**

The Whistleblower Protection Officer will assess the Report and consider whether it qualifies for protection and whether a formal, in-depth investigation is required.<sup>29</sup>

The Whistleblower Protection Officer may dismiss the Report if, on reasonable grounds, the Whistleblower Protection Officer (after appropriate considerations and consultations) has a high degree of confidence that there is no substance to the complaint contained in the Report. Whistleblowers must be advised in writing (where the Whistleblower is contactable) of the decision to dismiss the Report within 2 business days of the decision being made.

### **8.4. STEP 4: WHISTLEBLOWER PROTECTION OFFICER APPOINTS AN INVESTIGATOR**

If the Whistleblower Protection Officer does not dismiss the Report, the Whistleblower Protection Officer must, within seven business days of notification of the Report (or earlier if he/she considers necessary), appoint a person to investigate the Report (an *Investigator*).

An Investigator must be independent of the matters raised in the Report, able to conduct the investigation in an impartial manner and not be in a position of conflict in relation to the information in

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<sup>26</sup> RG 270.111 to RG 270.124.

<sup>27</sup> RG 270.117.

<sup>28</sup> RG 270.91 and RG 270.94.

<sup>29</sup> RG 270.116.

the Report. An Investigator may be internal (including the Whistleblower Protection Officer) or may be external to VCCRI. Where the Institute Director, Chair of the Finance and Risk Committee or Chair of the Board is implicated in the Report, the Investigator must be external.

## 8.5. STEP 5: INVESTIGATION

Investigations are intended to be carried out in a timely manner and be objective, fair and independent of the Whistleblower and any person who is the subject of the Report.

VCCRI will ensure the fair treatment of its employees who are mentioned in (or the subject of) a Report by ensuring the disclosures are handled confidentially, when practicable and appropriate in the circumstances, and by advising that employee who is the subject of the disclosure before any actions are taken, as required in accordance with procedural fairness. Any employee may contact VCCRI's *Employee Assistance Program* at any time.<sup>30</sup>

Investigators will keep appropriate records including of all interviews conducted and information received which affect the outcome of the investigation.

The Whistleblower will be provided with regular updates if the Whistleblower can be contacted (via anonymous channels or otherwise), subject to considerations of the privacy of those mentioned in the Report.<sup>31</sup> The frequency and timeframe of the updates may vary depending on the nature of the disclosure.

## 9. FINDINGS

A report of findings (Findings) must be prepared by the Investigator and provided to the Whistleblower Protection Officer within a reasonable time of completion of the investigation, while preserving confidentiality. The method for documenting and reporting the findings will depend on the nature of the disclosure.<sup>32</sup>

The Whistleblower may receive part or all of (or a summary of) the Findings, but there may be circumstances where it may not be appropriate to provide details of the outcome to the Whistleblower.<sup>33</sup>

The Findings must include:

- (a) the allegations;
- (b) a statement of all relevant findings of fact and the evidence relied upon to reach conclusions on each allegation;
- (c) whether each allegation is substantiated;
- (d) the basis for each conclusion reached (including the damage caused, if any, and the impact on VCCRI and other affected parties) and their basis; and
- (e) recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

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<sup>30</sup> RG 270.125 to RG 270.127.

<sup>31</sup> RG 270.112.

<sup>32</sup> RG 270.124.

<sup>33</sup> RG 270.123.

## 10. VCCRI BOARD

### 10.1. VCCRI BOARD

Our Board is committed to:

- (a) high standards of ethical conduct and to promoting and supporting a culture of ethical behaviour and good governance;
- (b) the process by which any concerns raised under this Policy are reviewed in an impartial, fair, objective manner;
- (c) ensuring that it is informed of and properly considers any material reports made under this Policy including the results of any investigation;
- (d) the protection and support of any person making a report under this Policy.

### 10.2. CHAIR OF THE FINANCE AND RISK COMMITTEE

As noted in “Step 2” of Section 8, the Chair of the Finance and Risk Committee will be notified by the Whistleblower Protection Officer of any Reports of Protected Disclosure made under this Policy as soon as reasonably practicable after those Reports are received by the Whistleblower Protection Officer. The Chair will be provided with a high-level summary of the Report and the issues raised but will not be provided with a Whistleblower’s identity or any information that is likely to lead to the identification of a Whistleblower.<sup>34</sup>

### 10.3. REPORTING TO THE FINANCE AND RISK COMMITTEE

Whistleblower Reports are a standing item on the agenda of meetings of the Board Finance and Risk Committee. The Finance and Risk Committee will be advised of the number of Reports received since the previous meeting, a high-level summary of each Report, and the status of any associated Investigations, but will not be provided with a Whistleblower’s identity or any information that is likely to lead to the identification of a Whistleblower.<sup>35</sup>

The Chair of the Finance and Risk Committee will notify the Board of any relevant matters under this Policy as deemed appropriate from time to time.

## 11. POLICY ACCESSIBILITY, TRAINING AND REVIEW

This Policy will be available to internal stakeholders of VCCRI via VCCRI’s intranet and appropriate training.<sup>36</sup> This Policy will be made available to external stakeholders of VCCRI via VCCRI’s website.<sup>37</sup>

VCCRI will provide training for employees and specialist training to all of its Eligible Recipients and the Whistleblower Protection Officer with regard to their rights, obligations and responsibilities under this Policy.<sup>38</sup>

This Policy will be reviewed every two years or earlier if considered necessary by the Director People Culture & Operations, the Deputy CEO, the Legal & Governance Manager, the Finance and Risk Committee or the Board.

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<sup>34</sup> RG 270.91 and RG 270.94.

<sup>35</sup> RG 270.91 and RG 270.94.

<sup>36</sup> RG 270.128 to RG 270.139.

<sup>37</sup> RG 270.138.

<sup>38</sup> RG 270.134.

## 12. QUESTIONS

Additional information with respect to the application of this Policy can be obtained by contacting the Whistleblower Protection Officer or by seeking external legal advice.<sup>39</sup>

## 13. VARIATIONS

VCCRI reserves the right to vary, replace or terminate this Policy from time to time.

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<sup>39</sup> RG 270.66.