

1 Introduction

- 1.1. Diabetes WA is committed to creating and maintaining a culture of good commercial practice and ethical behaviour. We believe in the importance of an open and transparent organisational environment where individuals can raise concerns about Diabetes WA, employees or stakeholders without fear of repercussion.
- 1.2. The purpose of this policy is to:
 - (a) help identify, deter and address any breach of law, wrongdoing, unethical behaviour, misconduct or improper state of affairs or circumstances
 - (b) protect individuals who disclose information in accordance with this policy and to provide a safe, secure and supported mechanism for doing so;
 - (c) provide further information to individuals regarding the protections available at Diabetes WA in relation to whistleblowing;
 - (d) maintain the integrity and reputation of Diabetes WA; and
 - (e) document Diabetes WA's commitment to maintaining an open organisational environment.
- 1.3. Diabetes WA has established procedures within this policy to protect the identity of individuals who may report under it and to prevent any detrimental treatment from occurring as a result of reporting.

2 Who Is Covered Under the Policy

- 2.1. This policy applies to reports made by a Whistleblower in accordance with this Whistleblowing Policy. A Whistleblower may be a Diabetes WA current or former:
 - (a) director, secretary, officer or employee (whether permanent, part-time, casual, fixed-term, temporary, intern or secondee);
 - (b) volunteer;
 - (c) contractor or supplier, and their employees; and/or a relative, dependant or spouse of an individual in one or more of the above categories.

3 Reportable Conduct Covered by The Policy

- 3.1. A Whistleblower who has reasonable grounds to suspect:
 - (a) misconduct; or
 - (b) an improper state of affairs or circumstances;

involving Diabetes WA may report it under this policy.

3.2. **Reportable Conduct** under this policy includes the following:

- (a) breaches of law or regulations;
- (b) illegal activities, including theft, criminal damage to property or assets, drug use or sale;
- (c) conduct involving violence, threatening behaviour, sexual harassment, harassment, intimidation or discrimination;
- (d) bullying or victimisation, including victimisation of a Whistleblower;
- (e) dishonest conduct, fraud, corruption, bribery or insider trading;
- (f) unethical behaviour, such as, but not limited to, falsifying information, adopting unethical sales or accounting practices and failure to report violations;
- (g) cybersecurity or data-related threats, whether intentional or accidental, including:
 - (i) unauthorised access to software or information systems;
 - (ii) unauthorised copying of Company Data, including the use of personal USB drives or external hard drives;
 - (iii) unauthorised viewing of Company Data;
 - (iv) disruption or deletion of Company Data;
 - (v) sharing of Company Data outside the Company;
 - (vi) sale of Company secrets, Confidential Information or other Company Data; and
 - (vii) altering Company records or Company Data;
- (h) breaches of any Company policies;
- (i) engaging in conduct that infringes on the Intellectual Property of others or Diabetes WA, including unauthorised copying or distributing of copyrighted works or Confidential Information;
- (j) engaging in activities that conflict with the interests of Diabetes WA, as outlined below;
- (k) misconduct in relation to Diabetes WA tax affairs, such as tax avoidance or evasion, money laundering or misappropriation of funds;
- (l) unsafe work practices or conduct which poses a significant risk to public safety;
- (m) conduct which may cause financial loss to Diabetes WA, damage its reputation or is otherwise detrimental to the interests of Diabetes WA or any of its employees or officers;
- (n) other serious improper conduct, such as:
 - (o) misuse, or substantial waste, of Company resources; or
 - (p) supplier and vendor misconduct; or
 - (q) deliberate concealment of information relating to the matters listed above.

4 Conduct Not Covered by The Policy

- 4.1. The following conduct is not classified as Reportable Conduct under this policy and is not covered by this policy:
- (a) personal work-related grievances; and
 - (b) health and safety hazards.
- 4.2. Examples of personal work-related grievances include:
- (a) personal conflict with another employee;
 - (b) a decision that does not breach any workplace laws or regulations;
 - (c) a decision regarding the terms and conditions of the Whistleblower's employment, including the engagement, transfer, secondment, promotion or terms and conditions of engagement; and
 - (d) a decision to discipline, suspend, terminate or reprimand the Whistleblower.
- 4.3. Although the above conduct is not covered by this policy, a person may discuss these concerns with their Line Manager or Human Resources, as per the Grievances and Complaints Procedure.
- 4.4. A personal work-related grievance that has significant implications for Diabetes WA, and wider ramifications than for the Whistleblower personally, may be appropriate to disclose under this policy. If a Whistleblower is unsure whether their matter is a personal work-related grievance, they are encouraged to discuss the matter with their Line Manager or Human Resources as appropriate.

For example: a conflict between two employees which happens because the Whistleblower has reported under the policy, may be considered Reportable Conduct.

5 How to Make a Report

- 5.1. A Whistleblower with reasonable grounds to suspect that Reportable Conduct has occurred is encouraged to report that information at any time to:
- (a) their direct line manager or General Manager; or
 - (b) Human Resources.

The recipient of the report will forward the concerns to the CEO/Chairperson of the Board as appropriate.

- 5.2. To be eligible for protection as a Whistleblower under this policy, all reports made by a Whistleblower must:

- (a) be made in writing;
- (b) contain all relevant and specific information of the Reportable Conduct to allow for a reasonable investigation to be conducted, such as a description of the events, dates, places persons involved and any potential witnesses; and
- (c) include the Whistleblower's full name and preferred contact details, unless the Whistleblower opts to give an anonymous report. While there is no requirement for a Whistleblower to provide their name and contact details, this information greatly assists Diabetes WA to investigate the Reportable Conduct and provide the Whistleblower with the appropriate protections outlined in this policy.

5.3. A Whistleblower may report information confidentially by email to whistleblower@diabeteswa.com.au or by mail to the following address:

Confidential
Diabetes WA Whistleblower Officer
PO Box 1699,
Subiaco WA 6904

Mail or email delivered to these addresses will be directed confidentially to the CEO.

Alternately, if the Reportable Conduct involves the CEO, the Whistleblower may wish to address their report to:

Confidential
Chairperson of the Board – Diabetes WA
PO Box 1699,
Subiaco WA 6904

Any mail delivered to the above address will be delivered unopened to the Chairperson of the Board.

5.4. A Whistleblower may also make a report:

- (a) To the Australian Securities and Investments Commission (ASIC).
- (b) To the Australian Charities and Non-Profits Commission (ACNC).
- (c) To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections.
- (d) That qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that the criteria for making a public interest or emergency disclosure are reviewed prior to making a report (visit www.asic.gov.au for information). A Whistleblower should contact an independent legal adviser before making a public interest or emergency disclosure.

- 5.5. A Whistleblower may request to remain anonymous, which means that any identifying information about the Whistleblower will not be recorded and must be kept confidential. This includes, but is not limited to, the Whistleblower's name, date of birth, gender, titles, position name, department, description of the Whistleblower or any other information that would reasonably lead to the identification of the Whistleblower.
- 5.6. While a Whistleblower may report information anonymously, it may not be possible for Diabetes WA to follow up on the report and provide any relevant updates.
- 5.7. Any questions or concerns about how to make a report can be directed to Human Resources or to the whistleblower@diabeteswa.com.au email.

6 Confidentiality

- 6.1. Diabetes WA recognises the importance of maintaining appropriate confidentiality throughout the process to ensure that potential Whistleblowers can come forward about Reportable Conduct without fear of retaliation.
- 6.2. Diabetes WA will take all reasonable steps to ensure that the identity of a Whistleblower, or information that is likely to lead to their identification, is kept confidential. Where appropriate, Diabetes WA may disclose the identity or the allegations made by the Whistleblower where:
 - (a) required by law or permissible by law, such as disclosures made to Australian Securities and Investments Commission (**ASIC**), Australian Prudential Regulation Authority (**APRA**), the local Australian Police or Australian Federal Police or to a legal practitioner for the purposes of obtaining legal advice;
 - (b) consent is given by the Whistleblower; or
 - (c) where there is a real threat to life or property.
- 6.3. Diabetes WA will take all reasonable steps to ensure that the identity of the Whistleblower is kept confidential. This includes:
 - (a) redacting documents;
 - (b) storing information securely; and
 - (c) restricting access to information only to those who are authorised to access, view and deal with the information for the purposes of carrying out their duties, Diabetes WA's duties, or other matters relating to this policy.
- 6.4. If a Whistleblower believes that there has been an unauthorised disclosure of their identity or information that will likely lead to their identification, they are encouraged to report this to Human Resources or, if that person is not appropriate, then the CEO. All reports of this nature will be investigated by Diabetes WA where there is sufficient evidence to warrant an investigation.

7 How Diabetes WA Responds to a Report Under This Policy

- 7.1. Once a report has been received from a Whistleblower, Diabetes WA will determine whether further information is required from the Whistleblower in order to take further action about the concerns raised:
- (a) if the Whistleblower is not anonymous, Diabetes WA may contact them for this information; or
 - (b) if the Whistleblower is anonymous or Diabetes WA is not able to contact them, and insufficient information has been provided to warrant an investigation, Diabetes WA may not investigate the report further.
- 7.2. Diabetes WA will determine the most appropriate action to take. This may involve an investigation into the alleged conduct.

8 Investigations Conducted Under This Policy

- 8.1. Any investigation conducted in relation to a report made by a Whistleblower under this policy may be conducted by an internal or external investigator. The investigation will be conducted on a fair and impartial basis.
- 8.2. An internal investigator will only be asked to conduct an investigation where they can be fair and impartial. For example, a manager will not be asked to investigate any matter involving their business unit.
- 8.3. In certain circumstances, such as where fraud is involved or where an internal investigation would not be appropriate, Diabetes WA may appoint external investigators or refer the matter directly to the relevant bodies, such as ASIC, APRA, the Western Australian Police or Australian Federal Police.
- 8.4. The nature and scope of an investigation will vary depending on the nature and complexity of the report. An investigation conducted by Diabetes WA generally involves:
- (a) verifying the contents of the report and determining whether there is any evidence to support the matters raised by the report;
 - (b) collecting any relevant information, documents, material and data;
 - (c) undertaking the investigation in a manner which protects the identity of the Whistleblower, as outlined in this policy;
 - (d) interviewing any relevant persons and conducting interviews in accordance with the rules of procedural fairness. This includes treating the person with respect and conducting the interview in a fair and impartial manner, and providing the person with details of the allegation, notice of the investigation and an opportunity to respond;

- (e) conducting the investigation in a timely manner with due care and skill; and
- (f) consulting with employee representative bodies and external bodies where required or appropriate.

8.5. Diabetes WA may update the Whistleblower during and upon conclusion of the investigation to the extent that it is able to. There may be instances where we are unable to update the Whistleblower about the process or the outcome where it is not appropriate, is confidential or not permitted by law.

9 Conclusion of Investigation of Matter

- 9.1. Upon conclusion of an investigation, the investigator will issue a final report which includes all the relevant findings of the investigation and the appropriate action to be taken, which may include disciplinary proceedings or termination of employment.
- 9.2. Once the matter has been finalised, the Whistleblower will be provided with a verbal report of the findings of the investigation and the actions taken.

10 Protection Under This Policy

- 10.1. This policy protects the Whistleblower from any actual or threatened detriment from making or proposing to report on Reportable Conduct to Diabetes WA. The protections available to the Whistleblower includes protection from:
 - (a) demotion or dismissal from employment;
 - (b) denial of promotion, career advancement or benefits;
 - (c) a hostile work environment, where the actions, omissions or words from other employees or officers may negatively or severely impact on the Whistleblower's ability to work;
 - (d) alteration of duties to the detriment of the Whistleblower;
 - (e) discrimination or victimisation;
 - (f) bullying, harassment, intimidation or psychological harm; and
 - (g) damage to reputation, property, business or financial position (including salary and wages).
- 10.2. Diabetes WA will not engage in any of the above conduct against the Whistleblower because they have made a report, or proposed to make one. Diabetes WA will take steps to protect the Whistleblower from experiencing detrimental treatment or facing threats of detriment.
- 10.3. Engaging in any of the above conduct against the Whistleblower is a serious breach of this policy and may result in disciplinary action, including termination of employment. Where a Whistleblower believes that they have been subjected to actual or threatened detriment as

outlined in this policy, they are encouraged to report and discuss this matter with Human Resources or the CEO.

- 10.4. This policy is intended to encourage internal reporting and internal resolution of issues, where appropriate. The protections under this policy are made available where the Whistleblower has reported on Reportable Conduct internally to Diabetes WA in accordance with this policy, and may not be available where the report is made externally outside of Diabetes WA or otherwise not in accordance with this policy.
- 10.5. A Whistleblower involved in Reportable Conduct will not be exempt from disciplinary proceedings. However, the fact that the Whistleblower made a report may be taken into account when determining the appropriate disciplinary measures.
- 10.6. Diabetes WA may implement certain administrative changes or modify work arrangements to protect the Whistleblower. This may include performance management or reassigning persons named in reports to prevent the Whistleblower from working with them. These actions are not considered detrimental treatment. Diabetes WA will explain the reasons behind such actions to the Whistleblower.
- 10.7. A Whistleblower can seek compensation and other remedies through the courts if (a) they suffer loss, damage or injury because of a disclosure; and (b) Diabetes WA failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct. Whistleblowers should seek independent legal advice.

11 Definitions and Interpretation

Term	Meaning
Confidential Information	means any and all information that: (a) is by its nature confidential; (b) is disclosed as confidential by Diabetes WA to a person; (c) is of a confidential nature relating to the business, affairs or activities of Diabetes WA which is disclosed to, learnt by, or which otherwise comes to the knowledge of or into the possession of, the User, including but not limited to trade secrets, proprietary documents, business plans, strategies, technical information, data, reports, programs, systems, processes, costing information, profit margins, pricing structures, sales and performance data, commercially sensitive items and financial information which is not generally known to the public;

Term	Meaning
	(d) is related to Diabetes WA's clients, customers, employees, workers, agents, contractors, suppliers, vendors, manufacturers or other persons doing business with or for Diabetes WA; or (e) is information that a person knows or ought reasonably to know is confidential.
Company Data	means any information, content, or data that is owned, produced, generated, processed, stored, received or transmitted by Diabetes WA in the course of its business operations, whether held physically or electronically, written or unwritten, drawing, audio or video recording. This data encompasses a wide range of formats, including but not limited to: (a) business records and information used or produced in day-to-day business operations, including emails, letters, contracts, documents and invoices; (b) any information that is or relates to Confidential Information and Intellectual Property; (c) business operational data, such as technology, computer software and programs, and information relating to the infrastructure, systems and network configuration; (d) product and services information, including specifications, sourcing, designs, pricing and marketing; (e) research and development, concepts and ideas; (f) personal information, including information about customers, employees, officers and job-seekers; (g) documents and information relating to compliance with regulatory and legal requirements; and (h) any other data integral to Diabetes WA's business operations, including trade secrets.
Intellectual Property	means all intellectual property rights and includes any: (a) patent, trademark, copyright (including future copyright), moral rights, registered design or other design right and any corresponding property or right under the laws of any jurisdiction; (b) right under any law to apply for the grant or registration of a patent, trademark, copyright (including future copyright), moral rights, registered design or other design right and any corresponding property or right; and

Term	Meaning
	(c) rights in respect of an invention, discovery, trade secret, know-how, concept, idea, information (including Confidential Information), data, algorithm or formula.
Whistleblower	A Whistleblower may be a Diabetes WA current or former: (a) director, secretary, officer or employee (whether permanent, part-time, casual, fixed-term, temporary, intern or secondee); (b) volunteer; (c) contractor or supplier, and their employees; and/or (d) a relative, dependant or spouse of an individual in one or more of the above categories.

12 Breach Of This Policy

- 12.1. Any employees or officers of Diabetes WA in breach of this policy may be subject to disciplinary proceedings, including termination of employment or contract.
- 12.2. A Whistleblower must make a report on reasonable grounds. Anyone who knowingly makes a false report of Reportable Conduct may be subject to disciplinary action, including dismissal. The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

13 Further Information

- 13.1. Employees and officers may speak to Human Resources for further guidance and information on this policy. Diabetes WA also encourages all employees and officers to seek independent legal advice before proceeding with any acts or omissions that they have concerns or uncertainties about. Our Employee Assistance Program is also available to support individuals throughout this process.

14 Related Documents

[Code of Conduct](#)
[Grievance and Complaints Procedure](#)
[Employee Assistance Program \(EAP\)](#)

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