



HR-POL-09

WHISTLEBLOWER POLICY

1. Introduction

- 1.1. Northside Community Service Ltd (NCS) is committed to maintaining an environment where misconduct and serious concerns can be detected, identified, escalated, and addressed reported without fear of retaliatory action.

2. Purpose

- 2.1. The purpose of the Whistleblower Policy is to document NCS's compliance with its obligations of whistleblower protection regime under the [*Corporations Act 2001*](#) (*Corporations Act*).
- 2.2. This policy ensures employees are protected for reporting misconduct, an improper state of affairs or circumstances, or breach of law by or about NCS or an officer or employee of NCS.
- 2.3. This policy upholds NCS's commitment to safe work environments for all employees where disclosure of wrongdoing or misconduct are handled fairly and transparently.
- 2.4. NCS Whistleblower Policy includes the following key components:
 - 2.4.1. [Types of Disclosable Matters;](#)
 - 2.4.2. [Out of Scope of Disclosable Matters;](#)
 - 2.4.3. [Protection and Support for Whistleblowers;](#)

- 2.4.4. [Whistleblowing Protection Officers](#) ;
- 2.4.5. [Confidentiality](#);
- 2.4.6. [Making a Disclosure](#);
- 2.4.7. [Disclosure Management](#);
- 2.4.8. [Disclosure Investigations](#);
- 2.4.9. [Disclosure Resolution](#); and
- 2.4.10. [External Supports](#).

3. Scope

- 3.1. This policy applies to all current or former employees of NCS and non-employees delivering services, whilst they are engaging with NCS services, either within NCS facilities or off-site.
- 3.2. This policy applies to all Service Users of NCS, encompassing all program areas.

4. Policy Owner and Review Requirements

4.1. Policy Owner

- 4.1.1. The policy owner for the Whistleblower Policy Policy is the General Manager of Corporate Services.

4.2. Review Requirements

- 4.2.1. This policy is to be reviewed annually.

5. Policy Statements

5.1. Types of Disclosable Matters

- 5.1.1. Employees will make disclosures based on reasonable grounds to suspect concerns (disclosable matters) for the following:
 - 5.1.1.1. Wrongdoing, or an improper state of affairs or circumstances, in relation to NCS;
 - 5.1.1.2. Fraud, negligence, default, breach of trust and breach of duty in relation to NCS;
 - 5.1.1.3. Dishonest, corrupt, or illegal conduct (including theft, drug sales/use, violence or threatened violence and criminal damage against property);
 - 5.1.1.4. Misleading or deceptive conduct including practices or representation which amount to improper or misleading accounting or financial reporting practices;
 - 5.1.1.5. Acts of child harm, physical and/or emotional harm to children;
 - 5.1.1.6. An unsafe work practice;

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- 5.1.1.7. Acts that are likely to cause financial or non-financial loss to NCS or that are otherwise detrimental to the interests of NCS;
- 5.1.1.8. Breaches the *Corporations Act, Australian Securities and Investments Commission (ASIC) Act 2001, Taxation Administration Act 1953, Banking Act 1959, Financial Sector (Collection of Data) Act 2001, Insurance Act 1973, Life Insurance Act 1995, National Consumer Credit Protection Act 2009, Aged Care Act 1997, Superannuation Industry (Supervision) Act 1993, Education and Care Services National Law 2011, the Reportable Conduct Scheme for the ACT, the Children and Young People Act 2008*, or any other relevant legislation or instruments;
- 5.1.1.9. Constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; and
- 5.1.1.10. Represents a danger to the public or the financial system.

5.2. Out of Scope of Disclosable Matters

- 5.2.1. Reports that pertain exclusively to individual work-related grievances.

5.3. Protection and Support for Whistleblowers

- 5.3.1. NCS will ensure Whistleblowers receive protection and support as below:
 - 5.3.1.1. The confidentiality of a Whistleblower's identity will be protected as far as the law allows;
 - 5.3.1.2. The Whistleblower will have the right to request positive action for the purposes of protection, such as relocation or a leave of absence while the matter is under investigation;
 - 5.3.1.3. The Whistleblowing Protection Officer will be responsible for ensuring that the Whistleblower receives any necessary support and referrals, and that they are not subject to any form of negative employment-related consequence as a result of reporting;
 - 5.3.1.4. If an act of reprisal is alleged, the Whistleblower will have the automatic right to appeal to an independent appeal body;
 - 5.3.1.5. NCS will protect whistleblowers from detrimental conduct, including dismissal, injury in employment, alteration of position or duties to their disadvantage, discrimination, harassment, intimidation, harm, damage to property, reputation, business, or financial position, and any other damage;
 - 5.3.1.6. Whistleblowers will be protected from civil, criminal, and administrative liability for making a disclosure;
 - 5.3.1.7. No contractual or other remedy or right will be exercised against the Whistleblower for their disclosure;
 - 5.3.1.8. NCS will ensure that a contract involving the Whistleblower is not terminated solely because Whistleblower's disclosure is considered a breach of that contract; and

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5.3.1.9. The Whistleblowing Protection Officers will receive and consider seriously anonymous reports and ensure the anonymity of the Whistleblower as far as possible.

5.4.1 Personal work-related grievances do not qualify for protection under this policy unless they relate to the detriment suffered in contravention of this policy.

5.4.2 For more information, please refer to the **Grievance Policy**.

5.4.3 Protections will not be offered to personnel of NCS who report internal wrongdoing to a journalist unless it can be established at the disclosure was made as a public interest disclosure or an emergency disclosure, in accordance with the terms of the *Corporations Act*.

5.4. Whistleblowing Protection Officers

5.4.1. NCS will designate specific individuals as Whistleblowing Protection Officers who are authorised to receive, investigate, and protect disclosures of wrongdoing. Eligible recipient as defined in the whistleblower protections may include:

- 5.4.1.1. Board Members;
- 5.4.1.2. CEO;
- 5.4.1.3. General Managers;
- 5.4.1.4. Managers and/or Supervisors;
- 5.4.1.5. Human Resources team;
- 5.4.1.6. Compliance and Quality team; or
- 5.4.1.7. Alternatives Australian Securities & Investments Commission (ASIC).

5.4.2. NCS will ensure the disclosure is directed at an alternative Whistleblowing Protection Officer if the report concerns one of the individuals specified above.

5.4.3. NCS will ensure the Whistleblowing Protection Officers are designated and current to fulfill their responsibilities specified in the **Whistleblowing Procedure**.

5.5. Confidentiality

5.5.1. NCS will ensure that the identity of the whistleblower and the information provided are kept confidential, except as required by legal requirements or where disclosure is necessary to investigate the matter.

5.6. Making a Disclosure

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- 5.6.1. Internal disclosure will be made to Whistleblowing Protection Officers, as specified in 5.3.
- 5.6.2. External disclosures will be made to [ASIC](#) or legal practitioners for legal advice.
- 5.6.3. Whistleblowers will still receive protection for anonymous disclosures.
- 5.6.4. Where it is shown that a discloser purporting to be a whistleblower has knowingly made a false disclosure or report of wrongdoing, then that conduct itself will be considered a serious matter and that person may be subject to disciplinary action which may include dismissal.
- 5.6.5. Anonymous Whistleblowers must be aware that anonymous reporting may affect the outcome of the investigation, as evidence may be more difficult to substantiate.

5.7. Disclosure Management

- 5.8.1. NCS will ensure disclosures are accepted and managed in a fair, supportive and equitable manner that provides support to those involved, including the Whistleblower and the person to whom the disclosure relates. For more information, please refer to the **Whistleblowing Procedure**.
- 5.8.2. NCS will ensure disclosures raised are taken seriously and handled sensitively.
- 5.8.3. NCS will take all reasonable steps to ensure disclosures are handled as quick as possible and stress minimised to ensure the best possible outcome is reached.

5.8. Disclosure Investigations

- 5.8.1. NCS will ensure procedural fairness throughout the Whistleblowing process, ensuring disclosures are handled fairly and impartially.
- 5.8.2. Confidentiality and privacy will be strictly adhered to at all times throughout the Whistleblowing process, which applies to all those involved in the process.
- 5.8.3. NCS will engage in the Whistleblowing process by conducting a thorough investigation and making a decision based on the findings of the investigation.
- 5.8.4. NCS will act immediately regarding any allegations of misconduct or matters relating to service user's health and safety, including the reporting of the matters to relevant regulatory bodies, if required. For more information, please refer to the **Client Services Notifiable Events Procedure, Early Education Notifiable Events Procedure and Aged Care Notifiable Events Procedure**.

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- 5.8.5. For more information regarding the investigation process, please see the **Whistleblowing Procedure**.

5.9. Disclosure Resolution

- 5.9.1. NCS will engage in an assessment of the evidence in relation to the disclosure made and enact any disciplinary actions required.
- 5.9.2. NCS encourages employees to raise concerns and not be discouraged from raising concerns because they may feel they are wrong or unable to prove.
- 5.9.3. Where employment termination is a possible outcome, this outcome is to be endorsed by a Senior Manager or the CEO.
- 5.9.4. Possible outcomes of the Whistleblowing process may include:
- 5.9.4.1. Whistleblower disclosure is justified and a course of action will be determined;
 - 5.9.4.2. Whistleblower disclosure is not justified and a course of action will be determined; or
 - 5.9.4.3. Whistleblower disclosure is determined to be malicious or vexatious and a course of action will be determined.
- 5.9.5. Throughout the Whistleblowing process, accurate records will be maintained and stored in accordance with relevant privacy legislation to ensure transparency and accountability. to ensure transparency and accountability.
- 5.9.6. If a party wishes to appeal the outcome or request a review process, they may submit a written request to their Senior Manager or CEO.

5.10. External Supports

- 5.10.1. If the Whistleblower feels their disclosure has not been handled fairly, they can seek further support from the following:
- 5.10.1.1. Whistleblowers are encouraged to seek independent legal advice to understand their rights and protections; or
 - 5.10.1.2. Additional resources regarding Whistleblower Rights and Protection can be accessed via the ASIC website.

6. Breaches and Penalties

6.1 Breaches

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- 6.1.1 Breaches of this policy must be reported immediately to the Chief Executive Officer (CEO) or nominee.

6.2 Penalties

- 6.2.1 If NCS believes that unethical or illegal activities inconsistent with NCS's purpose or mission have occurred, these processes will be followed:
- 6.2.1.1 An investigation will take place to determine potential breaches;
 - 6.2.1.2 Where an employee has breached this Policy, and the offence is judged to be serious, the procedures outlined in the NCS **Grievance Policy** will be followed; and
 - 6.2.1.3 Where a breach involves illegal activities, NCS has an obligation to report these to relevant external law enforcement agencies, and individuals may be subject to prosecution.

7 Audits

- 7.1 All records will be subject to ongoing assurance and audits. All records belong to NCS. In most cases, these will be admissible as evidence and are subject to the relevant Territory and Federal Laws.
- 7.2 The General Manager of Compliance and Quality is responsible for the development of an audit plan.
- 7.3 The General Manager of Compliance and Quality is to provide a report to the CEO in relation to the results of audits undertaken during the period.

8 Roles and Responsibilities

- 8.1 NCS is responsible for:
- 8.1.1 Ensuring policies and procedures are subject to regular review;
 - 8.1.2 Ensuring this policy follows the requirements of the *Corporations Act*;
 - 8.1.3 Ensuring that NCS employees understand their whistleblower rights and protections; and
 - 8.1.4 Ensuring that employees are informed about the processes for whistleblowing.
- 8.2 The General Manager is responsible for:

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- 8.2.1 Ensuring that breaches of this policy are referred to the CEO so that action can be taken when required and reports are made to other agencies (for example, the Police) when necessary;
- 8.2.2 Ensuring accurate system records are maintained and that records are monitored and archived as appropriate; and
- 8.2.3 Assisting with any audit, including audits conducted by other agencies (with the approval of the CEO) in investigating suspected breaches or conducting scheduled audits or inspections.

8.3 Managers are responsible for:

- 8.3.1 Ensuring all employees are aware of this Policy in relation to their work at NCS;
- 8.3.2 Ensuring that all work practices comply with this Policy;
- 8.3.3 Leading by example with respect to upholding this Policy; and
- 8.3.4 Ensuring policies and procedures are made available to employees.

8.4 Whistleblowing Protection Officers are responsible for:

- 8.4.1 Ensuring all internal disclosures are investigated and addressed promptly and fairly, with complex cases escalated as necessary;
- 8.4.2 Ensuring the privacy and confidentiality of the whistleblower where possible;
- 8.4.3 Ensuring policies and procedures are followed where appropriate; and
- 8.4.4 Ensuring the Whistleblower is protected and supported as specified in 5.3.

8.5 Employees are responsible for:

- 8.5.1 Following policies and procedures;
- 8.5.2 Treating others with dignity and respect at all times;
- 8.5.3 Ensuring the privacy and confidentiality of others;
- 8.5.4 Following the correct procedures in relation to making an internal or external disclosure;
- 8.5.5 Raise issues promptly; and
- 8.5.6 Cooperating in investigations.

9 Associated Documents

9.1 Associated NCS Documents

- 9.1.1 Grievance Policy
- 9.1.2 Whistleblowing Procedure
- 9.1.3 Client Services Notifiable Events Procedure

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9.1.4 Early Education Notifiable Events Procedure

9.1.5 Aged Care Notifiable Events Procedure.

9.2 Additional Associated Documents

9.2.1 Corporations Act 2001

10 Definitions

10.2 NCS: Northside Community Service, including all programs operated by the organisation.

9.1. Employee: means a person who is hired to perform work for a company either on a full-time, part-time, or casual basis in exchange for payment.

9.2. Non-employee delivering services: Contractors, sub-contractors and consultants employed by NCS, apprentice or trainee, student gaining work experience, and volunteer, whilst they are on NCS property or engaged on NCS business.

10.3 Service User: An individual who receives, or previously received services provided by NCS. This term encompasses clients, consumers, children, or any other individuals who benefit from NCS's programs and services.

10.4 Whistleblower: An eligible whistleblower includes current or former employees, officers, contractors, suppliers, associates and their relatives or dependents with a connection to an organisation who must have reasonable grounds to suspect misconduct, an improper state of affairs, or a breach of law, and may face reprisals for reporting it.

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

10.6 Wrongdoing: Illegal, improper or unethical conduct that:

10.6.1 Is in breach of legislation or regulations, or which is otherwise illegal;

10.6.2 Is fraudulent or dishonest;

10.6.3 Could cause financial or non-financial damage to the organisation, or the reputation of the organisation;

10.6.4 Is a breach of the NCS's Code of Conduct;

10.6.5 Constitutes maladministration;

10.6.6 Infringes on the rights of any person;

10.6.7 Endangers the health and safety of others; Or

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- 10.6.8 Is a misuse of organisational, public or other funds.
- 10.7 Whistleblowing Protection Officer: A designated individual within NCS who is authorised to receive, investigate, and protect disclosures of wrongdoing.

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