



## WHISTLEBLOWER PROCEDURE

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### 1. Responsibilities

MIC's Board is responsible for adopting this policy, and for nominating the organisation's Whistleblower Protection Officer.

MIC's Chief Executive Officer is responsible for the implementation of this policy. All employees and all volunteers are responsible for reporting breaches of general law, organisational policy, or generally recognised principles of ethics to a person authorised to act on such breaches.

### 2. Definitions

A whistleblower is a person (being a Board member/director, manager, employee or contractor of MIC who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with reportable conduct and wishes to avail themselves of protection against reprisal for having made the report.

Breaches of general law, organisational policy, or generally recognised principles of ethics include:

- corrupt conduct fraud or theft
- official misconduct
- maladministration
- harassment or unlawful discrimination
- serious and substantial waste of public resources
- practices endangering the health or safety of the staff, volunteers, or the general public
- practices endangering the environment.

Note: Complaints regarding occupational health and safety should where possible be made through the organisation's occupational health and safety procedures.

### 3. Process

#### External reporting entities

The Board Member may nominate external person/s to whom or agencies to which disclosures may be made under the protections offered under this policy. Where such a nomination is made, staff and volunteers will be informed by any appropriate method.

#### Reporting

Where an employee of MIC believes in good faith on reasonable grounds that any other employee, volunteer, or contractor has breached general law, organisational policy, or generally recognised principles of ethics, that employee must report their concern to:

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
- the Chief Executive Officer: or, if they feel that the Chief Executive Officer may be complicit in the breach,
- the organisation's nominated Whistleblower Protection Officer (As agreed by Board either Board Chair in relation to the CEO or Board Secretary)
- a person or office independent of the organisation nominated by the organisation to receive such information, that person (where a breach of general law is alleged)
- the duly constituted legal authorities responsible for the enforcement of the law in the relevant area.

These procedures do not authorise any employee to inform commercial or social media of their concern, and do not offer protection to any employee who does so, unless

- it is not feasible for employees to report internally, or
- existing reporting channels have failed to deal with issues effectively.

Any person reporting such a breach should be informed that:

- as far as lies in the organisation's power, the employee will not be disadvantaged for the act of making such a report; and
- if the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law; however,

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- reporting such a breach does not necessarily absolve the complainant from the consequences of any involvement on their own part in the misconduct complained of.

Any such report should where possible be in writing and should contain, as appropriate, details of:

- the nature of the alleged breach.
- the person or persons responsible for the breach.
- the facts on which the complainants' belief that a breach has occurred, and has been committed by the person named, are founded.
- the nature and whereabouts of any further evidence that would substantiate the complainant's allegations, if known.

Evidence to support such concerns should be brought forward at this time if they exist. The absence of such evidence will be considered in subsequent consideration of whether to open an investigation into the matter. However, the absence of such evidence is not an absolute bar to the activation of the organisation's investigative procedures. The existence of such a concern is sufficient to trigger reporting responsibilities.

In contemplating the use of this policy, a person should consider whether the matter of concern may be more appropriately raised under either the organisation's grievance procedures or its disputes resolution policy.

### **Anonymity**

If the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law.

The complainant should, however, be informed that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.

Where anonymity has been requested the complainant is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised person.

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#### 4. Investigation

On receiving a report of a breach, the person to whom the disclosure is made shall:

- if they believe the behaviour complained of to be unquestionably or fanciful, dismiss the allegation and notify the person making the allegation of their decision. All decisions should be reviewed by Board Chair/CEO or higher authorities before being dismissed. Observing the rules of natural justice and the provisions of procedural fairness should also extend to the ultimate decision regarding the notification.
- if they believe the behaviour complained of to be neither trivial nor fanciful, put in motion the investigation process described below.
- notify the MIC Board Secretary of the disclosure.

The person to whom the disclosure was made shall notify the Chief Executive Officer (the Board Chair if the CEO is implicated) who shall be responsible for ensuring that an investigation of the charges is established and adequately resourced.

Terms of reference for the investigation will be drawn up, in consultation with the Chief Executive Officer, to clarify the key issues to be investigated. Based on the serious nature of disclosure the Board Chair must be informed as soon as the CEO is made aware of the issue,

An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

Strict security will be maintained during the investigative process.

All information obtained will be properly secured to prevent unauthorised access. All relevant witnesses will be interviewed and documents examined.

Contemporaneous notes of all discussions, phone calls and interviews will be made. Where possible, interviews will be taped.

The principles of procedural fairness (natural justice) will be observed. In particular, where an adverse comment about a person is likely to be included in a report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

The person or persons conducting the investigation shall be as far as possible unbiased.



## 5. Findings

A report will be prepared when an investigation is complete. This report will include:

- the allegations
- a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions
- the conclusions reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis
- recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

The report will be provided to the person making the allegation (with, if necessary, any applicable confidentiality stipulations).

## 6. Protection of Informant

Where the investigation has found that the person making the allegation made it in good faith on reasonable grounds, the Chief Executive Officer or Board Chair is to be responsible for ensuring that the person suffers no employment-related disadvantage on account of their actions in this matter and to provide additional support for the person where necessary.

## 7. Employment Assistance Program (EAP)

Dealing with such complaints and processes can be difficult for the complainant and respondent. Please note Migrant Information Centre (Eastern Melbourne) Ltd has Relationship Matters – Counselling and Mediation Services appointed as our EAP provider. To make a confidential counselling appointment call **(03) 8650 6262**.

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**8. Legislative Reference / MIC Policies**

- Grievance Management Policy
- Workplace Bullying & Harassment Prevention & Management Policy & Procedure
- MIC 's Value Statement
- Code of Conduct
- Conflicts of Interests Policy
- Fraud Control & Corruption Prevention Policy
- Legislation - Corporations Act 2001 (Cth)
- Taxation Administration Act 1953 (Cth)
- ASIC Corporations (Whistleblower Policies) Instrument 2019/1146
- Australia Public Interest Disclosure Act 2013
- Victoria – Protected Disclosure Act 2012
- Fair Work Act 2009
- Privacy Act 1988
- Victorian Charter of Human Rights and Responsibilities Act 2006

**Version Control**

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1	Feb 2025	Board	Feb 2027
2			
3			
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