

PURPOSE

The purpose of this policy is to demonstrate Gippsland Lakes Complete Health's (GLCH) commitment to detecting, preventing and addressing illegal, unethical or inappropriate conduct.

Specifically this document articulates the frameworks Staff, Board, or the general public can use to report a concern, complaint or public interest disclosure. It also sets out the protections in place for individuals who make such disclosures, and the types of disclosures covered by these legal protections.

POLICY

GLCH values demand that the organisation maintain a high standard of corporate governance, compliance, and general ethical behaviour.

In addition to the Disclosure Policy, GLCH has the following systems whereby individual members of staff (including volunteers), the Board, or the public, (including clients, vendors, and contractors) can report their concerns freely and without fear of repercussion:

- Anti-Bullying and Harassment policy and procedure/s (staff related);
- Concerns/Complaint policy and procedure/s (client related);
- Conflict of Interest policy and procedure/s (Board and Staff level);
- GLCH Code of Conduct policy and procedure/s (staff related);
- Consumer Feedback Policy (client related);
- Staff Grievances policy and procedure/s.

GLCH is subject to the following statutes:

- Corporations Act 2001 (Cth) (public or Board related)
- Public Administration Act 2004 (Vic)
- Public Interest Disclosure Act 2012 (Vic)
- Public Interest Disclosure Act 2013 (Cth)

A framework for investigation is provided whilst protecting the person disclosing the information from recrimination or other adverse consequences.

SCOPE

This policy applies to GLCH staff (both current and former), the Board, volunteers, contractors, suppliers and the public and provides a process by which individuals can safely report wrongdoing, misconduct, or unacceptable behavior.

Sometimes it is unclear which process applies. The Human Resource and Executive Management team can provide guidance to individuals who need to make a disclosure.

All disclosures, complaints or concerns are taken seriously, handled sensitively, investigated, and kept confidential unless and until the process indicates otherwise.

GLCH seeks to protect those individuals who come forward from recrimination, reprisals, and other adverse consequences.

Which Disclosures are covered by this policy?

You may report/disclose information or conduct ("Reportable Information") under this policy if you have reasonable grounds to suspect corporate misconduct, improper conduct, affairs, or circumstances involving GLCH, its managers or employees or have concerns about the organisation's tax matters or financial irregularities.

RESPONSIBILITIES

The Board and Chief Executive Officer (CEO) of GLCH has responsibility for setting the ethical framework for the organisation, defining and nurturing the organisation's fundamental values.

The Public Interest Disclosure Coordinator is the CEO.

Executive Managers/Managers will ensure related policy and procedures are adopted and implemented within their Unit.

The Human Resource team is responsible for advice and assistance with regard to which process applies and how it will be managed.

All staff are responsible for complying with the policies and procedures of GLCH including reporting on any concern, complaint or disclosure which may constitute Reportable Information.

DEFINITIONS PERTAINING TO PUBLIC INTEREST DISCLOSURES (whistleblowing)

Improper Conduct is defined in s.4 of the Public Interest Disclosures Act 2012 (Vic) and includes:

- Corrupt or criminal conduct
- A substantial mismanagement of public resources
- Conduct involving substantial risk to public health or safety
- Conduct involving substantial risk to the environment

where that conduct is not trivial in nature.

Public Interest Disclosure (previously known as Protected Disclosure or whistleblower's complaint). The main objective of the Public Interest Disclosures Act 2012 (the PIDA) is to encourage people to report improper conduct involving public officers and/or public bodies. The PIDA also provides protection from detrimental action to any person involved in a protected disclosure whether it is a person who makes a disclosure, a witness, or a person who has co-operated with the investigation.

Public Body is defined in law as: "a body that is performing a public function on behalf of the State or a public body or public officer (whether under contract or otherwise)". GLCH receives government funds and consequently is covered by this Law. In addition, the definition of Public Officer is broad enough to cover Board Members, Officers (e.g. Senior Management and CEO) and employees of GLCH.

Whistleblower: For the *Corporations Act 2001* (the Corporations Act) to recognise and protect you as a 'whistleblower', you must meet the criteria below and do certain things when making your disclosure.

1. You **must** be:
 - a current officer (usually that means a director or secretary) of the company your disclosure is about, or
 - a current or former employee of the company your disclosure is about, or
 - a contractor, or the employee of a contractor, who has a current contract to supply goods or services to the company your disclosure is about, or
 - an associate of the organisation, or
 - a relative/dependent of one of the above people.
2. You **must** make your disclosure to:
 - the company's auditor, or a member of the company's audit team, or
 - a director, secretary or senior manager of the company, or
 - a person authorised by the company to receive whistleblower disclosures, or
 - ASIC.

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3. You **must** have reasonable grounds to suspect that the information you are disclosing indicates that the company or company officer(s) may have breached the Corporations Act or the *Australian Securities and Investments Commission Act 2001* (ASIC Act).

However, if the Reportable Information that you disclose does not fall under the Corporations Act, then you may be entitled to protections under other legislation.

PROCEDURES

1. **Anti Bullying and Harassment** – refer *Anti Bullying and Harassment Policy*
2. **Concerns/Complaints raised by clients/public** – refer *Consumer Feedback Policy*
3. **Conflicts of Interest**– refer *Conflict of Interest (Staff) and Conflict of Interest (Board) Policy*
4. **GLCH Code of Conduct Breaches** – refer *Code of Conduct Policy*
5. **Staff Grievances** – refer *Staff Grievances Policy*
6. **Protected Disclosure/Corporation Act Breaches** - Any member of the staff or the public wishing to make a disclosure should personally make contact with or be referred to the Public Interest Disclosure Coordinator (CEO), who will:
 - Provide general information and advice regarding the operation of the Act.
 - Receive all phone calls, emails, and letters from members of the public or employees seeking to make disclosure.
 - Assess each disclosure and take appropriate action, e.g. no further action, refer the disclosure to the Ombudsman (if a public interest disclosure) or appoint an investigator to conduct the investigation.
 - If necessary, support the welfare interests of the whistleblower.
 - Advise the whistleblower of the progress of any investigation.
 - Establish and manage a confidential filing system on the details of all disclosures made and provide statistics for the information of the Board and for inclusion in the annual report as required.
 - Inform the person who is the subject of a disclosure investigation of the substance of the allegations and ensure that they are given every opportunity to answer the allegations before any final decision is made.
 - Oversee the conduct of the investigation; consider the report and recommendations of the Investigator and where the investigation has determined that the disclosed conduct has occurred, determine the appropriate action to be taken.
 - Advise the Board of the results of any investigation and the details of any remedial action taken.

Note: Where the disclosure concerns the actions of the CEO the assessment and recommendations are to be forwarded directly to the Chair of the Board.

RISK

#1323 - Failure to comply with accreditation, regulatory, registration, legislative, contractual or governance requirements.

RELATED DOCUMENTS

- [Anti-Bullying and Harassment](#) Policy
- Board Policies and Procedures
- [Conflict of Interest](#) Policy (Staff)
- [Consumer Feedback](#) Policy
- GLCH [Code of Conduct](#) Policy and Procedures
- Protected Disclosure Act 2012 (replaced the Whistleblower Protection Act 2001)
- [Staff Grievance / Dispute Resolution](#) Policy.

STAFF CONSULTED IN DEVELOPMENT / REVIEW:

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