

# Policy P7: Whistleblower Protection

Policy Level:	1
Accountable Executive:	Chief Executive Officer
Version:	1
Date Approved:	30 <sup>th</sup> April 2025
Date Effective:	30 <sup>th</sup> April 2025

# Overview

This Policy outlines VFF's commitment to creating and maintaining a working environment in which persons can raise concerns by calling out improper conduct or suspected dishonest illegal activity that may have occurred in the organisation without fear of reprisal.

## Background

This Policy is for the benefit of all persons who are entitled to make a whistleblower complaint in connection with conduct by VFF or its workplace participants. The purpose of the Whistleblower Policy is to establish procedures to protect persons who raise a complaint from detrimental action.

The Corporations Act 2001 (Cth) (*Corporations Act*) and the Taxation Administration Act 1953 (Cth) (*Tax Administration Act*) both contain protections for whistleblowers.

This Policy also sets out how VFF will manage internal disclosures of improper conduct.

## Audience and Application

All People working with Victorian Farmers Federation or its Controlled Entities, including Directors and Committee Members, and all Victorian Farmers Federation's clients, project participants and suppliers (**Team Members**).

External parties engaging with Victorian Farmers Federation.

## Related Policies

The following policies and documents operate in conjunction with this Policy:

Policy P2: Grievances	Policy M2: Membership terms and conditions	
Policy P3: Bullying	Policy M3: Member code of conduct	
Policy P5: Staff Code of Conduct		

## Renewal Timeframe

This policy will be reviewed and renewed regularly, but at least every two years, or as applicable legislation changes materially.

# Policy Guidelines

## Policy Principles

### 1. ELIGIBILITY

- 1.1 Whistleblowers play a key role in identifying and calling out misconduct and harm to consumers and to the community. To encourage whistleblowers to come forward with their concerns and to protect them when they do, the *Corporations Act* and the *Tax Administration Act* give certain people legal rights and protections.
- 1.2 Under the whistleblower protection legislation, an eligible whistleblower can be someone who or was:
  - an officer or employee of the charity
  - an individual or an employee of a person that supplies services or goods to the entity (including volunteers)
  - an individual who is an associate of the entity
  - a whistleblower can remain anonymous and still qualify for protection under the *Corporations Act*.

### 2. ELIGIBLE RECIPIENTS

- 2.1 You can access the legal rights and protections for whistleblowers in the *Corporations Act* if you meet the definition of an 'eligible whistleblower.' To qualify for protection, a whistleblower must make their disclosure to an eligible recipient, being
  - The CEO, a director, auditor or senior manager of the VFF;
  - A legal practitioner, i.e., if someone is seeking legal advice about whether the protections will apply to them;
  - A person that the charity has authorised to receive a disclosure (this can include a person external to the charity) such as a lawyer;
  - The Australian Securities and Investment Commission (ASIC)
  - The Australian Prudential Regulatory Authority (APRA).

### 3. QUALIFYING DISCLOSURES

- 3.1 A qualifying disclosure involves reporting conduct by a charity, an officer or employee of the charity that represents misconduct, an improper situation, or circumstances, or breach of the law. This can include conduct that:
  - 3.2 Contravenes the Australian Securities and Investment Corporations Act (ASIC)
  - 3.3 constitutes an offence against another Commonwealth law that is punishable by imprisonment for 12 months or more.
  - 3.4 to qualify for protection, the whistleblower must have reasonable grounds to suspect that the information they will disclose indicates misconduct.

### 4. INTERNAL COMPANY DISCLOSURES

- 4.1 The VFF encourages Directors, Committee Members, employees, agents, and contractors of VFF or its Controlled Entities (workplace participants) to report suspected serious inappropriate conduct by making an internal disclosure to VFF directly. Expanding on the legal definition, VFF regards this conduct to include:
  - 4.2 Conduct or practices which are suspected to be unlawful or in breach of any Australian law, regulation or code (such as theft, drug sale or use, criminal damage, etc.)
  - 4.3 Corrupt or fraudulent conduct (such as misappropriation of funds, bribery, undue influence, false or misleading information, etc.)
  - 4.4 Maladministration or a substantial mismanagement or wastage of VFF's resources (such as using VFF's resources/information for personal gain, etc.)
  - 4.5 Conduct that may cause serious financial or non-financial loss to VFF, or damage to its reputation and brand; or

- 4.6 A serious breach of VFF's Code of Conduct that could, if proved, constitute a civil or criminal offence and/or reasonable grounds for dismissal of the VFF workplace participant who was, or is, engaged in that conduct.

## **5. INTERNAL INVESTIGATIONS**

- 5.1 An internal VFF investigation will use the arrangements defined in Policy P2; Grievances. It is open for an external provider (legal firm etc) to policy to appointed to conduct the investigation.
- 5.2 If it is determined that there will be no investigation, reasons for this decision will be provided to the discloser (if details of the discloser were provided at the time of the disclosure), as will information on any other potential courses of action to be taken by VFF.
- 5.3 All workplace participants have a duty to use their best endeavours to assist with any investigation.
- 5.4 Any internal investigations of suspected breaches of the Policy will be overseen by the Chair of the Risk, Audit and Finance Committee or, if that is not practical, by an independent consultant reporting directly to the Board.
- 5.5 Where an internal investigation is conducted VFF, either directly or through the Disclosure Service, a report will be prepared setting out:
- Matters considered in the investigation
  - The duration of the investigation
  - Findings
  - Actions recommended or taken
  - Any evidence of detrimental action taken against the discloser, and
  - VFF's response to claims and associated evidence to substantiate any findings.
  - VFF will endeavour to have the report completed within 90 days.
  - Where the discloser has identified themselves, VFF will notify them of the outcome of the investigation as soon as the report is completed.

## **6. AVAILABLE PROTECTIONS**

- 6.1 Whistleblowers, or potential whistleblowers, can be compensated for any loss, damage, or injury they suffer. It is illegal to fire, harass or discriminate against a whistleblower or potential whistleblower because someone thinks they made a disclosure.
- 6.2 If a person breaches a whistleblower's confidentiality or causes detriment to a whistleblower because of their disclosure, the person faces criminal or civil penalties.
- 6.3 Importantly, these penalties are not limited to situations with an actual disclosure. They extend to situations where the person merely believes or suspects someone made or could have made a disclosure.
- 6.4 These criteria seek to include most people with a connection to a company or organization who may be in a position to observe or be affected by misconduct and may face reprisals for reporting it. These people can access the rights and protections in the law from when they report misconduct with protection against defamation or other adverse action.

## **7. PROTECTION AGAINST REPRISAL**

- 7.1 It is an offence to take, threaten to take or incite or permit someone else to take, detrimental action against a person because (or based on the belief that):
- that person, or anyone else, has made a whistleblower complaint of someone who intends to make a whistleblower complaint;
  - that person, or anyone else, has cooperated or intends to cooperate with a whistleblower investigation.
  - This includes where the making of a whistleblower complaint was one of multiple reasons for the detrimental action.

- Detrimental action includes intimidation, harassment, discrimination, disciplinary action, and any other action causing injury, loss, or damage.
- 7.2 The VFF will take all reasonable steps to protect persons who make a whistleblower complaint or an internal complaint from detrimental action. The VFF will not subject them to any disciplinary or other detrimental action because they have made a whistleblower complaint or internal complaint.
- This includes (but is not limited to) protection from:
- termination of employment
  - disciplinary action
  - performance management
  - bullying or harassment, or
  - unlawful discrimination.
- 7.3 The VFF will ensure no person on its behalf victimises or threatens detrimental action against a person because they have made a whistleblower complaint or internal complaint.
- 7.4 The VFF will keep in confidence the name of the discloser and the content of the disclosure and will only disclose this information where it is legally obliged to do so.
- 7.5 The VFF will not tolerate any reprisals against a person who has made a whistleblower complaint or an internal disclosure in good faith.
- 7.6 The VFF will ensure that all files and records relating to whistleblower complaint or internal disclosures are securely retained.
- 7.7 The VFF will disseminate this Policy and provide training for the purpose of ensuring that its workplace participants are aware of, and comply with, their obligations under this policy.
- 7.8 The VFF will provide support services and counselling to any affected individuals through its Employee Assistance Program.
- 7.9 If a person reasonably considers that they or someone else may have been subject to reprisal in connection with a whistleblower complaint they can report the matter to the CEO or the President of the VFF Board if appropriate.
- 7.10 Alternatively, a whistleblower complaint may be raised with the Australian Government's, Australian Securities, and Investment Commission (ASIC).
- 7.11 If a person reports an incident of adverse treatment that may amount to an unlawful reprisal to another representative of VFF, that representative must record the report in writing and refer it immediately to one of the designated Representatives, as appropriate.
- 7.12 If the VFF receives a report of actual or suspected reprisal against a person in response to a whistleblower complaint, it will promptly investigate the matter and take any steps it considers appropriate, depending on the particular circumstances, to protect the person making the report and any other relevant persons from further reprisal. Where the detrimental action is of a serious nature that is likely to amount to a criminal offence, VFF may refer the matter to IBAC or to the Police.
- 7.13 Any workplace participant found to have engaged in reprisal action against a discloser will be subject to appropriate disciplinary processes, which may result in disciplinary action up to and including termination of employment or the contract for services and/or reporting the matter externally for potential prosecution. Consequences may include up to 2 years of imprisonment.
- 7.14 Relevantly, the prohibition on reprisal action does not:
- make a person who has made a whistleblower complaint immune from the consequences of their own actions; or
  - prevent VFF from taking disciplinary or other action against an individual who has made a whistleblower complaint without having a genuine public interest concern.

## 8. CONFIDENTIALITY

### 8.1 It is an offence for a person or body:

- (a) who receives a whistleblower complaint or is provided information by an investigating entity about the content of a whistleblower complaint, to disclose that information (Content Disclosure); or
- (b) to disclose information that would be likely to lead to the identification of a person who has made a whistleblower complaint (Identity Disclosure).

8.2 Certain exemptions apply to these confidentiality requirements apply, including where:

- the disclosure is for the purpose of obtaining legal advice or representation;
- in relation to a Content Disclosure, the disclosure is necessary for taking lawful action in relation to the conduct that is the subject of the disclosure;
- in relation to a Content Disclosure, where the disclosure is in accordance with an authorisation by the investigating entity that is investigating the disclosure;
- in relation to an Identity Disclosure, when the discloser has given their consent.

8.3 The VFF will always comply with its legal obligations of confidentiality under this policy and will take disciplinary action against any workplace participants found to have engaged in breaches of these obligations.

## **9. FALSE OR VEXATIOUS CLAIMS**

9.1 If a disclosure is made by a discloser in good faith, with reasonable grounds for believing the information disclosed indicates unlawful or improper conduct, but is found to be unsubstantiated following an investigation, no action will be taken against the discloser making the report.

9.2 However, a discloser who knowingly makes a false or vexatious report under this Policy will be subject to appropriate disciplinary processes, which may result in disciplinary action up to and including termination of employment or the contract for services.

## **VFF's Obligations**

VFF will:

- provide training about people's responsibilities under the Policy;
- regularly remind People about their responsibilities under the Policy;
- maintain a record of team briefings and refresher training about this Policy; and
- promptly and fairly investigate internal disclosures, and act appropriately based on the outcomes of the investigation.

## **Compliance**

1. Any behaviour that breaches this Policy will be managed through the applicable investigation and disciplinary processes. A proven breach may result in disciplinary action, up to and including termination of employment or engagement.
2. A proven breach of this Policy by a supplier or grant applicant may result in termination of any supply or grant contracts and exclusion from consideration for grants or supply agreements.
3. Any breaches or suspected breaches of the Policy will be reported to the Board by the Chair of the Risk, Audit and Finance Committee, subject to any legislative requirements.

## **Accountability**

VFF CHAIR  
VFF CEO

# Glossary

Term	Definition
<b>ASIC</b>	Australian Securities Commission
<b>APRA</b>	The Australian Prudential Regulatory Authority
<b>CEO</b>	Chief Executive Officer
<b>Controlled Entity</b>	Any company, trust or organisation of which Victorian Farmers Federation has a majority or controlling interest.
<b>Directors &amp; Committee Members</b>	Members of the Victorian Farmers Federation Board, any Board Sub-committees or Advisory Boards of Victorian Farmers Federation or its Controlled Entities.
<b>Legal Practitioner</b>	A barrister or solicitor
<b>People</b>	All staff, employees, secondees, contractors and consultants working with Victorian Farmers Federation or any VFF Controlled Entity. Includes suppliers and clients of the VFF, as appropriate.
<b>Policy</b>	This policy document – Whistleblowers Policy
<b>Serious Professional Misconduct</b>	Conduct that constitutes a serious breach of an established professional code of conduct and/or other serious departures from the person’s professional responsibilities.
<b>Values and Behaviours</b>	The Values and Behaviours document, approved by the VFF Board, which set out expectations of People who work with VFF.
<b>Workplace participants</b>	Directors, Committee Members, employees, agents, contractors, or its controlled entities.

# Policy Administration

## Key Policy Information

Administrative Area	Policy Information
Document Title	Whistleblower Policy
Policy Level	1
Version No	1.0

## Policy Owners and Governance Forums

Administrative Area	Owner / Forum
Accountable Executive	Chief Executive Officer
Policy Owner	VFF Board
Policy Administrator	Executive Officer
Review Body	RAF Committee
Approval Body	VFF Board

## Key Dates

Administrative Area	Date
Policy Approval Date	30 April 2025
Policy Effective Date	30 April 2025
Next scheduled review	Prior to 30 April 2027

Record of Policy Revisions		
Date	Version	Comments
30/4/2025	1.0	Initial policy approved by the Board