

## Multiple Sclerosis Australia

### WHISTLEBLOWER

Applicable to: Board Directors, Employees, Volunteers, Contractors and any external party

#### Preamble

Multiple Sclerosis Australia (MSA) seeks to promote a culture of honest and ethical behaviour by encouraging stakeholders to report concerns about alleged wrongdoings freely, and without fear of adverse repercussions.

Whistleblowers perform an important role. They are uniquely placed to expose serious problems within the management and operations of public bodies. The best source of information concerning inappropriate conduct within a public body is often people who work for or have dealings with the body.

The Whistleblower Policy operates in conjunction with other MSA policies including the *Grievance and Complaints Policy*, *Bullying and Harassment Policy* and *Code of Conduct*.

The Whistleblower mechanism should only be utilised where standard reporting systems have failed to adequately resolve the matter, or where an individual wishes to remain anonymous or believes they have no other recourse.

#### Policy

The Whistleblowers Protection Act 2001 sets out the requirements necessary to receive protections under the Act for a *protected disclosure* of improper conduct.

The disclosure must be about conduct that constitutes one of the following:

- corrupt conduct
- a substantial mismanagement of public resources
- a substantial risk to public health or safety
- a substantial risk to the environment.

To be a protected disclosure, and for the protections under the Act to be available, the conduct must also be serious enough that, if proven, it would constitute a criminal offence or reasonable grounds for dismissal.

MSA commits to absolute confidentiality and fairness in all matters raised and that Whistleblowers who act in good faith are not detrimentally affected and will not be personally disadvantaged in their employment by having made a report in accordance with this Policy.

#### Procedure

##### WHISTLEBLOWER OFFICER

The appointed Whistleblower Officer is the MSA Company Secretary who is responsible for:

- Providing the Whistleblower, who acts in good faith, with protection against being personally disadvantaged and ensuring their confidentiality where they wish to remain anonymous;
- Coordinating a preliminary investigation into any report received from a Whistleblower;
- Documenting and handling all matters, and escalating all legitimate matters to the Audit and Risk Committee;
- Engaging an external investigator (if required); and
- Finalising all investigations.

## REPORTING MECHANISMS

### Internal

Whether the Whistleblower is an internal or external party, all reports of alleged wrongdoings should be made directly to the Whistleblower Officer in the first instance.

In most instances, reporting and investigation by the Whistleblower Officer should satisfactorily address the issue. The Chair of the Audit & Risk Committee can also be approached on matters if unable to raise with the Company Secretary.

### External

If the Whistleblower feels the matter has not been dealt with satisfactorily, matters may be reported to the MSA external Whistleblower Service Provider (WSP).

MSA has engaged PricewaterhouseCoopers (PwC) to act as an independent WSP. Whistleblowers may report wrongdoings to the Company's external WSP who are independent of MSA. The WSP may be contacted by:

- Phone: 1800 038 341 (available 8AM to 6PM AEST, messages can be left outside these hours which will be followed up the following business day)

Email: [MSA.Whistleblower@au.pwc.com](mailto:MSA.Whistleblower@au.pwc.com)

The Whistleblower Hotline will be answered by specialist PwC Forensic staff within Australia with the experience and objectivity to deal with all reported matters. In answering the hotline, PwC may ask such questions as are necessary to clarify the nature of the matter being reported, gather additional facts, confirm the confidentiality of the matter, and advise the enquirer as to how the matter will be reported to MSA. PwC will not however provide any undertakings, views or opinions on the matter.

The WSP:

- Will assess and record in a secure repository all disclosures and report to the MSA Whistleblower Officer;
- May choose to refer a matter to a representative of MSA's Audit and Risk Committee or report to the Audit and Risk Committee directly if the matter relates to the Whistleblower Officer; and
- Manage ongoing communication with the Whistleblower should there be requirement to obtain further information relating to the disclosure and they wish to remain anonymous to MSA

## ANONYMITY

Whistleblowers will be asked to identify themselves in case they need to be contacted again to obtain further information or clarification of a matter.

To be protected as a Whistleblower under the Corporations Act 2001 an individual must be:

- An officer (director or secretary) of the company about which the report is being made;
- An employee of the company about which the report is being made; or
- A contractor or the employee of a contractor, who has a current contract to supply goods or services to the company.

Whistleblowers, in accordance with the rules of the Corporation Act, are entitled to request to remain anonymous or have their details retained confidentially. However, it is important to note that anonymous reports can inhibit an appropriate investigation of the complaint; the Whistleblower may

not be protected under the Corporations Act 2001 (Cth); and it will not be possible to keep them informed of any investigations stemming from their report.

Commitments to confidentiality will be honoured unless:

- The Whistleblower consents to disclosure; and/or
- The disclosure is required or authorised by law.

## **MANAGEMENT OF REPORTS**

As much information as possible is needed to enable a thorough investigation. Whistleblowers will be asked to provide details concerning:

- Those involved in the suspected wrongdoing;
- When the event(s) occurred and who was affected;
- Supporting evidence; and
- Witnesses.

### Inappropriate use of the Whistleblower reporting mechanism

The Whistleblower reporting mechanism is to be used to report only serious wrongdoings and must not be used to make trivial, vexatious or false reports. If a person purporting to be a Whistleblower has knowingly made a trivial, vexatious or false 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.

### Investigations

All investigations, whether internal or external, will be conducted in a timely, confidential, thorough and fair manner.

The investigation will seek to establish evidence that either substantiates or refutes the allegation and the rules of natural justice will be observed in any investigation.

MSA reserves the right to employ external investigators based on the seriousness of the matter and if deemed appropriate by the Audit and Risk Committee.

### Rights and responsibilities of the Whistleblower

A Whistleblower who feels they, or their family, have been detrimentally affected by reasons of their status as a Whistleblower, should immediately report this to the Whistleblower Officer.

All Whistleblowers must maintain confidentiality of all matters relating to the disclosure and the investigation.