

Title:	WHISTLEBLOWER POLICY	
Version # & Date:	GOVPOL010.0	11 December 2023
Authorising Level:	Board of Directors	

PURPOSE

The Australian College of Midwives (ACM) is committed to sustaining an organisational culture which is resistant to misconduct and offers a safe and secure means for disclosure of possible misconduct.

ACM recognises that a transparent Whistleblower Policy is essential to good risk management and corporate governance.

POLICY OBJECTIVES

Consistent with legislative and regulatory requirements, the objectives of the Whistleblower Policy are to:

- a. Encourage disclosure of possible misconduct.
- b. Help deter wrongdoing, in line with ACM's risk management and governance framework.
- c. Ensure individuals who disclose misconduct can do so safely, securely and with confidence that they will be protected and supported.
- d. Ensure disclosures are dealt with appropriately and on a timely basis.
- e. Provide transparency around ACM's framework for receiving, handling and investigating disclosures.
- f. Support ACM's long-term sustainability and reputation.
- g. Meet ACM's legal and regulatory obligations.

POLICY SCOPE

The Whistleblower Policy applies to any person who is or has been any of the following with respect to ACM ("the entity"):

- a. An officer or employee (e.g. current and former employees who are permanent, part-time, fixed term or temporary, interns, secondees, managers, and directors).
- b. A supplier of services or goods to the entity (whether paid or unpaid), including their employees (e.g. current and former contractors, consultants, service providers and business partners).
- c. An associate of the entity.
- d. A spouse, relative or dependant of any of the above (e.g. relatives, dependants or spouse of current and former employees, contractors, consultants, service providers, suppliers and business partners).

POLICY

- a. Mitigation of misconduct is assisted through the development of a framework where individuals who disclose Reportable Conduct are protected.
- b. An effective framework involves identifying key risks to whistleblowers.
- c. Monitoring and review of the Whistleblower Policy should be a normal part of the management process.
- d. Robust mechanisms will be established to encourage and support the reporting of suspected Reportable Conduct by individuals from within and outside ACM, including anonymous reports.
- e. All reasonable measures will be taken to ensure that potential whistleblowers are aware of their rights to protection under the legislation and their right to compensation if relevant.
- f. All reasonable measures will be taken to support a person who discloses suspected misconduct and provide protection from Detrimental Conduct as a result of making a disclosure.

- g. Disclosures of Reportable Conduct will be investigated and, if required, will be reported to the relevant external body.
- h. A person shall not make a disclosure under the Whistleblower Policy unless that person has reasonable grounds to suspect that the information is Reportable Conduct.
- i. Procedures defining the roles, responsibility, authority and powers delegated to management and investigators will be used to determine the investigation approach commensurate with the nature and seriousness of the matter.
- j. ACM employee and Director induction will include introductory training on the Whistleblower Policy with regular refreshers provided as appropriate.

DEFINITIONS

Term	Definition
ACM	The Australian College of Midwives Limited or ACM
Detrimental Conduct	Refer to section 1317ADA Corporations Act Detriment Conduct includes (without limitation) any of the following: <ul style="list-style-type: none"> a. dismissal of an employee. b. injury of an employee in his or her employment. c. alteration of an employee’s position or duties to his or her disadvantage. d. discrimination between an employee and other employees of the same employer. e. harassment or intimidation of a person. f. harm or injury to a person, including psychological harm. g. damage to a person’s property. h. damage to a person’s reputation. i. damage to a person’s business or financial position. j. any other damage to a person.
Eligible Recipient	Refer to section 1317AAC Corporations Act Each of the following is an eligible recipient in relation to a regulated entity that is a body corporate: <ul style="list-style-type: none"> a. officer or senior manager of the body corporate or a related body corporate. b. an auditor, or a member of an audit team conducting an audit, of the body corporate or a related body corporate. c. an actuary of the body corporate or a related body corporate. d. a person authorised by the body corporate to receive disclosures that may qualify for protection under Part 9.4AAA of the <i>Corporations Act</i>.
Reportable Conduct	Refer to section 1317AA (4)-(5) Corporations Act (1) Reportable conduct is conduct that a discloser has reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances, in relation to: <ul style="list-style-type: none"> a. the regulated entity; or b. if the regulated entity is a body corporate—a related body corporate of the regulated entity, or an officer or employee of a related body corporate of the regulated entity.

Term	Definition
	<p>(2) Without limiting section (1), this subsection applies to a disclosure of information if the discloser has reasonable grounds to suspect that the information indicates that any of the following:</p> <ul style="list-style-type: none"> a. the regulated entity, or an officer or employee of the regulated entity. b. if the regulated entity is a body corporate—a related body corporate of the regulated entity, or an officer or employee of a related body corporate of the regulated entity. <p>has engaged in conduct that:</p> <ul style="list-style-type: none"> a. constitutes an offence against, or a contravention of, a provision of any of the following: <ul style="list-style-type: none"> (i) the Corporations Act 2001. (ii) the Australian Securities and Investment Commission Act 2001. (iii) the Banking Act 1959. (iv) the Financial Sector (Collection of Data) Act 2001. (v) the Insurance Act 1973. (vi) the Life Insurance Act 1995. (vii) the National Consumer Credit Protection Act 2009. (viii) the Superannuation Industry (Supervision) Act 1993. (ix) an instrument made under an Act referred to in any of subparagraphs (i) to (viii); or b. constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or c. represents a danger to the public or the financial system; or d. is prescribed by the regulations for the purposes of this paragraph.
<p>Whistleblower Policy</p>	<p>Refer to Australian Securities and Investment Commission (ASIC) Regulation Guide 270 Whistleblower policies and other guiding information.</p> <p>ACM's Whistleblower Policy includes:</p> <ul style="list-style-type: none"> a. Whistleblower Policy; b. Whistleblower Procedure; and c. Whistleblower Information Guide.