

Protected Disclosure (Whistleblower) Policy

Policy ID	HR-001
Prepared by	People and Culture team
Version	2.3
Approval Date	11 th March 2026
Approved By	SEMPHN Board of Directors
Review Date	11 th March 2028
Policy Sponsor	Executive Director, People, Communications and Engagement
Effective Date	11 th March 2026

Published location	Communication method
<input checked="" type="checkbox"/> Intranet Resource Centre <input checked="" type="checkbox"/> Board Portal <input type="checkbox"/> Folio <input type="checkbox"/> Teams Workspace <input type="checkbox"/> Other	<input checked="" type="checkbox"/> SEMPHoNics article <input type="checkbox"/> LMS offering to all staff <input type="checkbox"/> LMS offering to specified staff:

Policy Statement

The South Eastern Melbourne PHN (SEMPHN) senior management is committed to an open working relationship in which employees and contractors observe high standards of business and personal ethics in the delivery of their duties and responsibilities. We believe this promotes and supports a culture of good governance. To this end, SEMPHN encourages the reporting of "Disclosable Conduct" and will protect anyone covered by this policy from detrimental action taken against them because of an actual, perceived or potential disclosure.

This policy is to be read in conjunction with SEMPHN's Fraud and Corruption Control Policy and the Conflict of Interest and Related Parties Transaction Policy.

Protected Disclosure (Whistleblower) Policy

Objectives of this Policy

This policy aims to:

- ensure that SEMPHN management and employees observe the highest standards of corporate governance, risk management, fair dealing, honesty and integrity in our activities
- foster a positive and open environment so that SEMPHN employees and other individuals covered in the scope of this policy can be confident to make a disclosure, if necessary
- encourage anyone with reasonable grounds to suspect that Disclosable Conduct covered by this policy has occurred, or could occur, to make a report
- ensure that anyone who, in good faith, discloses information covered by this policy will be supported and not subjected to any detrimental action (e.g. victimisation, harassment or discrimination) because of their Disclosure
- provide details about how (and to whom) a Discloser can make a report
- provide details about how investigations of reports of Disclosable Conduct will be conducted; and
- provide details on the protections available to Disclosers, and how we will ensure fair treatment of employees specified in the report.

Scope

This policy applies to SEMPHN's:

- Board Directors and Officers
- Council and Board Committee members
- all employees (including full-time, part-time, casual, fixed-term, permanent employees and volunteers (if applicable))
- suppliers (including commissioned service providers) and anyone (where paid or unpaid) who is a past, present, or potential future supplier, including an employee or volunteer of said supplier; and
- advisors, auditors and consultants, who undertake work to improve our governance and organisation.

In addition, it may apply to:

- relatives and dependants of any person in the above list; and
- relatives and dependants of the spouse or partner of any person in the above list.

Exclusion of personal work-related grievances

Generally, Disclosable Conduct does not include conduct that relates to personal work-related grievances, for example:

- an interpersonal conflict between the Discloser and another employee
- a decision that does not involve a breach of workplace laws
- a decision in relation to the Discloser's engagement, transfer or promotion
- a decision relating to the Discloser's terms and conditions of engagement; or
- a decision to suspend and terminate the Discloser's engagement, or otherwise to discipline the Discloser.

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Any instances of such 'personal work-related grievances' are expressly excluded from this policy and will not qualify for protection under Whistleblower laws and will be managed by the organisation under its workplace policies (and should instead be raised with the Director, People and Culture).

However, instances of 'personal work-related grievances' may still qualify as Disclosable Conduct if they also raise significant implications for SEMPHN (for example if SEMPHN's treatment of a Discloser breaks employment or other laws or suggests systemic misconduct beyond the Discloser's own circumstances) or if the matter is a 'mixed' report that also covers Disclosable Conduct.

Definitions

Term	Definition
Alleged Perpetrator	A person named in a disclosure as a perpetrator of the Disclosable Conduct. They may or may not have undertaken the alleged conduct.
Corporations Act Disclosures	A collective term for disclosures covered by the Corporations Act 2001 (Cth) and Regulations.
Detrimental Treatment	Actual or threatened action taken against an actual, perceived, or potential Discloser because of their disclosure, which is detrimental to the Discloser's wellbeing, reputation, career, business. Examples include discrimination, disadvantage, intimidation, harassment, injury, loss.
Disclosable Conduct	Misconduct that is covered by one or more of the Commonwealth or Victorian laws that this policy addresses.
Discloser	A person who makes a disclosure under this policy
Disclosure	A report of Disclosable Conduct.
Eligible Recipient	Someone who is able to accept reports of Disclosable Conduct. This includes the WPO, WIOs, Board members, members of the ELT, managers.
Federal Public Interest Disclosures	Disclosures covered by the Public Interest Disclosure Act 2013 (Cth).
IBAC	Independent Broad-based Anti-corruption Commission. Victoria's anti-corruption agency that receives, investigates, and exposes corruption and police misconduct, and informs the public sector and the community about the risks and impacts of corruption and police misconduct and how it can be prevented.

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Term	Definition
Ombudsman Victoria	The Victorian government's agency that manages and investigates complaints and disclosures relating to administrative actions taken by: <ul style="list-style-type: none"> • Victorian Government departments • public statutory authorities • officers of municipal councils.
Taxation Act Disclosures	A collective term for disclosures covered by the Taxation Administration Act 1953 (Cth).
Tax Act	Taxation Administration Act 1953 (Cth).
Victorian Public Interest Disclosures	Disclosures covered by the Public Interest Disclosure Act 2012 (Vic).
Whistleblower	Someone who reports Disclosable Conduct. Also referred to in some documents as a 'discloser'.
WIO	Whistleblower Investigations Officer
WPO	Whistleblower Protection Officer

Policy in Practice

1. Different types of Disclosures

This policy addresses four types of Disclosure, covered by different state and federal laws, as shown in the following table.

Type of Disclosure	Based on
Corporations Act Disclosures	• <i>Corporations Act 2001 (Cth)</i>
Taxation Act Disclosures	• <i>Taxation Administration Act 1953 (Cth)</i>
Victorian Public Interest Disclosures	• <i>Public Interest Disclosure Act 2012 (Vic)</i>
Federal Public Interest Disclosures	• <i>Public Interest Disclosure Act 2013 (Cth)</i>

Because each type of disclosure has different definitions, reporting options and requirements, this policy contains policy statements that relate:

- to all types of Disclosure
- specifically to Corporations Act Disclosures
- specifically to Victorian Public Interest Disclosures; and
- specifically to Federal Public Interest Disclosures.

This policy also includes a Quick Reference Guide summarising the different types of disclosures (see [Appendix A: Quick Reference Guide](#)).

Before taking any action related to disclosures, you must identify the relevant disclosure type, so that you follow the relevant policy statements. To identify the relevant disclosure type, refer to the policy statement titled '**Disclosable Conduct**' of each section.

2. Whistleblower Officers at SEMPHN

SEMPHN has a Whistleblower Protection Officer (WPO) and at least one Whistleblower Investigation Officer (WIO).

Whistleblower Protection Officer (WPO)

SEMPHN's Whistleblower Protection Officer must:

- ensure that all reported Disclosures are taken seriously and investigated;
- safeguard the interests of Disclosers, which includes:
 - maintaining their privacy and confidentiality
 - keeping them informed of developments
 - monitoring the effectiveness of protection offered under this policy; and
- ensure the integrity of the reporting process.

The WPO has authority to:

- receive and review reports relating to all disclosures unless the Disclosure relates to the conduct of the WPO in which case the Chair of the Board or delegate will take carriage of the investigation
- determine the appropriate course of action (in consultation with other SEMPHN representatives, if relevant)
- coordinate any necessary action relating to a report, which may include:
 - referring the matter to a Whistleblower Investigations Officer (WIO) for investigation; or
 - determining that the report is baseless or unfounded and therefore no formal investigation is warranted and informing the Disclosure of this decision.

Current WPO

SEMPHN's WPO is the Chief Executive Officer.

Whistleblower Investigations Officers (WIO)

A WIO may be an employee of SEMPHN or an external person. A WIO can be designated to this role or appointed by the CEO for the duration of an individual investigation.

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Role

WIOs undertake investigations triggered by Disclosures.

Current WIOs

SEMPHN currently has two WIOs, namely:

- Director, People and Culture
- Executive Director, Corporate Services.

As required and appropriate to the level of investigation, an external, independent WIO may be contracted to investigate Disclosable Conduct.

3. Notifying the Whistleblower Protection Officer (WPO) of Disclosable Conduct

Any employee who becomes aware of Disclosable Conduct or receives a verbal or written report of Disclosable Conduct must promptly inform the WPO. This can be done via two means:

1. Directly reporting the Disclosable Conduct to the WPO via email or in discussion.
2. Anonymously reporting the Disclosable Conduct to SEMPHN's independent, external Whistleblower Service, via email or contacting the hotline. This service is provided by Linchpin Legal.

The identity of the whistleblower will be kept confidential by the service unless the Discloser consents to their name being disclosed, or the alert service is required by law to disclose it.

To contact the Whistleblower Service, you can:

Call the hotline: 1300 382 155

Email: SEMPHNAlert@LinchpinLegal.com.au

Upon receiving a report, Linchpin - the Whistleblower Service - may contact a Discloser for more details or pass on the details provided (excluding details relating to the identity of the Discloser) to SEMPHN for investigation and appropriate action. Linchpin will not provide advice or counselling to a Discloser but acts as a conduit for anonymous disclosures to SEMPHN.

If the disclosure is about the conduct of the WPO (the CEO), a Board Director, the Board Chair or a member of the Executive Leadership Team, the report should only be directed to the external, independent Whistleblower Service, as described above, who will provide the appropriate non-involved executives or Board members with detail of the Disclosure, for action.

4. Disclosures must be based on Reasonable Grounds

Given that a report of Disclosable Conduct can result in serious consequences such as damage to the reputation and career prospects of an alleged perpetrator, a person should only report under this policy if they have reasonable grounds to suspect that Disclosable Conduct has or is about to occur.

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False reports may result in disciplinary and possible civil or criminal action

Knowingly making a false report, or knowingly making a report without reasonable grounds, is a serious breach of this policy.

Anyone making a false or mischievous report may be subject to disciplinary action, including termination of their employment, appointment, or contractual relationship. Further, anyone making a false or misleading report to an external agency is not protected from civil or criminal liability for misleading statements.

5. Anonymity and Confidentiality

From an anonymity perspective, Disclosers are entitled to make anonymous reports, although need to be aware that this may affect an investigation. A discloser may choose to:

1. remain anonymous and not be available for further questions or provide feedback; or
2. remain anonymous and maintain ongoing two-way communication with SEMPHN, so SEMPHN can ask follow-up questions or provide feedback.

When making a report, the discloser must advise the WPO or the external, independent Whistleblower Service (see Section 3) that they wish to remain anonymous, and their identity be kept confidential throughout the process of investigation.

Further, the Discloser can ask that the details of the Disclosure are 'de-identified' so that other people cannot identify the Discloser.

From a confidentiality perspective, the WPO, any WIO and any Eligible Recipient who receives a Disclosure must not provide the Discloser's identity (including when sending the report to or discussing it with the WPO or WIO) unless:

- the Discloser has given express consent; and/or
- revealing the Discloser's identity is required or authorised by law.

Confidentiality during an investigation

Although all reports made under this policy will be confidential, it may be necessary during an internal investigation to disclose the details of the allegations to others (e.g. key personnel at SEMPHN, external parties involved in the investigation, law enforcement agencies, and others as otherwise required or authorised by law).

When this is required, SEMPHN will take all reasonable steps to keep the Discloser's identity confidential.

6. Keeping the discloser informed

The Discloser will be kept regularly informed as to the progress of the investigation. Depending on the nature of the disclosure, the frequency and timeframe may vary. As a minimum, SEMPHN will provide updates to the Discloser at key stages such as when the investigation has commenced, while the investigation is in progress and when it has been finalised. SEMPHN will ensure the identity of the Discloser will not be compromised whilst providing these updates.

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Corporations Act and Taxation Act Disclosures

This section applies only to Corporations Act and Taxation Act Disclosures.

The provisions in the Tax Act are very similar to the Corporations Act, so they aren't set out here in any detail.

7. Disclosable Conduct (Corporations Act & Taxation Act Disclosures)

Disclosable Conduct is any matter or information that the Discloser has reasonable grounds to suspect:

- constitutes misconduct, or an improper state of affairs or circumstances, in relation to SEMPHN, or
- indicates that SEMPHN, or any of its officers or employees, has engaged in conduct that:
 - constitutes an offence against any of the:
 - Corporations Act 2001 (Cth)
 - the Australian Securities and Investment Commission Act 2001 (Cth)
 - additional legislation described in the Corporations Act 2001
 - Taxation Administration Act 1953 (Cth);
 - regulations made under those laws
 - constitutes an offence against any other Commonwealth law that is punishable by imprisonment for a period of 12 months or more
 - is tax-related misconduct
 - is otherwise prescribed by regulation
 - represents a danger to the public or the financial system; and
- any conduct that, while not necessarily in contravention of these particular laws, may still be serious enough to warrant disclosure (e.g. conduct that, although not unlawful, may indicate a 'systemic issue').

Examples of Disclosable Conduct

- a breach of any legislation relating to SEMPHN's operations or activities
- unethical behaviour, including any breach of any of SEMPHN's policies
- dishonest behaviour or fraudulent activity
- unlawful, corrupt or irregular practices
- unlawful, corrupt or irregular use of company funds
- illegal activities (including theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage against property)
- improper or misleading accounting or financial reporting practices
- behaviour that is oppressive, discriminatory or grossly negligent
- an unsafe work-practice or behaviour that poses a serious risk to the health and safety of anyone at the workplace

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- behaviour that represents a danger to the public
- behaviour that represents a danger to the financial system
- systemic failures at SEMPHN (e.g. in clinical governance)
- any other conduct that may cause loss to SEMPHN or be otherwise detrimental to SEMPHN's interests.

What is not Disclosable Conduct

Disclosable Conduct under the Corporations Act does **not** include conduct that relates to:

- industrial relations
- trivial or vexatious claims
- personal work-related grievances of the Discloser, such as:
 - interpersonal conflicts at work
 - decisions relating to the engagement, transfer or promotion of the Discloser, including terms and conditions of their employment, which are not related to a disclosure
 - decisions to discipline the Discloser, including to suspend or terminate their employment which are not related to a disclosure.

Other SEMPHN policies address these types of conduct.

8. Reporting Disclosable Conduct

Written or verbal reporting

A report can be made in writing or verbally.

What the report must contain

Whether verbal or written, the report must include a description of the grounds for the report, with as much detail as possible.

If the report is made in writing, supporting documentation should be attached, where possible.

9. Who to Report to

A Discloser can make an internal or an external report, or both.

Internal Reporting

If the Discloser wishes to report the matter internally, they can report their concern to :

- the Whistleblower Protection Officer
- an officer of SEMPHN (including a Board Director of SEMPHN);
- any member of our Executive Leadership Team or the Director, People and Culture;
- SEMPHN's independent Whistleblower Service (see Section 3)
- SEMPHN's auditor; and/or
- a member of an audit team conducting an audit of SEMPHN.

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External Reporting

If the Discloser wishes to report the matter externally, they can report to any of the following:

- Australian Securities and Investments Commission (ASIC)
- Australian Taxation Office (ATO); or
- any other State or Commonwealth authority to accept disclosures in relation to SEMPHN.

The investigation will then be handled by that entity according to their processes and procedures.

10. Investigating a report of Disclosable Conduct (Corporations Act Disclosures)

If a preliminary review or an investigation is needed (as determined by the WPO), a WIO will carry out (or supervise) a preliminary review or an investigation.

The WIO may use:

- an external investigator who may conduct the investigation independently or in conjunction with the WIO; and or
- external experts who may help with the investigation.

The WIO can promptly commence a formal investigation of the allegations made in the report but may elect to instead carry out a preliminary review of the allegations.

The WIO acts independently of the WPO and the responsibilities of these roles do not reside with one person.

The aim of preliminary review is to gather enough information for the WIO to decide if the allegations need to be formally investigated. The preliminary review can be conducted in collaboration with the CEO and other relevant officers or employees of SEMPHN.

If the result of the preliminary review is that the report is baseless or unfounded and that no formal investigation is needed, the WIO must inform the Discloser of this decision.

Ensuring fair and independent investigations

SEMPHN and the WIO will take all reasonable steps to ensure that the investigation is conducted fairly, independently, without bias, promptly, and according to the principles of natural justice.

All reasonable efforts will be made to preserve the confidentiality of the investigation and the identity of the parties involved, including the Discloser and the alleged perpetrator/s.

Discloser's obligations

To avoid jeopardising an investigation, a Discloser must not reveal that they have made a report, except as required under law.

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Protection of the alleged perpetrator

SEMPHN recognises that the alleged perpetrator/s must also be supported during the investigation. Therefore, SEMPHN and the WIO will take all reasonable steps to treat the alleged perpetrator fairly. This includes:

- informing them of the substance of the allegation
- inviting them to submit a response to the claim as part of the investigation
- informing them of any adverse finding that affects them.

11. Investigations Report (Corporations Act Disclosures)

At the end of the investigation, the WIO must provide the CEO (and the WPO if the WPO is not the CEO), with a written report containing the investigation's findings and a summary of the evidence.

The finding on each allegation is that it must be one of the following:

- fully substantiated
- partially substantiated
- not able to be substantiated; or
- disproven.

The WPO or WIO must inform the Discloser of the findings but is not obliged to give the Discloser a copy of the report.

Any findings that relate to criminal activity must be reported to the police and/or relevant regulators.

12. Responding to the Findings (Corporations Act Disclosures)

The CEO (or their delegate) will take appropriate action based on the report. For example, the CEO may do one or more of the following:

- Request further investigation
- recommend disciplinary action
- refer the matter to SEMPHN's Board of Directors
- notify regulatory bodies; and/or
- notify legal authorities.

13. Filing Records of an Investigation (Corporations Act Disclosures)

All records created from an investigation must be retained in secure files that the WPO controls and manages. Any release of information to someone not involved in the investigation (other than on a need-to-know basis, or as required or allowed by law) is a breach of this policy that may result in disciplinary action including termination of employment or appointment.

14. Detrimental Treatment of Discloser (Corporations Act Disclosures)

SEMPHN is committed to protecting and respecting the rights of a Discloser, and therefore does not tolerate any victimisation, detrimental treatment or retaliatory action against:

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- a Discloser
- a person who someone else believes has been or may in the future be a Discloser; and
- the colleagues, associates, or family members of either of the above.

Examples of detrimental treatment (Corporations Act Disclosures)

Examples of detrimental treatment include:

- dismissal from SEMPHN
- injury of an employee in his or her employment
- alteration of an employee's position or duties to his or her disadvantage;
- discrimination perpetrated by other employees
- harassment or intimidation
- harm or injury to a person, including psychological harm;
- damage to their property
- damage to their reputation
- damage to their business or financial position; and/or
- any other damage.

Any such detrimental treatment will be treated as serious misconduct and will result in disciplinary action, which may include termination of employment or services.

Disclosers who are subjected to detrimental treatment (Corporations Act Disclosures)

Any person who feels they have been subjected to any behaviour that violates this policy should immediately report such behaviour to their manager or the WPO.

Compensation

A Discloser who is subjected to detrimental treatment may be entitled to compensation for resulting loss, damage or injury.

Exceptions from protection (Corporations Act Disclosures)

An employee may not be eligible for protection under this policy if they have:

- engaged in Disclosable Conduct; and/or
- knowingly provided false or misleading information relating to this policy (e.g. made a false report, provided false information during an investigation).

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Victorian Public Interest Disclosures

This section applies only to Victorian Public Interest Disclosures under the Public Interest Disclosure Act 2012 (Vic).

15. Disclosable Conduct (Victorian Public Interest Disclosures)

Disclosable Conduct (Victorian Public Interest Disclosures) is conduct undertaken by SEMPHN or an officer of SEMPHN **relating to, or in the performance of a public function on behalf of the State of Victoria**, that the Discloser reasonably believes shows or tends to show:

- corrupt conduct (within the meaning given by section 4 of the *Independent Broad-based Anti-corruption Commission Act 2011*, being an indictable offence or a common law offence of attempting to obstruct justice or pervert the course of justice, i.e. conduct that adversely affects the honest performance of official public functions);
- conduct of any person that:
 - adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body; or
 - is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and result in the person, or an associate of the person, obtaining
 - a licence, permit, approval, authority or other entitlement
 - an appointment to a statutory office or as a Board member of a public body;
 - a financial benefit or real or personal property; or
 - any other direct or indirect monetary or proprietary gain,that the person would otherwise not have obtained, or
 - conduct that would amount to a conspiracy or attempt to conspire.
- any matter/information that the Discloser has reasonable grounds to suspect indicates that SEMPHN, or any of its officers or employees, has engaged in conduct that constitutes:
 - a criminal offence
 - serious professional misconduct
 - dishonest performance of public functions
 - an intentional or reckless breach of public trust
 - an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body
 - a substantial mismanagement of public resources
 - a substantial risk to health or safety of one or more persons; or
 - a substantial risk to the environment.

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16. Reporting Disclosable Conduct (Victorian Public Interest Disclosures)

SEMPHN recommends that a potential Discloser should seek legal advice about whether the matter falls under the Victorian Public Interest Disclosure Act.

Who to report to?

If the matter amounts to a Victorian Public Interest Disclosure you make can make your report to IBAC or an investigating entity (such as the Victorian Inspectorate or the Victorian Ombudsman).

17. Investigations of Disclosable Conduct (Victorian Public Interest Disclosures)

The investigating entity will investigate the allegation in accordance with the Victorian Public Interest Disclosure Act and its internal processes and guidelines. The Investigating entity will notify the Discloser in accordance with its internal procedures.

SEMPHN will ordinarily not be contacted by the investigating entity about the investigation, unless it is to ensure that SEMPHN provides proper welfare and support to the Discloser. Disclosers should not contact SEMPHN about a disclosure that is made directly to IBAC or other investigating entity.

18. SEMPHN's protection of Discloser and alleged perpetrator (Victorian Public Interest Disclosures)

If SEMPHN is notified about an investigation, the WPO may appoint a welfare agent to the Discloser and/or the alleged perpetrator to ensure each person's protection during the investigation.

19. Protection of Discloser under the Victorian Public Interest Disclosure Act

Under the Victorian Public Interest Disclosure Act, Discloser will:

- have their identity protected
- not be subject to any civil, criminal or administrative liability for making a disclosure, including under section 95 of the *Constitution Act 1975 (Vic)*
- not breach an obligation by way of oath or affirmation or rule of law or practice or under an agreement requiring them to maintain confidentiality
- have no contractual or other remedy enforced or sanction imposed because of the disclosure
- have absolute privilege for the purposes of defamation proceedings related to the disclosure; and
- not have a contract terminated on the basis of their disclosure.

SEMPHN will use best endeavours to assist the investigating entity in these protections, if they are informed of the Disclosure.

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20. Detrimental treatment of Discloser (Victorian Public Interest Disclosures)

Under the Victorian Public Interest Disclosure Act, it is an offence to cause or undertake detrimental treatment in reprisal for a disclosure, and SEMPHN does not tolerate such treatment.

Examples of detrimental treatment (Victorian Public Interest Disclosures)

Detrimental treatment includes:

- any action causing injury, loss or damage to the Discloser;
- intimidation or harassment of the Discloser; and
- discrimination, disadvantage or adverse treatment in relation to the Discloser's employment, career, profession, trade or business, including disciplinary action (apart from reasonable management action allowed under employment law).

Federal Public Interest Disclosures

This section applies only to Federal Public Interest Disclosures under the Public Interest Disclosure Act 2013 (Cth).

21. Disclosable Conduct (Federal Public Interest Disclosures)

Disclosable Conduct (Federal Public Interest Disclosure) is conduct **relating to the provision of goods or services to or on behalf of the Commonwealth** that:

- contravenes a law
- is corrupt
- abuses public trust or an official's position
- prevents justice
- is a waste of federal public funds
- endangers lives or health and safety; or
- could give rise to disciplinary action against a public official.

22. Eligibility to make a Federal Public Interest Disclosure

A person can make a Federal Public Interest Disclosure if they are, or were a public official within the meaning of the Federal Public Interest Disclosure Act, which includes an:

- officer of SEMPHN as defined by the Corporations Act (including a director or secretary of SEMPHN)
- employee of SEMPHN
- individual who supplies services or goods to SEMPHN (whether paid or unpaid); or
- employee of a person that supplies services or goods to SEMPHN (whether paid or unpaid).

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23. Reporting Disclosable Conduct (Federal Public Interest Disclosures)

SEMPHN recommends that a potential Discloser seeks legal advice about whether the matter relates to Federal Public Interest Disclosures, and who to report the conduct to.

You can make an internal or external report of Disclosable Conduct.

Internal Reporting

If you wish to report internally, make your report to any of the following:

- SEMPHN's Whistleblower Protection Officer
- your supervisor
- any other person appointed by SEMPHN for this purpose.

External Reporting

External reports must be made with due consideration of the following requirements:

- The disclosure must not be contrary to the public interest
- For security reasons, the disclosure must not reveal more information than is reasonably necessary to identify the Disclosable Conduct
- The disclosure must have been previously made as an internal report, and the Discloser believes that the investigation was inadequate or not performed within the legal time limit.

External disclosures can be made to:

- the Commonwealth Ombudsman, if the Discloser believes that it would be appropriate for the disclosure to be investigated by the Ombudsman
See <https://www.ombudsman.vic.gov.au/Disclosures/Making-a-disclosure>
- an investigative agency that has the power to investigate the disclosure (e.g. relevant Commonwealth Department, Federal Police or other agency as specified in the Public Interest Disclosure Act 2013)
- the National Anti Corruption Commission where the allegation relates to those covered by the NACCs jurisdiction. Any organisation that is a party to a service contract with the Commonwealth falls under the NACC's jurisdiction if there is 'corrupt conduct'; <https://www.nacc.gov.au/reporting-and-investigating-corruption/what-investigate#contracted-service-providers>
- any person authorised under the Public Interest Disclosure Act 2013.

Additional types of reporting of Federal Public Interest disclosures

Disclosure (Federal Public Interest)	Reported to
Emergency Disclosure. The Discloser reasonably believes there is a substantial and imminent danger to the health and safety of at least one person, or the environment	Any person other than a foreign public official.

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<p>Legal Practitioner Disclosure The Discloser is seeking legal advice about reporting Disclosable Conduct (Public Interest).</p>	<p>A legal practitioner.</p>
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24. Internal investigation of Disclosable Conduct (Federal Public Interest Disclosures)

The WPO will assess the report, and obtain any further information, to determine whether the conduct is Disclosable Conduct (Federal Public Interest) according to legislation.

If the WPO determines that Disclosable Conduct (Federal Public Interest) has occurred, SEMPHN will notify an appropriate agency, which may include the relevant Commonwealth Department, Federal Police or other agency in accordance with the Public Interest Disclosure Act.

The Discloser will be kept informed at every stage of this process.

25. External investigation of Disclosable Conduct (Federal Public Interest Disclosures)

The agency that has been notified will make enquiries to determine:

- if an investigation is required
- the likelihood of detrimental treatment being taken against the Discloser.

The agency will then investigate, if required, and keep the Discloser informed at every stage of this process.

26. Protection of Disclosers under the Federal Public Interest Disclosure Act

Under the Federal Public Interest Disclosure Act, Disclosers will:

- have their identity protected
- not be subject to any civil, criminal or administrative liability for making a disclosure
- have no contractual or other remedy enforced or sanction imposed because of the disclosure
- have absolute privilege for the purposes of defamation proceedings related to the disclosure; and
- not have a contract terminated on the basis of the disclosure.

27. Detrimental treatment of Disclosers (Federal Public Interest Disclosures)

Under the Federal Public Interest Disclosure Act, it is an offence to cause or undertake detrimental treatment in reprisal for a disclosure, and SEMPHN does not tolerate such treatment.

Examples of detrimental treatment (Federal Public Interest Disclosures)

Detrimental treatment includes:

- any disadvantage
- dismissal from employment

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- injury to the employee in their employment
- alteration of an employee's position to their detriment; and
- discrimination perpetrated by other employees.

28. Court protection against detrimental treatment (Federal Public Interest Disclosures)

It is an offence for a person or organisation to take a reprisal against a person which results in detrimental treatment under the Federal Public Interest Disclosure Act.

If a Discloser believes that they have been subjected to or threatened with detrimental treatment because of their disclosure, they may apply to the Federal Court or Federal Circuit Court for:

- compensation;
- injunctive relief;
- an apology; and/or
- reinstatement if they were dismissed or their position changed.

Responsibilities

<p>WPO Whistleblower Protection Officer</p>	<ul style="list-style-type: none"> • Ensuring disclosures are taken seriously and investigated • Safeguarding the interests of Disclosers • Ensuring the integrity of the reporting process • Reviewing reports relating to: <ul style="list-style-type: none"> ○ Corporations Act Disclosures ○ Federal Public Interest Disclosures
<p>WIO Whistleblower Investigations Officer</p>	<ul style="list-style-type: none"> • Conducting or supervising internal investigations triggered by disclosures • Conducting preliminary reviews of reports of Corporations Act Disclosures • Maintaining the confidentiality of the Discloser's and alleged perpetrator's identity • Informing the Discloser of the findings of an internal investigation • Preparing a report of any investigation, including findings and evidence.
<p>Employee or officer of SEMPHN</p>	<ul style="list-style-type: none"> • Reporting suspected Disclosable Conduct to the WPO or an eligible recipient (e.g. a Board member, a member of ELT).
<p>Recipient of disclosure</p>	<ul style="list-style-type: none"> • Informing the WPO of any report of Disclosable Conduct.

Protected Disclosure (Whistleblower) Policy

Management of this Policy

The Executive Director, People, Communications and Engagement Services is accountable for managing and maintaining this policy, which includes:

- monitoring and reviewing this policy, including associated processes
- simultaneously reviewing all documents directly relating to this policy.

Any major changes to this policy must be:

- endorsed by the Chief Executive Officer and the Executive Director, People, Communications and Engagement
- approved by the SEMPHN Board of Directors

This policy will be reviewed at least every two years to ensure it remains consistent with all relevant legislative requirements and accommodates changes within SEMPHN.

Procedures/Forms/Templates/Checklists

- N/A

Legislative Frameworks and Standards

- Corporations Act 2001 (Cth) (including Part 9.4AAA "Protection for Whistleblowers);
- Taxation Administration Act 1953 (Cth)
- National Anti-Corruption Commission Act 2022 and
- [other associated regulations and/or instruments.](#)

References

- ACNC Whistleblower Protections
- ASIC Regulatory Guide 270 Whistleblower policies

Appendices

- Appendix A: Quick Reference Guide

Protected Disclosure (Whistleblower) Policy

Amendment History

Version	Details of change	Amended by	Date
1.0	New policy approved by CEO	Russell Kennedy Lawyers	July 2019
d2.0	Incorporated into new template. Structured according to type of disclosure Added some missing info about external disclosures.	Lyn Yeowart, Lynx Writing	23/08/19
2.0	DRAFT_ General amendments as part of SEMPHN's review cycle	Russell Kennedy Lawyers	October 2021
2.1	Updated titles, and other minor changes in accordance with ACNC guide on whistleblower protections	Risk and Quality Assurance Team	December 2023
2.2	Updated with more detail on how to make and manage anonymous reports, and responding to reports about the CEO, Board chair and Board of Directors.	ED – PCES, 6 Feb25	Board approved 19 Feb25
2.3	Minor grammar changes and reordering of content	ED-PCES, and Director P&C, 09 Jan26	Board Approved 11 March 2026

Appendix A: Quick Reference Guide to different types of disclosures

This quick reference guide summarises the main differences between the different types of disclosures. It is not comprehensive and should be used as a guide only.

Area of distinction	Corporations Act Disclosures	Victorian Public Interest Disclosures	Federal Public Interest Disclosures
Definition of Disclosable Conduct	Serious misconduct Offences against specified acts and regulations Offences punishable by imprisonment of 12 months or more Conduct that represents a danger to the public or the financial system	Conduct undertaken by SEMPHN or a SEMPHN officer relating to, or in the performance of a public function on behalf of the state , that affects the performance of those public functions, is corrupt, a substantial mismanagement of state public resources, puts at risk public health or safety or the environment, or is criminal.	Conduct relating to the provision of goods or services to or on behalf of the Commonwealth that contravenes a law, is corrupt, abuses public trust or an official's position, prevents justice, is a waste of federal public funds, endangers lives or health and safety, is a disciplinary matter,
Reporting options	Internal and/or external. Internal to eligible recipient. External to ASIC or other relevant government authority.	External only. Discloser should seek legal advice. Report to IBAC.	Internal or external. Internal to supervisor or WPO. External to Ombudsman, investigative agency with power to investigate (e.g. relevant Commonwealth department, Federal Police).
Investigation conducted by	Internal by WIO (may conduct a preliminary review first), with or without external help. External by recipient of disclosure.	External investigation undertaken by IBAC.	Internal: WPO assesses disclosure and notifies relevant agency. External by recipient of disclosure.