

Whistleblower Protection

Disclosure Procedures

Commonwealth Regime

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**Sustainable
Timber
Tasmania**

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1. Purpose of these procedures

Sustainable Timber Tasmania is committed to conducting business ethically, impartially and transparently, and in a manner that manages conflicts of interest.

Sustainable Timber Tasmania (**STT**) is committed to complying with its whistleblowing obligations under the *Corporations Act 2001* (Cth) (the **Act**) and the *Tax Administration Act 1953* (Cth) (the **Tax Act**) and is required to have this whistleblowing procedure.

STT also has a Public Interest Disclosure Procedure as required under the *Public Interest Disclosures Act 2002* (Tas) which applies to disclosures by eligible whistleblowers of improper conduct or detrimental action by members, officers or employees of STT.

Sustainable Timber Tasmania:

- recognises the value of transparency and accountability in its administrative and management practices;
- supports the making of disclosures that reveal the types of improper or corrupt conduct to which the Act is directed, such as professional misconduct, illegal or unlawful conduct or behaviour that constitutes a danger to the environment or public safety;
- will take all reasonable steps to protect people who make such a disclosure from any detrimental action in reprisal for making the disclosure, and to protect their welfare;
- will take all reasonable steps to maintain the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process, and to protect their welfare;
- gives full support to a person where an allegation is clearly wrong or unsubstantiated; and
- will afford full support and natural justice to all parties involved in the investigation of a disclosure.

A whistleblower will qualify for protection under the Act if they are an eligible whistleblower as described in this clause, and the whistleblower has made a disclosure of information relating to a disclosable matter (as described in Clause 2) directly to a recipient (as described in Clause 3.1).

An eligible whistleblower is an individual who is, or has been, any of the following in relation to STT:

- 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 STT (whether paid or unpaid), including their employees (e.g. current and former contractors, consultants, service providers and business partners);
- c) an associate of STT; or
- d) a relative, dependant or spouse of an individual referred to above in (a)-(c) (e.g. relatives, dependants or spouse of current and former employees, contractors, consultants, service providers, suppliers, and business partners).

Please also see Clause 9.1 for eligible whistleblowers under the Tax Act.

These procedures set out how:

- whistleblowers can make disclosures about improper conduct or reprisal action;
- disclosures are assessed;



- disclosures are investigated; and
- STT protects disclosers and affords procedural fairness to those being investigated.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance procedures within the organisation where appropriate, such as the following:

- Forestry Tasmania Enterprise Agreement No. 5 of 2021;
- Whistleblower and Public Interest Disclosure Policy; and
- Sustainable Timber Tasmania Employee Code of Conduct.

2. Disclosable matters

A disclosure must be a disclosable matter to qualify for protection under the Act. Please also see Clause 9.3 for disclosures qualifying for protection under the Tax Act.

2.1 Disclosable matter requirements

Disclosable matters under the Act involve information:

- a) that the whistleblower has reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances, in relation to STT, or a related body corporate of STT; and
- b) without limiting Clause 2.1(a), the whistleblower has reasonable grounds to suspect that the information indicates STT or its related body corporate (including their employees or officers) have engaged in conduct that:
 - (i) constitutes an offence against, or a contravention of, a provision of any of the following:
 - A. the Act;
 - B. the *Australian Securities and Investments Commission Act 2001*;
 - C. the *Banking Act 1959*;
 - D. the *Financial Sector (Collection of Data) Act 2001*;
 - E. the *Insurance Act 1973*;
 - F. the *Life Insurance Act 1995*;
 - G. the *National Consumer Credit Protection Act 2009*;
 - H. the *Superannuation Industry (Supervision) Act 1993*;
 - I. an instrument made under an Act referred to in Clauses 2.1(b)(i)(A)– 2.1(b)(i)(H);
- c) constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- d) represents a danger to the public or the financial system; or
- e) is prescribed by regulation.

The term “reasonable grounds to suspect” is based on the objective reasonableness of the reasons for the discloser’s suspicion. A mere allegation without supporting information is not likely to be considered as having “reasonable grounds to suspect”, however, a discloser does not need to prove their allegations.

The term “misconduct” is defined in Section 9 of the Act and includes fraud, negligence, default, breach of trust and breach of duty.



Disclosable matters may relate to significant risk to public safety or the stability of, or confidence in, the financial system and do not have to involve breach a law.

A whistleblower can still qualify for protection where the whistleblower's disclosure turns out to be incorrect, however STT discourages deliberate false reporting.

2.2 Examples of disclosable matters

Disclosable matters include:

- (a) illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- (b) offering or accepting a bribe;
- (c) fraud, money laundering or misappropriation of funds;
- (d) financial irregularities; or
- (e) failure to comply with, or breach of, legal or regulatory requirements.

2.3 Matters that are not disclosable matters

Disclosable matters do not include disclosures solely relating to personal work-related grievances.

Personal work-related grievances are those that relate to the whistleblower's current or former employment and have, or tend to have, implications for the whistleblower personally, but do not:

- (a) have any other significant implications for the entity (or another entity); or
- (b) related to any conduct, or alleged conduct, about a disclosable matter as set out in Clause 2.1.

For example:

- (a) an interpersonal conflict between the whistleblower and another employee;
- (b) a decision that does not involve a breach of workplace laws;
- (c) a decision about the engagement, transfer or promotion of the whistleblower;
- (d) a decision about the terms and conditions of engagement of the whistleblower; or
- (e) a decision to suspend or terminate the engagement of the whistleblower, or otherwise to discipline the whistleblower.

A personal work-related grievance may still qualify for protection if:

- (a) it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed reporting);
- (b) STT has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure related to information that suggests misconduct beyond the whistleblower's person circumstances;
- (c) the whistleblower suffers from or is threatened with detriment for making a disclosure; or
- (d) the whistleblower seeks legal advice or legal representation about the operation of the whistleblower protections under the Act.

If your matter is not a disclosable matter, please consult STT's Code of Conduct and other policies and procedures that are not covered by the procedure as your matter may be covered under other legislation, such as the *air Work Act 2006* (Cth).



3. Who can receive a disclosure?

3.1 Recipients

To qualify for protection under the Act, a whistleblower needs to make a disclosure directly to:

- (a) an eligible recipient (as described in Clause 3.2);
- (b) a legal practitioner (for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Act, even if the advice concludes the disclosure is not a disclosable matter);
- (c) Australian Securities and Investments Commission (ASIC), Australian Prudential regulation Authority (APRA) or another Commonwealth body prescribed by regulation;
- (d) A journalist or parliamentarian provided the disclosure is a public interest disclosure or emergency disclosure (as further described in Clause 3.3).

A disclosure may be made internally within STT or externally. STT encourages whistleblowers to disclose to STT in the first instance.

An independent legal adviser should be consulted before making a public interest disclosure or an emergency disclosure under the Act. It is important to understand the criteria for making a public interest or emergency disclosure as described in Clause 3.3. A disclosure must have previously been made to ASIC, APRA or a prescribed body and written notice provide to the body to which the disclosure was made. In the case of a public interest disclosure, at least 90 days must have passed since the previous disclosure.

For more whistleblowing information from ASIC, refer to: How ASIC handles whistleblower reports Information Sheet 239 - <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/how-asic-handles-whistleblower-reports/>

Please also see Clause 9.2 for eligible recipients under the Tax Act.

3.2 Eligible Recipients

An eligible recipient includes within STT:

- a) an officer (i.e. a director or company secretary) or senior manager of STT or a related body corporate of STT;
- b) the internal or external auditor (including a member of an audit team conducting an audit) or actuary of STT;
- c) the external person authorised by STT to receive disclosures as described in Clause 4.2.

A senior manager is senior executive within an entity, other than a director or company secretary, who:

- a) makes or participates in making decisions that affect the whole, or a substantial part, of the business of the entity; or
- b) has the capacity to significantly affect the entity's financial standing.

3.3 Public interest disclosure and emergency disclosures

- a) A public interest disclosure is the disclosure of information to a journalist or a parliamentarian, where:
 - (i) at least 90 days have passed since the whistleblower made the disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation;



- (ii) the whistleblower does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure;
- (iii) the whistleblower has reasonable grounds to believe that making a further disclosure of the information is in the public interest; and
- (iv) before making the public interest disclosure, the whistleblower has given written notice to the body to which the previous disclosure was made that:
 - A. includes sufficient information to identify the previous disclosure; and
 - B. states that the whistleblower intends to make a public interest disclosure.
- b) An emergency disclosure is the disclosure of information to a journalist or parliamentarian, where:
 - (v) the whistleblower has previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation;
 - (vi) the whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
 - (vii) before making the emergency disclosure, the whistleblower has given written notice to the body to which the previous disclosure was made that:
 - (A) includes sufficient information to identify the previous disclosure; and
 - (B) states that the whistleblower intends to make an emergency disclosure; and
 - (viii) the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

4. How to make a disclosure

A disclosure may be made internally or externally.

4.1 Internal disclosure

A disclosure (including anonymous disclosures) can be made confidentially in person, through post or via email to:

- The Chief Executive Officer;
- All General Managers;
- People and Culture Manager;
- Senior Business Partner Risk and Compliance; or
- Disclosures@sttas.com.au.

Disclosures made internally to an eligible recipient will be reported to the STT Board for information purposes. This reporting must not compromise the identity of the person making the disclosure.

A disclosure that relates to the Chief Executive Officer or a director/secretary of STT should be disclosed to the recipients identified at Clauses 3.1(b), 3.1(c) and 3.1(d) (and not to an eligible recipient within STT).

Where a whistleblower is concerned about approaching the above officers in the workplace, the whistleblower can call the relevant officer and request a meeting in a discreet location away from the workplace.



4.2 External disclosure

Disclosures may be made externally to STT's Internal Auditor at:

Deloitte Australia

Level 8, 22 Elizabeth Street

HOBART TAS 7000

Phone: 03 6237 7027

Or to STT's External Auditor at:

Tasmanian Audit Office

Level 8, 144 Macquarie Street, Hobart TAS 7000 | GPO Box 851, Hobart TAS 7001

Phone: (03) 6173 0900

admin@audit.tas.gov.au

4.2 Anonymous disclosures

A disclosure may be made anonymously and be protected by the Act. A whistleblower can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. A whistleblower can refuse to answer questions that could reveal a whistleblower's identity at any time, including during follow-up conversations. If a whistleblower wishes to remain anonymous a whistleblower should maintain ongoing two-way communication with STT, so STT can ask follow-up questions or provide feedback.

STT takes the measures and mechanisms for protecting anonymity as set out in Clause 6.1. If a whistleblower wishes to obtain additional information, a whistleblower can contact one of the people outlined in Clause 5.1 or an independent legal adviser.

5. Legal protections for whistleblowers

The following protections apply to eligible whistleblowers who make a disclosure regarding a disclosable matter covered by the Act and apply not only to internal disclosures, but to disclosures to legal practitioners, regulatory and other external bodies, and public interest and emergency disclosures that are made in accordance with the Act.

Please also see Clause 9.3 for further information about protection of whistleblowers under the Tax Act.

5.1 Identity protection (confidentiality)

It is illegal for a person to identify a whistleblower, or disclose information that is likely to lead to a whistleblower's identification (which they have obtained directly or indirectly because the whistleblower made a disclosure that qualifies for protection) unless a person discloses the identity of the discloser to:

- a) ASIC, APRA, or a member of the Australian Federal Police;
- b) a legal practitioner (for the purposes of obtaining legal advice or legal representation about the whistleblower provision in the Act);



- c) a person or body prescribed by regulations; or
- d) with a whistleblower's consent a person can disclose the information contained in a disclosure with or without the whistleblower's consent if:
 - (i) the information does not include the whistleblower's identity;
 - (ii) STT has taken all reasonable steps to reduce the risk that the whistleblower will be identified from the information; and
 - (iii) It is reasonably necessary for investigating the issues raised in the disclosure.

A complaint to STT can be lodged by notifying the officer's detailed in Section 4.1 of this procedure, or a regulator, such as ASIC, APRA or the Australian Tax Office (ATO) about a breach of confidentiality.

5.2 Protection from detrimental acts or omissions

A person cannot:

- a) engage in conduct that causes detriment to a whistleblower (or another person), in relation to a disclosure, if:
 - (i) the person believes or suspects that a whistleblower (or another person) made, may have made, proposes to make or could make a disclosure that qualifies for protection; and
 - (ii) the belief or suspicion is the reason, or part of the reason, for the conduct; and
- b) make a threat to cause detriment to a whistleblower (or another person) in relation to a disclosure.

A threat may be express or implied, or conditional or unconditional. A whistleblower (or another person) who has been threatened in relation to a disclosure does not have to actually fear that the threat will be carried out.

Detriment includes (without limitation) any of the following:

- 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; or
- j) any other damage to a person. but does not include:
- k) administrative action that is reasonable for the purpose of protecting a whistleblower from detriment (e.g. moving a whistleblower who has made a disclosure about their immediate work area to another office to prevent them from detriment); and
- l) managing a whistleblower's unsatisfactory work performance, if the action is in line with the entity's performance management framework.

5.3 Civil, criminal and administrative liability protection

A whistleblower is protected from the following in relation to a whistleblower's disclosure:

- a) civil liability (e.g. any legal action against a whistleblower for breach of an employment contract, duty of confidentiality or another contractual obligation);



- b) criminal liability (e.g. attempted prosecution of a whistleblower for unlawfully releasing information, or other use of the disclosure against a whistleblower in a prosecution (other than for making a false disclosure); and
- c) administrative liability (e.g. disciplinary action for making the disclosure).

The protections do not grant immunity for any misconduct a whistleblower has engaged in that is revealed in a whistleblower's disclosure.

6. Support and practical protection for whistleblowers

6.1 Measures to protect a whistleblower's identity

STT has the following measures to protect the confidentiality of a whistleblower's identity:

- a) all personal information or reference to the whistleblower witnessing an event will be redacted;
- b) the whistleblower will be referred to in a gender-neutral context;
- c) where possible, the whistleblower will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them;
- d) disclosures will be handled and investigated by qualified staff;
- e) all paper and electronic documents and other materials relating to disclosures will be stored securely;
- f) access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure; and
- g) only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a whistleblower's identity (subject to the whistleblower's consent) or information that is likely to lead to the identification of the whistleblower.

Please note, in practice, people may be able to guess the whistleblower's identity if:

- a) the whistleblower has previously mentioned to other people that they are considering making a disclosure;
- b) the whistleblower is one of a very small number of people with access to the information; or
- c) the disclosure relates to information that a whistleblower has previously been told privately and in confidence.

6.2 Measures to protect the whistleblower from detrimental acts or omissions

STT has the following measures to protect a whistleblower from detriment:

- a) processes for assessing the risk of detriment against a whistleblower and other persons (e.g. other staff who might be suspected to have made a disclosure), which will commence as soon as possible after receiving a disclosure;



- b) support services (including counselling or other professional or legal services) are available to whistleblowers;
- c) strategies to help a whistleblower minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation;
- d) actions for protecting a whistleblower from risk of detriment (such as, where practicable allowing the whistleblower to perform their duties from another location, reassigning the whistleblower to another role at the same level, make other modifications to the whistleblower's workplace or the way they perform their work duties, or reassign or relocate other staff involved in the disclosable matter); and
- e) processes for ensuring that management are aware of their responsibilities to maintain the confidentiality of a disclosure, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a whistleblower.

Whistleblowers should seek independent legal advice or contact regulatory bodies, such as ASIC, APRA or the ATO, if they believe they have suffered detriment.

7. Handling and investigating a disclosure

7.1 Handling a disclosure

Upon receipt of a disclosure, STT will need to assess each disclosure to determine whether:

- a) it qualifies for protection; and
- b) a formal, in-depth investigation is required.

STT will endeavour to assess a disclosure within 7 business days noting that the assessment period may vary depending on the nature of the disclosure.

7.2 Investigation

If STT determines that it will need to investigate a disclosure, STT will need to determine:

- a) the nature and scope of the investigation;
- b) the person(s) within and/or outside STT that should lead the investigation;
- c) the nature of any technical, financial or legal advice that may be required to support the investigation; and
- d) the timeframe for the investigation.

The Chief Executive Officer or Company Secretary will appoint an investigator to investigate the matter. An investigator may be a person from within STT or a consultant engaged for that purpose.

STT may not be able to undertake an investigation if it is not able to contact the whistleblower (e.g. if a disclosure is made anonymously and the whistleblower has refused to provide, or has not provided, a means of contacting them).

7.3 Keeping a whistleblower informed

The whistleblower will be provided with regular updates if the whistleblower can be contacted (including through anonymous channels). The frequency and timeframe may vary depending on the nature of the disclosure.



7.4 Documentation, reporting and communication

The method for documenting and reporting the findings will depend on the nature of the disclosure. The findings from an investigation will be documented and reported to the Board. The whistleblower will receive a detailed summary of the outcome at the end of the investigation.

There may be circumstances where it may not be appropriate to provide details of the outcome to the whistleblower.

A whistleblower may lodge a complaint with a regulator, such as ASIC, APRA or the ATO, if they are not satisfied with the outcome of STT's investigation.

8. Ensuring Fair Treatment of individuals mentioned in a disclosure

STT has the following measures in place to ensure fair treatment.

- a) disclosures will be handled confidentially when it is practical and appropriate in the circumstances;
- b) each disclosure will be assessed and may be the subject of an investigation;
- c) the objective of an investigation is to determine whether there is enough evidence to substantiate;
- d) when an investigation needs to be undertaken, the process will be objective, fair and independent;
- e) an employee who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and prior to any actions being taken - for example, if the disclosure will be the subject of an investigation; and
- f) an employee who is the subject of a disclosure may contact STT's support services which are available, including STT's Employee Assistance Program through Converge International.

STT may determine the most appropriate time to inform the individual who is the subject of a disclosure about the investigation, provided that STT informs the individual before making any adverse finding against them.

9. Tax Act – Whistleblower protections

STT is required to notify you that there are protections provided in the tax whistleblower regime under part IVD of the Tax Act.

9.1 Eligible Whistleblowers – who can make a disclosure

An individual is an eligible whistleblower under the Tax Act if the individual is or has been:

- a) an officer (within the meaning of the Act) of STT;
- b) an employee of STT;
- c) an individual who supplies services or goods to STT (whether paid or unpaid);



- d) an employee of a person that supplies services or goods to STT (whether paid or unpaid);
- e) an individual who is an associate (within the meaning of Section 318 of the *Income Tax Assessment Act 1936*) of STT;
- f) a spouse, dependant or child of an individual of Clauses 9.1(a) to 9.1(e).

9.2 Eligible recipients – who can receive a disclosure

An eligible recipient under the Tax Act is:

- a) an auditor, or a member of an audit team conducting an audit, of STT;
- b) a registered tax agent or BAS agent (within the meaning of the *Tax Agent Services Act 2009*) who provides tax agent services (within the meaning of that Act) or BAS services (within the meaning of that Act) to STT;
- c) a person authorised by STT to receive disclosures that may qualify for protection as described in Clauses 3.2(a) and 3.2(b);
- d) a person or body prescribed;
- e) a director, secretary or senior manager (within the meaning of the Act) of STT; or
- f) any other employee or officer (within the meaning of the Act) of STT who has functions or duties that relate to the tax affairs of STT.

A disclosure made to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the whistleblowing part of the Tax Act qualifies for protection under the Tax Act.

A whistleblower can make a disclosure to the ATO and qualify for protection.

9.3 Disclosures qualifying for protection

To qualify for protection under the tax whistleblower regime, the eligible whistleblower must have reasonable grounds to suspect that the information indicates misconduct or an improper state of affairs or circumstances in relation to tax affairs of STT. The eligible whistleblower may assist the eligible recipient to perform its functions or duties in relation to those tax affairs.

For further information, see this link: <https://www.ato.gov.au/general/gen/whistleblowers/>

This link contains information about legal protections including identity protection, civil, criminal and administrative liability protection, detrimental conduct protection and compensation and other remedies available under the Tax Act.

10. Ensuring the policy and procedure are easily accessible

STT's Whistleblower and Public Interest Disclosure Policy and this Procedure are available on STT's internal intranet and external website.

STT will also make the Policy and this procedure available through staff induction, training and compliance sessions.

STT will review the Policy and this procedure from time to time.





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