1. PURPOSE

The Australian and New Zealand College of Anaesthetists (ANZCA) is committed to best practice in corporate governance, compliance and ethical behaviour generally.

Council recognises that any genuine commitment to detecting and preventing illegal and other undesirable conduct must include as a fundamental cornerstone, a mechanism whereby employees and others can report their concerns freely and without fear of repercussion. This policy provides such a mechanism, and encourages the reporting of such conduct.

This policy is consistent with the Australian Standard AS8004-2003 Whistleblower Protection Programs for entities and the whistleblower provisions of the Corporations Act, Part 9.4AAA. Reference is also made to the Whistleblowers Protection Act (2001).

This policy forms an integral part of ANZCA’s risk management strategies and will contribute to a culture of awareness and application, at all levels in ANZCA, of measures required to combat illegal, unethical or undesirable practices. It does not replace existing reporting structures in place for discrimination, harassment, bullying, grievances or other dispute resolution mechanisms unless these processes have failed to suitably address legitimate concerns.

Managers will ensure that all contractors working for their areas of responsibility are aware of ANZCA’s Whistleblower Policy. The Policy should be incorporated into contracts and Contractors’ employees need to be made aware of their responsibilities.

2. INTRODUCTION

ANZCA regards and treats misconduct of any type seriously. All ANZCA Councillors, volunteers and personnel (comprising staff, agency staff and contractors), in Australia and New Zealand are responsible for ensuring that their conduct and behaviour meets the standards set in the ANZCA Code of Conduct (staff) and ANZCA Code of Professional Conduct (Fellows/trainees).  

ANZCA is committed to the following aims and objectives of this policy and:

- Expects the highest standards of integrity.
- Does not tolerate improper conduct by its employees or appointees.
• Does not tolerate the taking of reprisals against those who come forward to disclose such conduct.
• Recognises the value of transparency and accountability in its administrative and management practices.
• Supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.
• Will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure.
• Will afford natural justice to the person who is the subject of the disclosure.

3. BODY OF POLICY

3.1. Definitions

3.1.1 For the purposes of this policy, **whistleblowing** is defined as the reporting in good faith by an individual of reportable conduct that is within the College’s ability to control.

3.1.2 **Reportable conduct** is defined as:
• Dishonest, corrupt, illegal or fraudulent conduct.
• Unethical or immoral behaviour.
• Legal or regulatory non compliance.
• A substantial mismanagement of ANZCA resources.
• Damaging behaviour to the reputation of the College.
• Unsafe work practices.
• Serious breaches of the ANZCA Code of Conduct, ANZCA Code of Professional Conduct or other form of serious impropriety.

that would if proven, constitute:
• A criminal offence.
• Reasonable grounds for dismissing the services of personnel engaged in the conduct.
• Reasonable grounds for disciplinary action.

3.1.3 For the purposes of this policy, **whistleblower** is defined as any employee, Councillor, contractor, or employee of a contractor who attempts to make or wishes to make a report in connection with reportable conduct under this policy and avail themselves of the protections offered by this policy.

3.1.4 The role of the Whistleblower Protection Officer (WPO) is generally to safeguard the interest of the whistleblower in terms of this policy.

The role of WPO will be filled by the Deputy Chief Executive Officer and the Executive General Manager.

3.1.5 The Whistleblower Investigation Officer (WIO) is defined as the person responsible for the investigation of the substance of the complaint to determine whether there is evidence in support of the matters raised. This person will be appointed by the WPO.
3.2. Reporting under this policy

3.2.1 Normal reporting channels (staff)
In the first instance, the whistleblower is encouraged to follow normal reporting channels as outlined in the Complaint’s Policy and General Grievance Policy and discuss with their immediate supervisor/manager. This should allow the matter to be discussed, clarified where necessary and appropriate action determined. In these circumstances, the manager must ensure that the matter is kept confidential and only escalated or promulgated in accordance with this policy. Unless the matter is agreed between the parties to be of a trivial nature or an incident has been misconstrued by the reporter, the manager is bound to take further action as deemed appropriate including reporting the matter to the Whistleblower Protection Officers (WPO).

3.2.2 Whistleblowing reporting channels (staff)
If the nature of the matter means that it is not appropriate for it to be reported through normal channels, or if the whistleblower does not feel comfortable in doing so, or if it has previously been reported in this way but the whistleblower believes no appropriate action has been taken, the whistleblower can contact the Whistleblowers Protection Officer (WPO) directly to discuss and file a report or email corporateresources@anzca.edu.au

3.2.3 Whistleblowing reporting channels (non staff)
Contact the Whistleblowers Protection Officer (WPO) directly to discuss and file a report or email corporateresources@anzca.edu.au

3.3. What happens once a call is made?

All reports of reportable conduct will be the subject of a thorough investigation with the objective of locating evidence that either substantiates or refutes the claims made by the whistleblower. Such investigations will be conducted by the Whistleblower Investigations Officer, who will follow best practice in investigations and be fair and independent.

The rules of natural justice will be observed in the investigation will be conducted without bias and any person against whom an allegation is made will be given the opportunity to respond. The Whistleblower Investigation Officer may engage external professionals to assist in any investigation process.

3.4. Communication with the whistleblower

Where possible and assuming the identity of the whistleblower is known, the whistleblower will be kept informed of the outcome of the investigation of his or her report, subject to privacy and confidentiality considerations. All whistleblowers must maintain confidentiality of all such reports, and not disclose the same to any person.
3.5. Whistleblower anonymity

If requested the identity of the whistleblower will be kept confidential. Any commitment of confidentiality is subject to the requirements of the law which may require disclosure of the identity of the whistleblower in legal proceedings.

Information obtained from a whistleblower will only be disclosed to the extent necessary to conduct an investigation into the matter, and to the extent set out in the reporting paragraph 3.8 below, if the whistleblower consents to the disclosure, or as may be required by law.

Unauthorized disclosure of information other than in accordance with this policy may be the subject of disciplinary proceedings, including dismissal.

Where it is not possible to maintain the anonymity of the whistleblower, the whistleblower may request of the WIO that an alternative means of protection such as a relocation or leave of absence be provided. Any such requests will be considered in good faith by ANZCA and will be actioned with the assistance of the WPO.

3.6. Protection of whistleblowers

Whistleblowers who report matters in good faith, and provided he or she has not been involved in the conduct reported, will not be penalised or personally disadvantaged because they have reported a matter, by any of the following:

- Dismissal.
- Demotion.
- Any form of harassment.
- Discrimination.
- Bias.

A whistleblower who believes he or she, or his or her family, has been the victim of any of the above by reason of their status as a whistleblower, should immediately report the same to the WPO.

Any employee or manager who is found to have dismissed, demoted, harassed, or discriminated against a whistleblower by reason of their status as a whistleblower, may be subjected to disciplinary measures, including summary dismissal.

A whistleblower who has been involved in the reported conduct may still be provided with immunity from ANZCA initiated disciplinary proceedings, by agreement with ANZCA. ANZCA however has no power to provide immunity from criminal prosecution.

3.7. Whistleblowers not acting in good faith or falsely reporting.

Where it is established by the WIO that the whistleblower is not acting in good faith, or he or she has made a false report of reportable conduct, then he or she will be subjected to disciplinary proceedings, including dismissal.

Whilst not intending to at all discourage whistleblowers from reporting matters of genuine concern, it is strongly suggested whistleblowers ensure as far as possible that reports are factually accurate, complete, from first hand knowledge, presented in an unbiased fashion (and any possible perception of bias of the whistleblower is disclosed), and without material omission.
3.8. Reporting

The WIO and the WPO will both report their findings and actions directly to the CEO and to FARM. In cases where the CEO, WIO, WPO or a member of one of the Committees has been accused of reportable conduct, or where he or she has a close personal relationship with the person against whom the accusation is made, he or she will be excluded from the reporting process.

4. CONCERNS OR COMMENTS

If you have any concerns about the College’s handling of whistleblowers please contact the Executive General Manager, Corporate Resources on +61 3 8517 5353 or via corporateresources@anzca.edu.au. Requests must be in writing and resolution of concerns will be sought as promptly as possible.

5. CHANGES TO ANZCA WHISTLEBLOWER POLICY

The College may modify or amend this policy at any time. Formal notice of amendments will not ordinarily be given, but the latest version of the policy can be accessed via the College website http://www.anzca.edu.au/resources/corporate-policies.

6. RELATED DOCUMENTS

- ANZCA Whistleblowers Procedure.
- ANZCA Fraud and Fraudulent Conduct Reporting Procedure.
- ANZCA Finance Risks and Controls of Misconduct Procedure.
- ANZCA Cardholder information Policy.
- ANZCA Risk Management Plan.
- ANZCA IT Security Policy.
- ANZCA Code of Conduct Policy.
- ANZCA Discipline and Termination Policy.
- ANZCA Privacy Policy.
- ANZCA Conflict of Interest Policy.
- Policy on Bullying, Discrimination and Harassment for Fellows and Trainees Acting on behalf of the College or Undertaking College Functions.

• Australian Standard on Whistleblower Protection Programs for entities (AS8004-2003).

• Australian Standard on Fraud and Corruption Control (AS8001-2003).


• Internal Finance Audit and Risk Management Committee Terms of Reference Guidelines.

• Australian Standard in Risk Management (AS/NZS ISO 31000:2009).

• Crimes Act 1958.


New Zealand

• Protected Disclosures Act 2000.

• Human Rights Act 1993.

7. CHANGE CONTROL REGISTER

<table>
<thead>
<tr>
<th>Version</th>
<th>Author</th>
<th>Approved by</th>
<th>Approval Date</th>
<th>Sections Modified</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>EGM Corporate Resources</td>
<td>Council</td>
<td>18/8/2012</td>
<td>Initial Release</td>
</tr>
<tr>
<td>1.1</td>
<td>Policy</td>
<td>CEO</td>
<td>Mar 11, 2014</td>
<td>Copyright statement added</td>
</tr>
</tbody>
</table>

© Copyright 2014 – Australia and New Zealand College of Anaesthetists. All rights reserved.

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission from ANZCA. Requests and inquiries concerning reproduction and rights should be addressed to the Chief Executive Officer, Australian and New Zealand College of Anaesthetists, 630 St Kilda Road, Melbourne, Victoria 3004, Australia. Website: www.anzca.edu.au Email: ceoanzca@anzca.edu.au