




---

## Whistleblower Policy

<b>Purpose</b>	This Policy is designed to promote integrity and accountability within CLC, facilitate and encourage the making of Public Interest Disclosures, ensure any CLC employees or eligible disclosers who make public interest disclosure are supported and protected from adverse consequences relating to the disclosures, and ensure disclosures are properly investigated and dealt with.
<b>Scope</b>	This policy applies to all Central Land Council (CLC) employees, including former employees, contractors, consultants, Council members and other officials.
<b>Related Documents</b>	<ul style="list-style-type: none"><li>• Employee Code of Conduct</li><li>• Code of Conduct for Council Members</li><li>• Fraud and Corruption Policy</li><li>• Public Governance, Performance and Accountability Act 2013 (Cth)</li></ul>
<b>eDIS reference</b>	D24-34064
<b>Procedure/Policy Owner</b>	General Manager Professional Services
<b>Authorising Manager</b>	Chief Executive Officer : Les Turner
<b>Signature</b>	
<b>Effective Date:</b>	05 June 2024
<b>Version</b>	1





---

## Contents

1. Background .....	3
2. Aims .....	3
3. Purpose .....	3
4. Scope.....	4
5. Advice and Location of this Policy .....	5
6. What is a Public Interest Disclosure .....	5
7. What to Report under this Policy?.....	6
8. How to make a disclosure under this Policy .....	8
9. Investigation .....	12
10. Protections and support for reporter .....	14
11. Penalties for breaching or detrimental conduct.....	15
12. Legal Protections .....	15
13. Monitoring and review of this Policy.....	16
ANNEXURE A – Requirements for Public Interest disclosures other than Internal disclosures .....	17
ANNEXURE B – CLC PID procedures.....	19



## 1. Background

- 1.1 The Central Land Council (“CLC”) is a Corporate Commonwealth entity under the provisions of the Public Governance, Performance and Accountability Act 2013 (Cth) (“PGPA Act”).
- 1.2 CLC receives funding from the Aboriginals Benefit Account (“ABA”), to which the Commonwealth contributes based on the value of royalties generated from mining on Aboriginal land in the Northern Territory. These monies are used to fund CLC’s corporate operations that support the decisions of the elected Council delegates for the benefit of Aboriginal people in the region administered by CLC.
- 1.3 CLC therefore has an obligation, and it is mandated by the PGPA Act, to ensure that effective governance systems are in place to ensure that the funding it receives is used appropriately. Having such systems in place also protects CLC’s financial viability and reputation.
- 1.4 Further, as a Corporate Commonwealth entity, CLC is also bound to comply with the “Fraud Rule” of the Commonwealth Fraud Control Framework 2017. The Fraud Rule, among other things, mandates that the accountable authority of a Corporate Commonwealth Entity must take all reasonable measures to prevent, detect and deal with fraud relating to the entity, including by having an appropriate mechanism for detecting incidents of fraud or suspected fraud, including a process for officials of the entity and other persons to report suspected fraud confidentially.

---

## 2. Aims

This policy aims to:

- Minimise the risk of illegal, corrupt, or other improper conduct
- Create an environment of transparency
- Protect and support those who make disclosures of misconduct, and
- Provide a reporting and investigation process

---

## 3. Purpose

- 3.1 CLC is therefore acutely aware of its governance obligations and is committed to the highest standards of legal and ethical behaviour.
- 3.2 CLC recognises that any misconduct in its corporate operations is likely to be first identified by its employees.

---

Title: Whistleblower Policy

Responsibility: General Manager Professional Services

Version: 1.0

Page 3

*Electronic version on the intranet is the controlled version. Printed copies are ‘uncontrolled’ - check it is the current version.*



- 3.3 The principles upon which this policy is implemented are transparency, a culture that encourages employees and other eligible disclosers to speak up about misconduct, and care and support for disclosers and individuals the subject of reports of disclosable conduct.
- 3.4 Therefore, in line with these principles and in accordance with the objectives of the *Public Interest Disclosure Act 2013* (Cth) (“PID Act”), the purpose of this policy is to:
- a. promote integrity and accountability within CLC; and
  - b. encourage and facilitate the making of public interest disclosures by CLC employees and other eligible disclosers; and
  - c. ensure that any CLC employees or other eligible disclosers who make public interest disclosures are supported and are protected from adverse consequences relating to the disclosures; and
  - d. ensure that disclosures by CLC employees and other eligible disclosers are properly investigated and dealt with.

---

## 4. Scope

- 4.1 In this Policy, an ‘eligible discloser’ is any person who is considered a ‘public official’ for the purposes of the PID Act. This includes all CLC employees.
- 4.2 This Policy applies to:
- a. Council delegates and officers of CLC;
  - b. Current and former employees of all levels and employment status, including permanent, part-time, fixed term or temporary, interns, secondees, and cadets;
  - c. Suppliers of services or goods to CLC including their employees (e.g. current and former contractors, consultants, service providers and business partners);
  - d. Any business associates;
  - e. A relative, dependent or spouse of any of the above (who will generally not be considered an ‘eligible discloser’); and
  - f. Any other eligible discloser.



---

## 5. Advice and Location of this Policy

5.1 This Policy will be available to all staff via the Intranet and to all others via the CLC website. References to this Policy will progressively be included in associated policies. For advice or general information about this Policy please contact the Manager, Strategy and Performance, who also performs the role of Public Interest Officer (“PID Officer”), or the Human Resources Manager.

---

## 6. What is a Public Interest Disclosure

6.1 Under the PID Act, there are several categories of Public Interest Disclosures, being:

- a. Internal Disclosures
- b. External Disclosures
- c. Emergency Disclosures
- d. Legal Practitioner Disclosures.

6.2 An Internal Public Interest Disclosure is the type of disclosure most relevant to CLC employees and other eligible disclosers, such as Council delegates.

### Internal Disclosure

An Internal Public Interest Disclosure is a disclosure of information where:

- a. it is made by a person who is, or has been an employee of CLC (or other eligible discloser), and
- b. the recipient of the information, in the case of an Internal disclosure, is an Authorised Internal Recipient, or a supervisor of the discloser, and
- c. the information disclosed tends to show, or the discloser believes on reasonable grounds that the information tends to show, one or more instances of disclosable conduct.

6.3 Detailed information about the requirements associated with making the other types of Public Interest Disclosures is provided at **Annexure A**.



---

## 7. What to Report under this Policy?

### Disclosable conduct

7.1 The following sections explain the term 'disclosable conduct' as it is used in the PID Act and in this Policy.

7.2 Disclosable conduct is conduct engaged in by CLC, by an employee or delegate of CLC in connection with his or her position as an or delegate employee, or by a contracted service provider for a Commonwealth contract, in connection with entering into, or giving effect to that contract, and includes:

- a. Contravention of a law of the Commonwealth, a State or a Territory;
- b. Fraud and corruption;
- c. Perverting or attempting to pervert the course of justice;
- d. Conduct that results in a wastage of public funds or property;
- e. Maladministration, including conduct that is based upon improper motives, is unreasonable, unjust or oppressive, or is negligent;
- f. Conduct that is an abuse of public trust or a delegate or employee's position;
- g. Conduct that results in the wastage of public money or property;
- h. Conduct that unreasonably results in a danger to the health or safety of one or more persons, or unreasonably results in, or increases, a risk or danger to the health and safety of one or more persons;
- i. Conduct that results in a danger to the environment, or results in or increases, a risk of danger to the environment.

7.3 However, personal work-related conduct is generally not disclosable conduct. Personal work-related conduct is action taken that has personal implications for a CLC employee or delegate, is related to that person's appointment, employment, or exercise of functions and powers. Some examples of personal work-related conduct are bullying, harassment, decisions about promotions, disciplinary action, performance management, and termination of employment.

7.4 Personal work-related conduct only becomes disclosable conduct if it is:

- a. a reprisal for making an eligible disclosure, or
- b. has significant implications for the CLC such as undermining public confidence in the CLC.

7.5 If a single disclosure relates to both disclosable conduct and personal work-related conduct, it is still treated as disclosable conduct.



Concerns covered by other policies and procedures

7.6 Concerns that relate solely to personal work-related grievances are more appropriately dealt with under the CLC Grievance Handling Policy and are NOT covered by this Policy. Examples of a personal work-related grievance include:

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

7.7 This Policy also does not cover reporting of concerns and issues that fall within CLC employees' ordinary duties, such as routine reporting of an incident relating to Work Health and Safety.

7.8 However, sometimes a single report of disclosable conduct can include information about multiple types of wrongdoing, some within the scope of this Policy and some outside of scope. Where this occurs, the PID Officer will consider their obligations under the PID Act and may disseminate information unrelated to the disclosable conduct to the relevant Department/Business unit for attention.



## 8. How to make a disclosure under this Policy

8.1 If you witness or have information about disclosable conduct at CLC, we want you to feel safe in reporting it. For a range of reasons, an individual may feel more comfortable reporting misconduct in a particular way. For this reason, we have provided a range of ways in which you can confidentially report your concerns to an Authorised Internal Recipient.

8.2 You can report your concerns confidentially via email, letter, telephone (anonymously, if required) or in person inside or outside of business hours.

### Authorised Internal Recipients

8.3 The CLC’s preferred process for making a disclosure is set out in **Annexure B – CLC PID Procedures**. However, you have a right to report eligible disclosures to:

Authorised Internal Recipients		
<b>Name:</b>	Mr Lesley Turner	Ms Janelle Trotman
<b>Position:</b>	CEO and Principal Officer	S & P Manager / PID Officer
<b>Phone:</b>	08 8951 6201	08 8951 0501
<b>Email:</b>	<a href="mailto:CEO.PID@clc.org.au">CEO.PID@clc.org.au</a>	<a href="mailto:pid.officer@clc.org.au">pid.officer@clc.org.au</a>

8.4 Your immediate supervisor is also an Authorised Internal Recipient of reports of disclosable conduct. Where the disclosable conduct does not relate to your immediate supervisor, we encourage you to report any concerns to them. They will then be responsible for ensuring that the disclosure information received is then confidentially provided to the PID Officer who will assess the information and refer the disclosure for investigation, if warranted.

8.5 Supervisors who receive disclosure information must:

- Inform the discloser that it could be treated as an Internal Disclosure under the PID Act and this policy;
- Explain the procedure by which an Internal Disclosure will be given to the PID Officer and investigated;
- Explain the protections provided by the PID Act to disclosers; and
- As soon as reasonably practicable, give the disclosure information to the CEO or PID Officer.





8.6 We have also engaged the services of a third-party provider of independent whistleblower complaint management services, PKF Integrity. If you would feel more comfortable confidentially reporting your concerns to an independent party, you can do so by using the following:

**Toll free number:** 1800 840 924

**Website:** [www.pkftalkintegrity.com/?clc](http://www.pkftalkintegrity.com/?clc)

**Dedicated email address:** [clcwhistleblower@pkf.com.au](mailto:clcwhistleblower@pkf.com.au)

#### Reporting to the Ombudsman

8.7 CLC encourages you to make a disclosure to CLC via the above channels in the first instance as we have procedures in place to effectively deal with any reports of disclosable conduct. However, you are also able to report disclosable conduct to the Commonwealth Ombudsman via their website - <https://www.ombudsman.gov.au/>

8.8 If your report of misconduct relates to an Authorised Internal Recipient and this creates a conflict with the above reporting channels, alternate recipients to whom you can make your report are provided at **Annexure B – CLC PID procedures**.

#### How much information should be reported?

8.9 You should provide as much specific detail in your report as you can, including:

- The discloser's name and contact details (unless you wish to remain anonymous, which you are entitled to do);
- The nature of the disclosable conduct;
- Who is believed to have committed the disclosable conduct;
- When and where the disclosable conduct occurred;
- Relevant circumstances and events surrounding the issue;
- If you have already taken action of some sort in response to the disclosable conduct;
- Others who may know about the disclosable conduct and may have allowed it to continue;
- Names of any people who witnessed what happened or who may be able to verify the allegation;
- Concerns about possible reprisals as a result of making the disclosure; and
- What supporting information or documents is available.



### False Reports

8.10 When reporting disclosable conduct, you should have reasonable grounds to believe a person's conduct amounts to disclosable conduct. You do not have to have firm evidence relating to the concern, but your belief must be reasonable in the circumstances. In the event that a reported concern is subsequently found not to be substantiated, you will not be subjected to any adverse action. However, it is a serious breach of this Policy to knowingly make a false report of disclosable conduct against another person. This can lead to significant emotional harm to the person against whom a false allegation is made. As such, if it is established that a knowingly false report has been made, disciplinary action will be taken, up to and including dismissal.

### Anonymous reports

8.11 If you make a report of disclosable conduct, it is our preference that you provide your contact details so that we can make any necessary follow-up enquiries with you. However, you may choose to report your concerns anonymously (you do not have to give your name to anyone). However, if we cannot contact you at all, we will not be able to:

- ask for further information, which may inhibit a proper and appropriate inquiry or investigation into your report; or
- provide you with feedback on the progress or outcome of your report.

8.12 If you choose to remain anonymous, we would prefer that you make your disclosure via:

- email to a CLC Authorised Internal Recipient so that we can respond to your email; or
- the Whistleblower Hotline. This enables you and PKF Integrity to maintain ongoing communications via a web-based message board thereby maintaining your anonymity.

CLC will use our best endeavours to assess anonymous reports, but if we cannot contact you for further information it may limit our ability to properly assess or investigate the matter.

### Confidentiality

8.13 We will treat your identity and all concerns raised by you under this Policy as confidential. This means that the recipient of your concerns cannot disclose your identity or any information in your disclosure that is likely to identify you unless:

- we have your consent; or
- they are disclosing it to the Ombudsman.



8.14 However, a person can disclose the information contained in a report without your consent if:

- the information does not include your identity as the reporter;
- we have taken all reasonable steps to reduce the risk that the reporter will be identified from the information; or
- it is reasonably necessary for investigating the issues raised in the disclosure.

8.15 We will take all reasonable steps to reduce the risk that you will be identified as the one who made the report, including:

- training Authorised Internal Recipients of disclosures about how to maintain confidentiality;
- removing as much identifying information as possible when your disclosure is provided to an investigator, or escalated to the Audit and Risk Committee; and
- keeping all disclosure records secure in a secure location with access restricted to nominated personnel of the Directorate and HR Departments only.

What will happen to my concern once I report it?

8.16 Once you have made a report of disclosable conduct, the Authorised Internal Recipient of your report will confidentially pass on the information in your report to the PID Officer who will assess it to determine:

- if it falls within this Policy or is more appropriately dealt with by another policy or procedure;
- if an investigation is required and, if so, who will investigate it; and
- whether there are any risks to you, or your identity being revealed and how to mitigate these risks to ensure you are protected.

8.17 If your report relates to disclosable conduct by a person listed as an Authorised Internal Recipient, please make your report to an Authorised Internal Recipient who is not implicated in your disclosure. Please refer **Annexure B – CLC PID procedures**.

8.18 If you make the report via the Whistleblower Hotline, a qualified PKF investigator will:

- pass on the information concerned in your report to the PID Officer;
- give you a unique identifying number to enable you to provide further information or seek a status update in relation to your report; and
- not provide your identifying information to CLC unless you have provided your consent to do so.



## 9. Investigation

- 9.1 All reports will be taken seriously and carefully assessed. The action to be taken after the information is assessed will be determined by the PID Officer.
- 9.2 In many cases this may result in a disclosure being referred to the Ombudsman, who may agree to undertake the investigation, or refer the matter back to CLC to investigate. Depending on the matter reported, a CLC investigation may be undertaken internally or by a third party. All investigations must be carried out and reported on in accordance with the *Public Interest Disclosure Standard 2013* (Cth) and the PID Act.
- 9.3 Generally, the PID Officer will not be the investigating officer but will instead collaborate with relevant stakeholders (HR, Legal, Finance, outsourced investigator, etc) to obtain the required knowledge of the complaint and determine an appropriate investigative process or other course of action.
- 9.4 In addition to taking the above steps, CLC employees are required to refer disclosures involving serious or systemic corrupt conduct to the National Anti-Corruption Commissioner (“NACC”). Whether or not such a referral occurs, the PID Officer must continue their work on the disclosure, unless a stop action direction is issued by the NACC.
- 9.5 The PID Officer must keep written records of the following:
- Decisions to allocate a disclosure to an agency, including the name of the agency, the consultation with or consent of that agency, and the reasons for the decision;
  - Decisions not to allocate a disclosure to any agency, including the reasons for the decision;
  - Details of any stop action direction under the *National Anti-Corruption Commission Act 2022* (Cth);
  - Whether all notices (or copies of notices) required to be given to a discloser under the PID Act were given to the discloser (and if not, why not), the date and time and method by which each notice was given to the discloser, the matters included in the notice, and (for a stop action direction only) whether or not the CEO considers it is reasonably practicable or appropriate for the discloser to be a given of that notice.
- 9.6 The PID Officer role is authorised by the CEO and this Policy to operate independently of CLC management in carrying out functions under this Policy (see further **Annexure B – CLC PID procedures**).
- 9.7 If the PID Officer requires legal advice in relation to any aspect of their role, the PID Officer is to request that the Principal Legal Officer make arrangements for that legal advice to be provided. However, the PID Officer must not disclose any specifics of the nature of the advice that will be sought (beyond it being related to the PID Act) without first obtaining the explicit consent of the Principal Legal Officer. This is because, in most circumstances, the Principal Legal Officer, as



primary legal advisor to the CLC, will establish an information barrier and arrange for an alternate internal or external legal advisor to give advice to the PID Officer.

What will I know about the investigation?

9.8 We will maintain regular communications with an eligible discloser and aim to provide updates about the progress of any investigation every two weeks until the investigation is completed.

9.9 We will provide you with an appropriate level of detail taking into consideration the confidentiality of the investigation and the privacy of other staff.

Fair Treatment

9.10 Investigations will be conducted in a fair and objective manner in accordance with the principles of natural justice and CLC's usual investigation procedure. The exact process, extent of the investigation activities and timeframes may vary depending on the nature and complexity of the disclosable conduct, but all investigations must be:

- conducted by someone independent from the business unit and staff concerned;
- commenced as soon as practicable after approval to proceed is given by the PID Officer; and
- completed within 90 days unless an extension is granted by the Ombudsman.

9.11 If you are the subject of a report of disclosable conduct, we will support and treat you fairly by ensuring:

- a fair and objective assessment of the concern;
- details of the reported disclosable conduct are only provided to those who need to know, e.g. investigator, or specific senior management personnel;
- a fair and independent investigation process in accordance with an established investigation procedure; and
- Where an allegation appears to be made out on the evidence, afford you the opportunity to respond to the allegation.

9.12 CLC recognises that being the subject of allegations may be stressful. Staff will have access to the CLC Employee Assistance Program, and you should talk to the investigator about any support that you need.



---

## 10. Protections and support for reporter

- 10.1 We are committed to providing our employees, contractors, suppliers, and others with an environment in which they can safely raise concerns about misconduct.
- 10.2 We will take all reasonable steps to protect those who report, including assessing the risks to you as a reporter and developing an appropriate support plan.
- 10.3 We will not tolerate anyone taking adverse or detrimental action against anyone for reporting disclosable conduct under this Policy and will take disciplinary action against anyone who does.
- 10.4 Detrimental action includes:
- termination of your employment;
  - change of your employment position or duties to your disadvantage;
  - discrimination between you and other employees of the same employer;
  - harassment or intimidation;
  - harm or injury, including psychological harm;
  - damage to your property, reputation, business, or financial position.
- 10.5 If you have been involved or implicated in any misconduct which you have reported under this Policy, we may take that into consideration when considering an appropriate sanction to be applied to you for that misconduct. However, reporting under this Policy will not give you immunity from disciplinary action or from regulatory or criminal actions.



---

## 11. Penalties for breaching or detrimental conduct

11.1 It is a criminal offence and a breach of this Policy if anyone:

- discloses the identity, or information that may lead to the identification, of a person who has made a report, other than in accordance with this Policy (see Section 7) or
- Threatens or engages in conduct that causes any detriment to a person who has made or could make a report under this Policy because of their report or intention to report.

11.2 CLC takes its obligations to support the disclosure of disclosable conduct very seriously, and as such will take disciplinary action, up to and including dismissal, against any staff member who performs the actions set out in the preceding paragraph. CLC may also be liable for the actions of its staff if those actions occur.

11.3 If you have made a report and believe that:

- your confidentiality has been breached; or
- you have suffered or been threatened with retaliatory or detrimental action for making a report;

Please report your concerns to the PID Officer so the action can be taken to protect you from the detrimental action. You can also report such conduct to the Ombudsman.

---

## 12. Legal Protections

12.1 In addition to the protections we provide to those who make reports under this Policy, there are also strong protections under law.

### Protection under Public Interest Disclosure Act

12.2 The PID Act affords protection to those who report disclosable conduct (including anonymously) if they:

- are a public official (as summarised at paragraph 4.1 above);
- have reasonable grounds to believe that the conduct they are reporting is disclosable conduct as described at Section 7 above (reports solely about personal work-related grievances will not attract the protections of the PID Act); and



- make the disclosure to:
  - a. a person designated to receive a report under Section 8 of this Policy;
  - b. a legal practitioner for the purpose of obtaining legal advice or representation in relation to the operation of the statutory protections under the PID Act;
  - c. the Ombudsman.

12.3 The protections available under the PID Act to an individual who meets the requirements above, include:

- the right to have their identity protected;
- the right to be protected from detrimental action or any form of victimisation;
- a requirement for CLC to take reasonable steps to reduce the risk that the person who makes the report will be identified as part of any investigation process conducted under this Policy;
- the right not to be required to disclose their identity before any court or tribunal;
- the right to compensation and other remedies for any reprisal; and
- the right to be protected from civil, criminal, or administrative liability (including disciplinary action) from making the disclosure or from contractual or other remedies on the basis of the disclosure, and
- the right to be protected from the admissibility of the information provided in evidence against the person in each case in accordance with the provisions of that legislation.

---

## 13. Monitoring and review of this Policy

13.1 This Policy will be reviewed annually by the Directorate Department and updated if necessary.

13.2 The S&P Manager / PID Officer will provide a report to the Minister regarding Public Interest Disclosures and monitor and report on the effectiveness of this Policy to the Audit Committee. Serious matters raised under this Policy will be notified to the CEO and Audit Committee, as appropriate.





---

## ANNEXURE A – Requirements for Public Interest disclosures other than Internal disclosures

In addition to Internal Public Interest Disclosures, there are several other types of Public Interest Disclosures. The requirements to be met for each before legal protections apply, are summarised below, but eligible disclosers should carefully check the requirements of the PID Act.

### External disclosures

An external disclosure can be made, to any person (other than a foreign public official), but only if:

- a) The information tends to show, or the discloser believes on reasonable grounds that the information tends to show one or more instances of disclosable conduct;
- b) The discloser has previously made an internal disclosure that consisted of, or included, the information now disclosed;
- c) A disclosure investigation was conducted (under Part 3 of the PID Act) in relation to the conduct being the subject of the internal disclosure and the discloser believes on reasonable grounds that the investigation, or the response to the investigation, was inadequate;
- d) A disclosure investigation was conducted in relation to the internal disclosure was conducted (whether or not under Part 3 of the PID Act) and the discloser believes on reasonable grounds that the response to the inadequate was inadequate;
- e) A disclosure investigation was required to be conducted but was not completed within the required time limit (usually 90 days unless an extension is provided by the Commonwealth Ombudsman).
- f) The disclosure is not, on balance, contrary to the public interest;
- g) No more information is publicly disclosed that is reasonably necessary to identify one or more instances of disclosable conduct;
- h) The information does not consist of, or include intelligence information.

### Emergency disclosures

An emergency disclosure can be made to any person (other than a foreign public official), where:

- (a) The discloser believes, on reasonable grounds that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the environment.
- (b) The extent of the information disclosed is no greater than is necessary to alert the recipient to



the substantial and imminent danger;

- (c) If the discloser has not made an internal disclosure of the same information, there are exceptional circumstances justifying why you did not make an internal disclosure;
- (d) If the discloser has previously made an internal disclosure of the same information, there are exceptional circumstances justifying this disclosure being made before a disclosure investigation of the internal disclosure is completed;
- (e) The information does not consist of, or include intelligence information.

#### **Legal practitioner disclosure**

The recipient of the disclosure is an Australian legal practitioner, and:

- (a) The disclosure is made for the purpose of obtaining legal advice, or professional assistance, from the recipient in relation to the discloser having made, or proposing to make, a public interest disclosure.
- (b) If the discloser knew, or ought reasonably to have known, that any of the information has a national security or other protective security classification, the recipient holds the appropriate level of security clearance.
- (c) The information does not consist of or include intelligence information.

It is important that you understand the requirements for making any of the above public interest disclosures. If in doubt, and to ensure you are protected by law, you should seek independent legal advice before making an external or emergency public interest disclosure.



---

## ANNEXURE B – CLC PID procedures

1. This procedure is to be read in conjunction with the CLC Whistleblower Policy.
2. The following steps apply to disclosures of misconduct made to the CLC Public Interest Disclosure Officer (“PID Officer”), or any other Authorised Recipient.

---

### Escalation processes

3. The CLC Manager, Strategy and Performance, who is also the CLC PID Officer, can be contacted in person or by:
  - a. Phone: 08 8951 0501
  - b. Email: [pid.officer@clc.org.au](mailto:pid.officer@clc.org.au)
4. Where a disclosure relates to the CEO, General Managers, managers or supervisors, then the disclosure should be made to:
  - a. The PKF Whistleblower hotline (refer to policy for reporting channels); or
  - b. PID Officer; or the
  - c. Chair of the CLC Audit & Risk Committee, Bruce Walker AM by:
    - i. Phone: 0418 812 119
    - ii. Email: [catbww@ozemail.com.au](mailto:catbww@ozemail.com.au)
5. Where a disclosure relates to the Chair of the CLC Audit Committee or another Audit Committee Member, then the disclosure should be made to:
  - a. The PKF Whistleblower hotline; or
  - b. PID Officer; or the
  - c. CEO by:
    - i. Email: [CEO.PID@clc.org.au](mailto:CEO.PID@clc.org.au)
    - ii. Phone: 08 8951 6201; or
  - d. A third party such as the Commonwealth Ombudsman.



---

## Roles and responsibilities

### Public Interest Disclosure Officer

6. The role and responsibilities of the CLC PID Officer have been designed to ensure appropriate separation from CLC management. The person undertaking the role of PID Officer should have the appropriate background, experience and skill set to manage the defined roles and responsibilities, as outlined below.
7. Wherever possible, the PID Officer must operate independent of management when carrying out functions as PID Officer.
8. If the PID Officer receives a disclosure that implicates a person in their reporting line that is senior to them (other than the CEO, Chair of the Audit Committee or another Audit Committee member), then to manage any potential conflict of interest, the PID Officer should report the disclosure to either the CEO, the Chair of the Audit Committee or another Audit Committee member. The PID Officer (providing there is not a conflict of interest – see below for further details if this occurs) should work with the appropriate senior officer and any outsourced provider/s (if required) to manage the disclosure and progress it to an appropriate resolution.
9. The PID Officer will also be responsible for:
  - Assessing the risk of detriment or adverse action to the discloser and / or other implicated individuals
  - Working with other key stakeholders at CLC (and the PKF Whistleblower hotline) to assess the disclosure to determine the type of disclosable conduct involved and the most effective course of action. Where possible, the approach should be collaborative but on a “need to know” basis to ensure confidentiality is maintained
  - Ensuring appropriate resources and suitably qualified individuals (internal or external) are engaged to conduct any investigation (if required)
  - Managing the resolution of the disclosure, ensuring appropriate and secure communication to key internal stakeholders
  - Considering the legal implications of disclosures of misconduct including, where appropriate, the need to undertake investigations under the protection of legal professional privilege or the requirement to notify the relevant regulator
  - Advising the whistleblower that they can report their matter to a third party such as the Commonwealth Ombudsman.

### CEO, Chair or member of the CLC Audit & Risk Committee

10. If the CEO, Chair or member of the CLC Audit Committee or a Board member receives a whistleblower disclosure, they should work with the PID Officer and the outsourced provider (where

---

Title: Whistleblower Policy

Responsibility: General Manager Professional Services

Version: 1.0

Page 20

*Electronic version on the intranet is the controlled version. Printed copies are ‘uncontrolled’ - check it is the current version.*



necessary) to manage the disclosure and progress it to resolution. The steps would follow those outlined above for the PID Officer role.

11. If the disclosure is about the PID Officer or presents a conflict of interest for the PID Officer, then the senior officer that has received the complaint will work with the outsourced provider (if necessary) to manage the disclosure and progress it to resolution. (Further considerations for the senior officer are outlined below.)

#### **Outsourced provider**

12. In most circumstances, any disclosure received by the PKF Whistleblower hotline will be provided to the PID Officer.
13. However, where a disclosure implicates the PID Officer, then the PKF Whistleblower hotline should provide the disclosure to the parties outlined in the escalation processes above.
14. Where a whistleblowing disclosure is made to the PKF Whistleblower hotline, the CEO, PID Officer, Chair or other member of the Audit Committee should work with the PKF Whistleblower hotline to assess and mitigate any risks that may be apparent from the details contained in the disclosure, such as but not limited to:
  - legal and/or reputational risks in respect of how the disclosure is to be handled
  - excessive time taken to appropriately resolving the disclosure
  - lack of skilled and experienced internal resources to effectively investigate the disclosure
  - the complexity of the subject matter of the disclosure which is related to the availability of appropriately skilled and experienced internal resources
  - confidentiality concerns associated with internally managing the disclosure
  - the seniority of the person who is the subject of the disclosure
  - actual or perceived conflicts of interest on the part of CLC employees managing the disclosure.