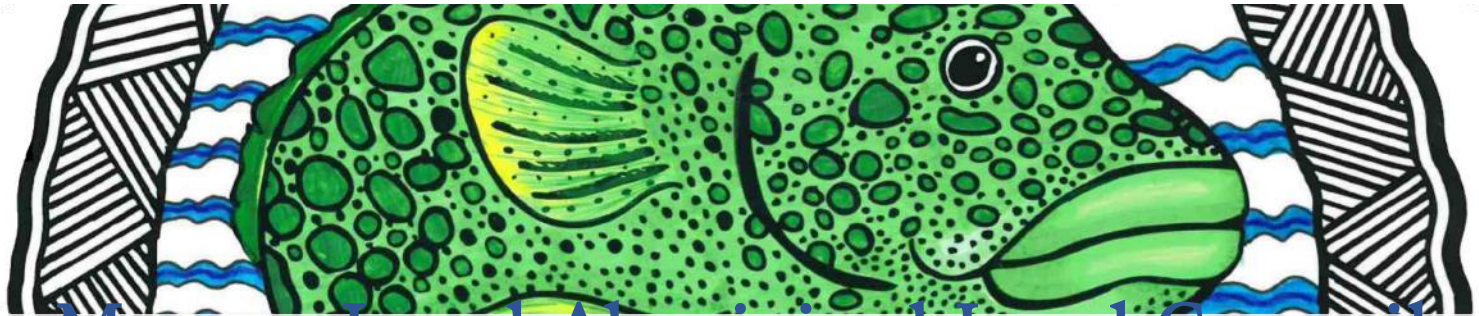




Moama Local Aboriginal Land Council

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Public Interest Disclosure – PID (Whistle-Blower) Policy and Procedure

(PID 0140)

Purpose

Moama Local Aboriginal Land Council (Moama LALC) is committed to the highest standards of integrity, accountability, and transparency. This policy sets out how Moama LALC will manage Public Interest Disclosures (PIDs) in accordance with the Public Interest Disclosures Act 2022 (NSW) (PID Act).

This Policy covers malpractices and events which have taken place / are suspected to have taken place, misuse or abuse of authority, fraud or suspected fraud, violation of company rules, manipulations, negligence causing danger to public health and safety, misappropriation of monies, and other matters or activity of concern.

To qualify for protection under this Policy, a Whistle-blower:

- must disclose the information in good faith.
- must believe it to be substantially true.
- must not act maliciously or make false allegations.
- must not seek any personal gain.

Policy Statement

This policy supports the reporting of allegations of serious wrongdoing, misconduct, or an improper state of affairs within Moama LALC ("Reportable Conduct") by Whistle-blowers.

Moama LALC relies on Whistle-blowers to help maintain and grow its culture of honest and ethical behaviour.

Reportable Conduct

Examples of Reportable Conduct include:

- dishonest, corrupt, or illegal activities, including contravention of any law administered by the Australian Securities and Investments Commission or the Australian Prudential Regulation Authority.
- theft, fraud, money laundering or misappropriation.
- misconduct (including negligence, default, breach of trust and breach of duty) or an improper state of affairs.
- conduct that represents a danger to the public or financial system.
- a serious breach of Moama LALC's policies and procedures, including the Code of Conduct.
- offering or accepting a bribe.
- seriously inappropriate use of Moama LALC's resources.
- serious misuse of information.
- a criminal offence including damage/sabotage, violence, drug/alcohol sale or use.
- unsafe work practices with wilful disregard to the safety of others.

- unethical conduct.
- bullying, discrimination, harassment, or abuse (including in relation to children).
- victimising (or threatening to victimise) someone for reporting Reportable Conduct.
- recrimination against someone because they participated in an investigation or review.
- any instruction to cover up or attempt to cover up Reportable Conduct.

This policy extends to Reportable Conduct that occurs before or after the commencement of this policy and is not limited to the above examples.

Exclusions

This policy does not apply to a disclosure to the extent that the disclosure:

- concerns a personal work-related grievance of the Whistle-blower; and
- does not concern a contravention, or alleged contravention, of the applicable law that involves detriment caused to the Whistle-blower or a threat made to the Whistle-blower.

Some examples of grievances that may be personal work-related grievances include:

- an interpersonal conflict between the Whistle-blower and another employee.
- a decision relating to the engagement, transfer, or promotion of the Whistle-blower.
- a decision relating to the terms and conditions of engagement of the Whistle-blower.
- a decision to suspend or terminate the engagement of the Whistle-blower, or otherwise to discipline the Whistle-blower.

If a personal work-related grievance is part of a pattern or systemic problem, it can be considered Reportable Conduct.

Protections Available to Whistle-blowers

A Whistle-blower who makes a report (or is considering making a report) in accordance with this policy (known as a "Protected Disclosure") will not be discriminated against or disadvantaged in their employment or engagement with Moama LALC, even if the report is subsequently determined to be incorrect or not substantiated.

- Whistle-blowers do not need to prove their allegation(s).
- All reasonable steps will be taken to ensure that the Whistle-blower will not be subject to victimisation, discrimination, harassment, demotion, dismissal, threats, prejudice, or any other unfavourable treatment because they made a report (or considered making a report).
- Actual detriment and threatening to cause detriment are against the law and subject to large personal and corporate penalties.
- However, this policy will not protect the Whistle-blower if they are found to have engaged in serious misconduct or illegal conduct in relation to the Reportable Conduct.

Confidentiality: All disclosures will be treated confidentially and, where permitted by law, a Whistle-blower's identity will not be disclosed without their consent. Reports may be made anonymously.

Making a Report

A Protected Disclosure may be made using the reporting channels outlined below. The availability of each channel depends on whether the Whistle-blower is internal or external to Moama LALC.

Reporting Internally (for employees)

Internal Whistle-blowers may use any of the following channels of communication to make a report:

- verbally or in writing to a Whistle-blower Protection Officer.
- verbally or in writing to the CEO or Administration HR Representative.
- by contacting the Independent Whistleblowing Service, if for any reason the Whistle-blower does not feel that they are able to use the internal channels.
- Enforcement Conduct Commission (LECC), Privacy Commissioner, or other integrity agencies where appropriate.

At any time, an employee who is unsure about whether to make a Protected Disclosure will be entitled to discuss the matter in confidence with a Workplace Representative or another Eligible Recipient under the Corporations Act.

If a Whistle-blower does not formally make a Protected Disclosure, Moama LALC may still be compelled to act on the information provided if that information reasonably suggests Reportable Conduct has occurred or may occur.

Where the Whistle-blower believes that Moama LALC's internal processes are inappropriate because:

- the alleged Reportable Conduct involves a Whistle-blower Protection Officer or an executive member of Moama LALC; or
- the Whistle-blower considers that the matter should not be referred to a Whistle-blower Protection Officer,

then the Whistle-blower may make that report to the Board Chairperson or use the Independent Whistleblowing Service.

Handling of Reports

- All reports will be assessed promptly and, where appropriate, investigated in a fair, thorough, and timely manner.
- The investigation process will vary depending on the nature of the disclosure.
- Outcomes of investigations will be reported to the Board or other relevant authority, while maintaining confidentiality.

Record Keeping

- All reports, investigation notes, and outcomes will be securely recorded and retained in accordance with Moama LALC's record management policies.
- Access will be restricted to authorised personnel only.

Approved by: Board of Moama LALC

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