



Murray Irrigation

Murray Irrigation Whistleblowing Procedure

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1 Document Revision Summary

Rev No	Rev Date	Section Revised	Revision Description	Prepared by	Checked by	Approved by
0	26/06/2018	Adopted	First Release	Megan Quirk	Angela Hussey	Suni Campbell

1.1 Approval Record

Name	Title	Signature	Date
Suni Campbell	Whistleblowing Procedure		

2 Purpose

The purpose of this document is to detail our company’s commitment to ensuring all team members and shareholders are aware of their rights and responsibilities when reporting misconduct via our Whistleblowing service.

3 Scope

The Whistleblowing Policy applies to all staff of Murray Irrigation (including full time, part time and casual employees) and all persons who perform work for, or associated with Murray Irrigation, including Directors, contractors, consultants and volunteers of Murray Irrigation (collectively referred to as ‘staff’ in this policy) and shareholders.

4 Roles and Responsibilities

Roles	Responsibilities
Your Call	<p>Murray Irrigation has contracted Your Call Whistleblowing Solutions (“Your Call”) to receive and manage reports of misconduct with impartiality and confidentially.</p> <p>This service gives you the option to:</p> <ul style="list-style-type: none"> • remain completely anonymous; • identify yourself to Your Call only; or • identify yourself to both Your Call and Murray Irrigation.
Staff	<p>All staff have a responsibility to:</p> <ul style="list-style-type: none"> • remain alert to, and report known or suspected, misconduct in the workplace in accordance with the Whistleblower Policy & Procedure; • act in a way that limits, prevents or stops unlawful or inappropriate conduct; • refrain from any activity that is or could be perceived to be victimisation; • support, protect and maintain the confidentiality of a Whistleblower they know or suspect to have reported a misconduct; • adhere to the Murray Irrigation Code of Conduct at all times.

Whistleblower	Anyone who reports a whistleblower issue must do so with honesty and best intentions. All aspects of the allegation/s including: incident details, the identity of the Whistleblower, any witness/es and respondent/s must be kept confidential and only discussed with Your Call or when appropriate, a member of the Murray Irrigation Whistleblower Protection Team.
Murray Irrigation Whistleblower Protection Team (WPT)	<p>The Whistleblower Protection Team (WPT) is nominated by Murray Irrigation.</p> <p>Murray Irrigation WPT officers are:</p> <ul style="list-style-type: none"> • Suni Campbell - Executive General Manager Business Services; • Angela Hussey - People and Safety Manager; • Mark Wilson - Internal Audit & Risk Manager. <p>Their role is to liaise between Murray Irrigation and Your Call, coordinate all aspects of misconduct reports and ensure the welfare of all parties involved. This includes but not limited to:</p> <ul style="list-style-type: none"> • determination of the appropriate process for dealing with the report; • ensuring confidentiality; • appointments of, either internal or external investigators; • communications to the Whistleblower (through Your Call where anonymity has been sought and an external disclosure made) of the progress of the matter when permissible and appropriate; • safeguard the interests of the Whistleblower in terms of this Policy and any applicable legislation; • give support to protect Whistleblowers from victimisation; • advise the Whistleblower of any legislative or administrative protections available; • respond as appropriate and necessary to any concerns raised; • attend to the general welfare of Whistleblowers as required.

5 Definitions

Term	Definition
Whistleblower	A person who reports any kind of information or activity within an organisation that is deemed illegal, unethical, dishonest or improper.
Respondent/s	The person or persons who are the subject of the misconduct report.
Witness	<p>Someone who when requested to do so:</p> <ul style="list-style-type: none"> • gives information; or • provides documentation; or • otherwise provides assistance; <p>to Murray Irrigation, a Protected Disclosure Officer, a Murray Irrigation WPT officer or other official exercising a whistleblowing function.</p>
Misconduct	Misconduct is an act done with a wrongful, improper or unlawful intention. It is determined from the nature of the conduct and not from its consequences. Examples of misconduct are specified in the section " What should be reported. "
Protected Disclosure Coordinator	The Protected Disclosure Coordinator (PDC) is nominated by Your Call. They liaise between Murray Irrigation and the Whistleblower when an external disclosure has been made, and if appropriate and permissible inform the Whistleblower of the report progress and establish and manage a confidential record management system.
Protected Disclosure Officers	<p>The Protected Disclosure Officers (PDO) are nominated by Your Call. They:</p> <ul style="list-style-type: none"> • receive reports of misconduct made to Your Call; • impartially assess the information; • clarify information; • take steps to ensure the identity of the Whistleblower is kept confidential and anonymous; • provide the Whistleblower with access to the Your Call Message Board; • post questions and information on line for the attention of Murray Irrigation; and • forward reports of misconduct and supporting evidence to the PDC.

Your Call	Your Call Whistleblowing Solutions is the appointed online service provider for the taking of confidential complaints.
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6 Related Documents and Legislation

Description	Doc Reference
<i>Privacy Act 1988</i> (Cth)	https://www.oaic.gov.au/privacy-law/privacy-act/
<i>Corporations Act 2001</i> (Cth)	Part 9.4AAA - Protection for whistleblowers
Murray Irrigation Code of Conduct	POLI-03-08-01

7 Reporting

7.1 What should be reported.

If you have seen or suspect improper conduct, report it. Improper conduct includes but is not limited to:

- Dishonest, corrupt or illegal activities
- Theft, fraud or misappropriation;
- Breach of law;
- Damage/sabotage, violence, drug & alcohol sale/use;
- Risks to the health and safety of workers or members of the public;
- Inappropriate or unethical conduct;
- Misuse of information, company equipment and assets;
- Bullying, discrimination, harassment or other unacceptable behaviour;
- Breach of Murray Irrigation Code of Conduct, policies, procedures, terms and conditions of employment or the law;
- Victimising someone for reporting improper conduct;
- Victimising someone because they participated in an investigation or review;
- Causing substantial financial or non-financial loss or detriment to Murray Irrigation.

(collectively referred to as “Misconduct”)

7.2 How to report Misconduct

There are two ways to report misconduct.

7.2.1 Internal reporting process

The Whistleblower Policy and Procedure is designed to complement routine day-to-day reporting and communication channels between supervisors, managers and staff. The procedure does not replace or alter your first obligation which is to resolve matters quickly and internally where appropriate as documented in the Murray Irrigation [Code of Conduct](#).

The first contact should be your immediate manager/supervisor (unless you fear victimisation). If your manager needs support, they in turn will take the matter up with their immediate leader and so forth to have your matter sufficiently addressed.

Staff are encouraged to continue raising misconduct at any time with their supervisors, managers and/or HR department and are encouraged to make every attempt to report and resolve misconduct internally where possible and appropriate.

7.2.2 External reporting process

MIL encourages all reports via internal means, however an external reporting process is offered as an alternative.

If you are not comfortable or able to report misconduct internally, you may report it to our external and independent whistleblowing service provider. Murray Irrigation has contracted Your Call Whistleblowing Solutions (“Your Call”) to receive and manage your report with impartiality and confidentially.

This service gives you the option to:

- remain completely anonymous;
- identify yourself to Your Call only; or
- identify yourself to both Your Call and Murray Irrigation.

The Your Call reporting options include a 24/7 online reporting service <https://www.yourcall.com.au/report> or you can call on **1300 790 228** between 9am and 12am on recognised business days, AEST.

NB: If you need to contact Your Call via phone after hours (between 12am to 9am or on Public holidays and week ends) your call will be diverted to the company's message in where you will receive details on how you can contact Your Call online or leave a message asking for a call back.

When contacting Your Call, you will be required to enter the Murray Irrigation unique identifier code (**MIL2710**).

Your Call remains the intermediary always, receiving and forwarding communication between all parties. Only the nominated Murray Irrigation WPT officers (Sunni Campbell - Executive General Manager Business Services, Angela Hussey People and Safety Manager and Mark Wilson - Internal Audit & Risk Manager) will have access to Whistleblower reports within Murray Irrigation, unless you otherwise consent.

However, Your Call can circumvent any of the above officers upon your request.

After making a disclosure, you will be provided with a unique Disclosure Identification Number (DIN) and access to a secure online Message Board.

The Message Board allows ongoing anonymous communication with Your Call and/or Murray Irrigation. The board can be used to receive updates, share & securely upload any relevant documentation and/or material relevant to your disclosure and request support or report victimisation. If you cannot access the Message Board, you can contact Your Call via phone during office hours (above) for verbal updates.

National Relay Service

If you are deaf, or have a hearing or speech impairment, you can contact Your Call online or through the National Relay Service. Simply choose your contact method at www.relayservice.gov.au and request Your Call's hotline **1300 790 228**.

7.3 Consequences of making a false report/disclosure

Anyone who knowingly makes a false report/disclosure, or who otherwise fails to act in good faith in respect of the report may be subject to disciplinary action, including dismissal.

The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

7.4 Reports from Your Call

Once Your Call has received a Whistleblower report they will refer the matter, with a copy of any relevant documents or records provided to the nominated Murray Irrigation WPT officer within one business day.

Your Call may require further information from the Whistleblower to clarify the report, or to ensure the anonymity requested by the Whistleblower is not compromised before referring the matter to Murray Irrigation.

Murray Irrigation will carefully assess and use the information provided to decide the best action to take, including whether an investigation is required to address and determine if the misconduct is proven or refuted.

7.5 Proven Misconduct

If the misconduct is proven Murray Irrigation will decide what action to take including disciplinary action up to dismissal. The disciplinary action will depend on the severity, nature and circumstance of the misconduct.

8 Confidentiality and Privacy

Murray Irrigation and Your Call will ensure that all matters are treated in the strictest confidence. All reports and records will be stored securely (able to be accessed only by authorised staff) and your identity will not be disclosed by Your Call or Murray Irrigation unless:

- the Whistleblower or person making the report consents to the disclosure;
- the disclosure is required by law;
- the disclosure is necessary to prevent or lessen a serious threat to a person's health or safety; or
- it is necessary to protect or enforce the Murray Irrigation's legal rights or interests or to defend any claims.

Any unauthorised disclosure of the identity of the Whistleblower, or information from which the identity of the Whistleblower could be inferred, will be regarded as a disciplinary matter and will be dealt with in accordance with Murray Irrigation disciplinary procedures.

As a Whistleblower you may request Your Call to provide special protection measures if your identity is likely to be disclosed from the information in the report.

If you are reporting a breach of the Corporations Act Section 1317AE, Murray Irrigation encourages you to identify yourself so that you will qualify for protection under the law as a Whistleblower. If you disclose your identity, it becomes a “Protected Disclosure” once a report is made. That means your identity will remain confidential and, provided you have acted in good faith, you cannot be discriminated against or victimised or disadvantaged in your employment with Murray Irrigation. ([ref to 7.1 Disclosure Protected by the Corporations Act](#))

If you do not want to reveal your identity, you can still report anonymously.

8.1 Disclosure Protected by the Corporations Act

Under the Australian Corporations Act, the disclosure of information relating to misconduct qualifies for certain protections where:

- the disclosure is made by a Murray Irrigation staff member or officer, or a person who has a contract to supply goods or services to Murray Irrigation (or a staff member of a person who has a contract to supply goods or services to Murray Irrigation);
- the disclosure is made to the Australian Securities and Investments Commission (ASIC), Murray Irrigation's external auditor or a member of the internal audit team, a director, secretary or senior manager of Murray Irrigation or Your Call;
- the person making the disclosure provides his or her name prior to disclosing the information;
- the Murray Irrigation person has reasonable grounds to suspect that the misconduct relates to a breach of the Corporations Act in Australia; and
- the disclosure is made in good faith.

Where information is disclosed to Murray Irrigation person in accordance with this criteria, the person receiving the information may not tell anyone other than ASIC, the Australian Prudential Regulation Authority or the Australian Federal Police any of:

- the information disclosed;
- the identity of the person making the disclosure; or
- any information which will enable the identification of the person making the disclosure unless the Whistleblower consents to that disclosure.

Where victimisation occurs or is claimed to have occurred against a Whistleblower, the Whistleblower may appeal to the CEO, their delegate or an independent mediator or arbitrator appointed by the CEO or their delegate, if the matter cannot be resolved internally as per clause 9.1.

Where information is disclosed to Murray Irrigation in accordance with this criteria, the Whistleblower is not subject to any civil or criminal liability for making the disclosure and no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the Whistleblower on the basis of the disclosure.

9 Commitment to Whistleblowers

Murray Irrigation is committed to a workplace culture supportive of reporting misconduct.

9.1 Protection against victimisation

Murray Irrigation will thoroughly investigate any complaints of victimisation.

They will support and protect any person who intends to or actually reports a misconduct, acts as a witness or participates in any way with respect to the report of misconduct from any victimisation.

Anyone who believes they have suffered any form of victimisation or detriment by reason of the misconduct should immediately report the matter to Murray Irrigations WPT.

If proven, those who have victimised may be subject to management action including disciplinary action up to dismissal and/or legal penalties from the courts.

Any person who reports legitimate misconduct will not be personally disadvantaged by dismissal; demotion; discrimination; any form of harassment; or current or future bias, providing they are not implicated in the misconduct.

9.2 Whistleblower implicated in Misconduct

Murray Irrigation promotes a culture that encourages the reporting of misconduct and where appropriate will grant immunity to Whistleblowers from disciplinary proceedings..

However, a Whistleblower may not be protected if they are found to have been materially involved in the misconduct, or knowingly make a false disclosure.

If immunity is not granted to a Whistleblower who is implicated in the misconduct, the Chief Executive Officer or their delegate will determine whether disciplinary action, including dismissal should be taken.

9.3 Keeping the Whistleblower informed

The Murray Irrigation WPT will ensure a Whistleblower who has revealed their identity or whose identity is known to Murray Irrigation is kept informed of all action taken to protect them against any victimisation.

Your Call will maintain communication with the Whistleblower on behalf of Murray Irrigation where the Whistleblower's identity is only known by Your Call. Communications will be conducted via the Your Call message board.

Whistleblowers must keep all communications confidential.

10 Respondent/s

When Murray Irrigation receives a misconduct report, once reviewed, where practical and appropriate a member of the WPT will be in contact with all parties, including respondents.

Respondents will be provided with the particulars of the allegation/s made against them, given the opportunity to respond and to provide any information, material or documentation in support of their response/defence.

Respondents and witnesses can request to have either their legal or support person present during interviews.

10.1 Assistance

Murray Irrigation and Your Call accept that persons against whom a report of misconduct is made must also be supported and protected during the investigation and at all relevant times thereafter.

Murray Irrigation and Your Call will take all reasonable steps to ensure the confidentiality of the person/s being the subject of the report of misconduct. They will not disclose any information relating to the matter including the identity of any person/s being the subject of the misconduct unless it is legally required, or otherwise appropriate or necessary to do so.