

Speak Up (Whistleblower) Policy

Scope and definitions

This policy applies to Eligible Persons as defined in the Definitions and the Garvan Glossary of Definitions for policies.

It encompasses protections available under the Corporations Act and the Taxation Administration Act 1953 (Cth).

Policy

1. Eligible Person Disclosure

An Eligible Person, acting in good faith, with reasonable grounds to suspect that an activity or behaviour constitutes serious wrongdoing and/or could negatively impact the reputation of the Garvan Group are encouraged to make a Reportable Conduct disclosure.

The Reportable Conduct may have been undertaken by Garvan Staff, a supplier, contractor, consultant or an employee of a supplier, contractor or consultant, or other person who has business dealings with the Garvan Group.

2. Reportable Conduct Disclosure

Reportable Conduct includes activities or behaviours such as:

- conduct including fraud or theft, breach of trust, breach of duty of care;
- financial irregularities;
- failure to comply with, or breach of legal or regulatory requirements;
- corrupt, dishonest, unethical conduct; or
- conduct that creates an unsafe environment.

3. Matters which are Not Reportable Conduct

Disclosures that relate solely to personal work-related grievances are **excluded** from incidents or behaviour that can be reported under this policy.

Personal work-related grievances are matters which may include but are not limited to interpersonal conflicts, allegations of bullying or harassment, differences in point of view, changes in terms and conditions of engagement. These conflicts are managed via Garvan's Grievance & Dispute Resolution Policy and Procedure. If you are external to Garvan this can be accessed via peoplehelp@garvan.org.au or directly via the Chief People Officer.

While the whistleblower protections under this policy aren't available for a personal work-related grievance, you may have other employment law protections available to you. Contact the [Fair Work Ombudsman](#) or [Fair Work Commission](#) for information about workplace rights and obligations. However, if an Eligible Person is not eligible to report under that policy, they are able to report under this policy and will be directed to the Chief People Officer, unless there is a conflict identified in which case it will be directed to another appropriate member of Garvan's Leadership Team.

Research misconduct or fraud should be reported in accordance with the Research Governance Framework, unless there is a conflict identified in which case it will be directed to another appropriate member of Garvan's Leadership Team. However, if the Eligible Person prefers to report under this policy they are entitled to do so. Reports of research misconduct will be directed to the Director Research Services.

These matters may be subject to reporting if information is about misconduct that has or may have breached employment legislation, or the misconduct extends beyond the discloser's personal circumstances or the discloser suffers from detriment or threat of detriment.

4. Reportable Conduct Disclosure Procedure

4.1. Making a Disclosure

Eligible Persons are requested to use the Speak Up Portal (Portal) which is an online platform that can be accessed from garvan.whispli.com/speakup. The Portal is used to support the management of the information provided to support a claim and to assist with the subsequent assessment and any formal investigation.

The Portal is secure and supports an Eligible Person in providing all relevant information. It allows Eligible Persons to remain anonymous if they choose to be. All Eligible Persons will be offered protection under this policy when they make Reportable Conduct disclosures.

If an Eligible Person is unable to use the Speak Up Portal, a report can be made directly to the Speak Up Protection Officer. When reporting to the Speak Up Protection Officer the Eligible Person must inform the Speak Up Protection Officer that they wish to make a report under this Policy. Reports are to be made in person or via telephone and will be confirmed in writing.

The Speak Up Protection Officer's contact details are listed in [section 11](#).

Alternatively, should the Speak Up Protection Officer be party to the Reportable Conduct, an Eligible Person may make a report either in person or via telephone to a nominated Disclosure Officer. This report must be confirmed in writing. Contact details for the Disclosure Officers are listed in [section 11](#).

Any reports made to the Speak Up Protection Officer or to a Disclosure Officer will be entered into the Portal for monitoring, tracking and reporting.

If a disclosure is made to a staff member who is not a Disclosure Officer the discloser may not be afforded the protections rights under this policy. Misdirected disclosures should be forwarded immediately on a confidential basis to the Speak Up Protection Officer or another Disclosure Officer.

You will still receive protection under this policy even if the claims in your disclosure turn out not to be substantiated or incorrect. However, you should not make a disclosure where you know that the information is untrue.

4.2. Information to Disclose

When making a report (including if made anonymously), the Eligible Person should provide the following information:

- a. specific details regarding the type of wrongdoing eg if the conduct is related to financial irregularities, specify what type of irregularity;

- b. the names of the person(s) responsible for the wrongdoing;
- c. the facts forming the basis for the belief that a behaviour or issue resulting in wrongdoing has occurred; and
- d. the nature and whereabouts of any evidence that would substantiate the allegations if known.

Any evidence of wrongdoing or supporting documentation should be provided with the disclosure, wherever possible.

4.3. Anonymous Disclosure

A report can be made anonymously, however, there may be limitations to investigation processes and outcomes that can be achieved if the Eligible Person decides to remain anonymous. Anonymous disclosures will be reviewed although it is preferred that the Eligible Person gives their name as it assists in conducting the investigation and providing the necessary support.

If the Eligible Person elects to disclose their identity, Garvan will take all reasonable steps to protect their identity and will outline who will be advised of the identity if reasonably required for an investigation. If an Eligible Person provides their name or their identity, they can request to remain anonymous for the purposes of the investigation.

All reasonable steps will be taken to ensure Eligible Persons do not suffer detriment.

4.4. Responding to a Disclosure

When an Eligible Person makes a Speak Up Report, they will be informed that:

- a. The information provided will remain confidential and provided to relevant persons involved in the investigation.
- b. All reasonable steps will be taken to ensure they will not be disadvantaged or suffer detriment.
- c. They can remain anonymous and still receive protection.
- d. They will not necessarily be absolved from the consequences of their involvement in the issue or behaviour.

The Speak Up Protection Officer will receive notification from the Portal and assign a Speak Up Case Manager as appropriate. If the Speak Up Protection Officer is implicated, a notification will automatically be sent to the General Counsel and an appropriate Speak Up Case Manager appointed.

The Speak Up Protection Officer or General Counsel, where applicable, will inform the Chief Operating Officer (COO) and Executive Director (ED) that a report has been received and provide details around the report. The advice of the COO or ED may be sought on how to proceed.

The Eligible Person will receive acknowledgement of the receipt of the Speak Up report as soon as practically possible, provided there is a communication mechanism has been provided by the Eligible Person.

The Speak Up Case Manager will ensure that the matter is dealt with promptly, impartially and in accordance with this policy. The Speak Up Case Manager will review the information available and determine the appropriate next steps, including whether an investigation is required. Any investigations undertaken shall observe the rules of natural justice and the

provisions of procedural fairness. The Speak Up Case Manager will ensure appropriate confidentiality of records is maintained.

Where it is determined that the disclosure does not constitute Reportable Conduct the Speak Up Protection Office will:

- a. identify if the matter requires implementation of other Garvan processes;
- b. identify if the matter requires further investigation to resolve the matter; and
- c. inform the Eligible Person of the outcomes of the assessment of the disclosure and the reasons for the determination.

The Speak Up Case Manager will make a formal recommendation to the relevant People Leader regarding the outcome of the investigation and any recommendations for improvements.

If the COO, Executive Director or Chairman is implicated, an appropriate independent, external expert will be appointed to investigate the allegation.

Staff about whom disclosures are made will generally be given an opportunity to respond to the relevant allegations made in the disclosure and provided appropriate support. Refer to section 6 below.

4.5. Eligible Person will be kept informed

The Eligible Person will receive communication via the Speak Up Portal unless specifically requested, and agreed, that an alternate communication method be used.

This communication will be provided as the investigation progresses.

Additional information may be requested of the Eligible Person during the investigation.

4.6. Finalisation of Investigation Process

Upon completion of the investigation, a report will be prepared with findings and recommendations and provided to the Speak Up Protection Officer who is responsible for ensuring that recommendations are appropriately considered and where necessary remediation actions taken including, reporting to relevant external bodies such as regulators or the Police.

The Eligible Person and Named Person will be informed that the investigation is complete and the report has been issued, if there is a mechanism to do so. The Eligible Person will not receive a copy of the report but may, subject to relevant privacy obligations, receive a high-level summary of the findings.

5. Protection and Support for an Eligible Person

5.1. Protection

When an Eligible Person makes a disclosure in good faith and on reasonable grounds in accordance with this policy, and any other relevant Garvan policies, Garvan will provide all reasonable and best efforts to protect them from suffering any detriment. An Eligible Person will not be subject to any civil, criminal or disciplinary action for making a report that is made in good faith and covered by this policy, or for participating in any subsequent investigation by Garvan.

An Eligible Person is not required to disclose their identity to receive protection under this policy.

Should an Eligible Person disclose their identity at any time in the process, the assigned Speak Up Case Manager must inform them who will have access to their identity. In all cases, parties involved in the investigation will take the utmost care to maintain the confidentiality of the Eligible Person during and after the investigation unless the Eligible Person has consented otherwise.

An Eligible Person can refuse to answer questions which they feel could result in themselves being identified.

5.2. Support

An Eligible Person may wish to seek support from one or more of the following, where relevant:

- a. a Disclosure Officer;
- b. People & Culture; or
- c. Employee Assistance Program.

5.3. False Reporting

Where disclosure is:

- a. not made by an Eligible Person; or
- b. the disclosure is not made in good faith and on reasonable grounds; or
- c. the disclosure is assessed as malicious

the complainant will not be offered protection as an Eligible Person under this policy. This Policy will not protect the Eligible Persons if they are also involved in or connected to the improper conduct or illegal activities that are the subject of a report and disciplinary action may be taken against the complainant.

However, complaints based on reasonable grounds and which adhere with the designated procedures outlined in this policy will not result in disciplinary action if the investigation subsequently finds them to be untrue.

6. Protection and Support for Named Persons

6.1. Protection

All investigations will be conducted in a fair and independent manner and all reasonable efforts will be made to preserve confidentiality of an investigation.

The Speak Up Protection Officer is responsible for ensuring the investigation is conducted by an impartial independent expert. The person conducting the investigation must ensure all persons named in the report (Named Persons) are treated fairly during and after the investigations.

No action will be taken against a Garvan Staff member who is implicated in a report under this policy until an investigation has determined whether any allegations against them are substantiated.

Named Persons will be given an opportunity to respond to the allegations in a report during the course of the investigation.

Any disclosures that implicate Garvan Staff must be kept confidential, even if an Eligible Person has consented to the disclosure of their identity and should only be disclosed to those persons who have a need to know the information for the proper performance of their functions under this Policy, or for the proper investigation of the report.

A Staff member who is implicated in a disclosure will be advised of:

- a. the details of the allegations;
- b. their rights and obligations;
- c. the initiation of an investigation (if one is required);
- d. the outcome of any investigation, including any decisions regarding further action to be taken; and
- e. their right to use support services.

6.2. Support

Support available for persons implicated in a report under this Policy may include:

- a. connecting the person with access to the Employee Assistance Program (EAP);
- b. appointing an independent support person from the People & Culture Team to deal with any ongoing concerns they may have;
- c. connecting the person with third party support providers.

7. Confidentiality

Garvan is committed to preserving the confidentiality of protected disclosures received by an Eligible Recipient under this policy.

In such case, Garvan has a legal obligation to protect the identity of an Eligible Person, unless an exception applies. Garvan's obligation of confidentiality extends both to disclosure of information that identifies an Eligible Person, and to disclosure of information that is likely to identify the Eligible Person.

Where confidentiality cannot be maintained the Speak Up Protection Officer will:

- a. seek the consent from the Eligible Recipient to release the details; and
- b. develop a plan to support and protect the Eligible Recipient from reprisal.

All records associated with a disclosure under this policy are to be stored electronically in a secure and confidential system in accordance with the Privacy Policy and Document Retention Policy.

8. Protection against Reprisal

Garvan will not tolerate any reprisal against an Eligible Person who makes a disclosure. This includes taking or threatening to take detrimental action against another person in reprisal for the Eligible Person's disclosure, or suspicion that a disclosure will be made. A threat may be express, implied, conditional or unconditional. Detrimental action means actions causing, comprising or involving any of the following:

- a. Injury, damage or loss;
- b. intimidation or harassment;
- c. discrimination, disadvantage, or adverse treatment; or
- d. disciplinary proceedings.

Where an Eligible Person feels detriment is near or imminent, or has already experienced detriment, they should contact the Speak Up Protection Officer who will assess the situation, take appropriate action as well make recommendations for how the situation can be resolved.

Where the Speak Up Protection Officer is implicated, an Eligible Person should contact the General Counsel. Where an Eligible Person feels their report of detriment has not been adequately resolved, they can contact the Speak Up Protection Officer, in the first instance. If they continue to feel it has not been adequately resolved, they can escalate the matter to the Executive Director.

9. Inadequate resolution

If an Eligible Person is not satisfied with the investigation, they can request a review in writing to the Speak Up Protection Officer.

Garvan will commit to review the request but is not obligated to reopen the investigation if it is concluded that the investigation was conducted properly, or no new information exists that would change the results of the investigation. The Eligible Person will be notified of the outcome of the review of the request.

10. Reporting to a Member of Parliament or a Journalist

If an Eligible Person informs a journalist or a Member of Parliament (MP) about Reportable Conduct they are concerned about, they will be protected under this policy only if **all** the following conditions exist:

- a. The Eligible Person has previously made a report regarding the matter to ASIC, APRA, or another prescribed Commonwealth authority; and
- b. They must have lodged a Speak Up report via the Portal or to an Eligible Recipient **and either:**
 - at least 90 days have passed since the report was made, and the Eligible Person does not have reasonable grounds to believe that action is being, or has been, taken to address the Speak Up report, and has reasonable grounds to believe that making a further report would be in the public interest, **or**
 - the Eligible Person has reasonable grounds to believe the information concerns a substantial and imminent danger to the health and safety of a person(s) or the environment; and
- c. The Eligible Person must inform Garvan in writing they intend to inform a journalist or MP, and:
 - Include sufficient information to identify the previous Speak Up report, **and**
 - clearly state that they intend to make a public interest disclosure or an emergency disclosure, and
 - the information disclosed is no more than is necessary to inform the MP or journalist of the misconduct or the otherwise improper state of affairs.

Garvan will not provide protection to the Eligible Person if they make disclosures on social media or to someone other than an Eligible Recipient or in accordance with this Policy.

8. Separation of issues

Garvan is still able to raise work or performance related issues with an Eligible Person provided they are independent of this process and they are not influenced by the process. Whilst the Eligible Person is protected from detriment, it is important they remain effective in their role.

9. Availability of Policy

The Speak Up Policy and the Speak Up Portal are available on Garvan's internet and intranet.

All new employees will receive a copy of the policy as part of their induction pack and receive awareness training at induction.

10. Governance

The Garvan Board will receive a summary of all Speak Up reports at scheduled Board meetings. The report will maintain confidentiality consistent with this policy.

If the Speak Up case carries a high degree of risk, the Chairman of the Garvan Board will be updated as required between Board meetings.

11. Disclosing Officers

Speak Up Portal	link:	garvan.whispli.com/speakup
Speak Up Protection Officer	In writing:	Speak Up Protection Officer Garvan Institute of Medical Research 384 Victoria Street Darlinghurst NSW 2010
	Telephone:	02 9295 8248
	Email:	speakup@garvan.org.au
General Counsel	Telephone:	02 9295 8502
	Email:	GGC@garvan.org.au
Chief People Officer	Telephone:	02 9295 8137
	Email:	CPO@garvan.org.au



Executive Director	Telephone:	02 9295 8135
	Email:	Director@garvan.org.au
Chairman	Email:	Chairman@garvan.org.au
Garvan Research Foundation Director	Telephone:	02 9295 8123
	Email:	GRFDirector@garvan.org.au
External Auditor - KPMG	Telephone:	02 9335 8441

Definitions

Term	Definition in this document
<i>Detriment</i>	includes dismissal or termination, demotion, harassment, discrimination, warnings or disciplinary action, bias, threats, harm or injury (including psychological harm) or other unfavourable treatment connected with making a report. This includes being performance managed for making a report in good faith.
<i>Eligible Person</i>	an Eligible Person is one of the following: <ul style="list-style-type: none">• Garvan Staff;• A supplier, contractor, consultant or an employee of a supplier, contractor or consultant, or other person who has business dealings with the Garvan Group;• Spouses, dependants or relatives of any person listed above
<i>Eligible Recipient</i>	a person to whom a report under this policy can be made.
<i>Reportable Conduct</i>	refers to the conduct outlined in section 2 .

<i>Speak Up Case Manager</i>	the person assigned to manage the reported allegation. This may be the Speak Up Protection Officer, another appropriate and independent Garvan staff member or an external independent expert.
<i>Speak Up Protection Officer</i>	a senior staff member designated, authorised and trained to receive and handle reports under this policy.

12. Related documents

Conflict of Interest Policy
 Grievance and Dispute Resolution policy
 Privacy Policy
 Research Misconduct Policy
 Workplace Bullying and Harassment Prevention Policy
 Code of Conduct