

## PURPOSE

The Perron Institute for Neurological and Translational Science Limited (**Perron Institute**) is committed to building a safe and productive workplace where our activities are conducted in an accountable manner with due care, integrity, and fairness. The purpose of the Reporting Serious Misconduct (Whistleblower) Policy (**Policy**) is to support Perron Institute's Code of Conduct, to help deter wrongdoing, and to meet legal and regulatory obligations. This includes maintaining a working environment where Whistleblowers:

- are encouraged to report Serious Misconduct (as defined below) that is of legitimate concern via a convenient and safe reporting mechanism;
- are protected from reprisals and supported when making Serious Misconduct disclosures; and
- can have confidence that disclosures will be dealt with confidentially, appropriately and in a timely fashion as required by legislation.

The Policy is an important tool for helping Perron Institute to identify wrongdoing that may not be uncovered unless there is a safe and secure means for disclosing wrongdoing.

## WHO THE POLICY APPLIES TO

The Policy applies to different types of disclosers within and outside Perron Institute, including but not limited to, current and previous:

- board members and officers of Perron Institute;
- Perron Institute staff and students;
- associates of Perron Institute including suppliers, tenderers or other persons, paid or unpaid, including, without limitation, contractors, consultants, service providers and business partners who have business dealings with Perron Institute; and
- relatives or dependents of a person listed above,  
(together, **Workplace Participants and eligible Whistleblowers**).

## MATTERS THE POLICY APPLIES TO

For the purposes of this Policy, **Serious Misconduct** refers to misconduct or an improper state of affairs or circumstances in connection with Perron Institute, which may include, but is not limited to:

- fraud, negligence, default, breach of trust or breach of duty;
- matters which constitute an offence against or breach of the *Corporations Act*, the *Australian Securities and Investments Commission Act 2001*, *Taxation Administration Act*, *Banking Act 1959* or an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more, or conduct which is prescribed by laws or regulation;
- failure to comply with, or breach of, legal or regulatory requirements;
- serious breach of Perron Institute's policies;
- information that indicates a danger to the public or to the financial system (even if it does not involve a breach of a particular law);
- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property or other criminal activity;

- conduct endangering health and safety, or causing damage to the environment;
- dishonest, unethical or corrupt behaviour, including soliciting, accepting or offering a bribe, facilitation, payments or other such benefits;
- undisclosed conflicts of interest;
- financial fraud or mismanagement, money laundering or misappropriation of funds;
- conduct likely to damage the financial position or reputation of Perron Institute;
- unauthorised use or disclosure of confidential information or intellectual property;
- detrimental conduct against a person because they have made a report under this Policy; and
- deliberate concealment of any of the above.

### **Criteria for Whistleblower protection**

A **Whistleblower** is person who reports Serious Misconduct in accordance with this Policy.

Serious Misconduct and other wrongdoing can be reported under the Policy and may qualify for whistleblower protection under the *Corporations Act* (**disclosable matters**). For the avoidance of doubt, disclosable matters include conduct that may not involve a contravention of a particular law.

Not every disclosure will have whistleblower protection under the *Corporations Act*. Protected disclosures broadly include any matter that a Whistleblower has reasonable grounds to believe is Serious Misconduct or a disclosable matter.

The disclosure must concern a disclosable matter and the discloser must have reasonable grounds to suspect wrongdoing.

Protected disclosures must be made on "reasonable grounds". Reasonable grounds means that a person in the Whistleblower's position, acting reasonably, would also suspect there to be Serious Misconduct giving rise to a disclosable matter.

A discloser who deliberately makes a false report (i.e. a report that the discloser knows to be untrue, or who makes a report carelessly, recklessly, vexatiously, mischievously, maliciously or vindictively) will breach Perron Institute's Code of Conduct.

The protected disclosure does not ultimately have to be true to constitute a disclosure made on reasonable grounds. Whistleblowers can still qualify for protection even if the disclosure turns out to be incorrect.

### ***Personal work-related grievances***

A grievance about any matter in relation to a person's engagement and only having (or tending to have) implications for the person personally is considered a **Personal Workplace Grievance**.

Specific examples of grievances that may be Personal Workplace Grievances include:

- an interpersonal conflict between the discloser and an employee;
- a decision about the terms and conditions of engagement of the discloser; or
- a decision to suspend or terminate the engagement of the discloser.

Disclosures that relate solely to Personal Workplace Grievances do not qualify for whistleblower protection under the *Corporations Act* and hence will not be protected disclosures.

A Personal Workplace Grievances may still qualify for disclosure protection if:

- the grievance relates to retaliation, victimisation or disadvantage of a discloser as a result of a making a disclosure under this Policy;
- the disclosure report includes information about misconduct beyond the discloser's personal

- circumstances (mixed report); or
- the discloser seeks legal advice or representation about the operation of the whistleblower protections under the *Corporations Act*.

If a Personal Workplace Grievance arises, please refer to the Grievance Resolution Procedure instead to raise and resolve the issue.

## HOW TO MAKE A DISCLOSURE AND WHO CAN RECEIVE A DISCLOSURE

### How do I make a disclosure?

There are a number of options available to make a disclosure. If a discloser would like to have a confidential discussion about their concerns, make a formal report, or seek further information regarding a matter, or clarification regarding the operation of this Policy, they can make a report (orally or in writing) to a person authorised by Perron Institute to receive Whistleblower disclosures (**Eligible Recipient**).

A disclosure must be made directly to an Eligible Recipient to be able to qualify for protection as a whistleblower under the *Corporations Act* (or the *Taxation Administration Act*, where relevant). Note that disclosures to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the Whistleblower provisions in the *Corporations Act* are protected (even if that the legal practitioner concludes that the disclosure does not relate to a 'disclosable matter').

An Eligible Recipient within Perron Institute is:

- The Human Resources Manager  
Phone: 6457 0312  
Email: [hr@perron.uwa.edu.au](mailto:hr@perron.uwa.edu.au)

Disclosers are encouraged to make a disclosure of a disclosable matter to one of Perron Institute's internal or external Eligible Recipients in the first instance. Perron Institute would like to identify and address wrongdoing as early as possible, and to build trust in confidence and trust in its Whistleblower policy, processes and procedures. However, a disclosure may also be made externally as follows:

- External Regulatory Bodies  
A disclosure can be made directly to ASIC, APRA or the ATO and qualify for protection under the *Corporations Act*. See ASIC Information Sheet 239 *How ASIC handles whistleblower reports* (INFO 239) for further information.
- Public interest disclosures and emergency disclosures  
A disclosure can be made to a journalist or parliamentarian in limited, specific circumstances and subject to strict criteria. A disclosure must have previously been made to ASIC, APRA or a prescribed body and written notice provided to that body. In the case of a public interest disclosure, at least 90 days must have passed since the previous disclosure. A discloser should seek independent legal advice before making a public interest disclosure or an emergency disclosure.

### Anonymous Report

If a discloser would prefer to make a report anonymously, confidentially and/or outside of business hours, and still be protected under the *Corporations Act*, Perron Institute has engaged an external third party for this purpose, Resilience Solutions:

- Sue Lawrence, Senior HR Consultant and Senior Investigator  
Resilience Solutions  
Phone: 0402 117 398  
Email: [sue@resiliencesolutions.com.au](mailto:sue@resiliencesolutions.com.au)

A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. They can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations. Even if a discloser wishes to remain anonymous, they should maintain ongoing two-way communication with Resilience Solutions to allow for follow-up questions and feedback.

A discloser may adopt a pseudonym for the purpose of their disclosure internally or to Resilience Solutions. This may be appropriate in circumstances where their identity is known to one of the Eligible Recipients identified above, but they prefer not to disclose their identity to others.

### **Supporting Documentation**

While Perron Institute does not expect a discloser to have conclusive proof of Serious Misconduct, providing full disclosure supported by relevant details and supporting documentation would assist Perron Institute with the assessment and investigation of the alleged Serious Misconduct.

## **LEGAL PROTECTION OF WHISTLEBLOWERS**

Perron Institute is committed to providing a supportive environment for Whistleblowers wishing to discuss or report their concerns or to make a disclosure. Whistleblowers can expect that:

- (a) their identity will remain confidential at all times to the extent permitted by law;
- (b) they will be protected from retaliation, harassment or victimisation or other detrimental acts or omissions;
- (c) should retaliation occur, it will be treated as Serious Misconduct;
- (d) they may be entitled to compensation or other remedies; and
- (e) they will have civil, criminal and administrative liability protection.

### **Identity protection and confidentiality**

It is illegal for an Eligible Recipient to identify a discloser or disclose information that is likely to lead to the identification of the discloser, except in very limited circumstances. A discloser can lodge a complaint with Perron Institute about a breach of confidentiality. They may also lodge a complaint with an external regulatory body such as ASIC, APRA or the ATO, for investigation.

If a discloser has disclosed their identity, their confidentiality will be maintained and their disclosure will be protected, regardless of whether their allegations are found to be true, provided that they are acting honestly and ethically and have made the disclosure on reasonable grounds.

All Eligible Recipients and disclosers must maintain strict confidentiality when making or managing reports of Serious Misconduct and other disclosable matters. This ensures procedural fairness for all involved and preserves the integrity of an investigation.

If an Eligible Recipient or other discloser breaches the confidentiality of a disclosure, complaint or investigation or inappropriately discloses personal information obtained during or related to a disclosure, complaint or investigation, this will be regarded as a serious breach of this Policy and may lead to formal action by Perron Institute against that person.

Whistleblower protections apply not only to internal disclosures, but to disclosures to legal practitioners, regulatory and other external bodies, and public interest and emergency disclosures that are made in accordance with the *Corporations Act*.

## **Support and advice**

Those involved in a protected disclosure (i.e., the Whistleblower, Eligible Recipient and the Respondent, being a person against whom a report of Serious Misconduct is made) are entitled to seek personal and professional support or advice, including legal advice. Seeking such support or advice will not be considered a breach of confidentiality.

## **Protection from detrimental acts or omissions**

A person cannot engage in conduct that causes detriment to a discloser or threaten to cause detriment to a discloser in relation to a disclosure. A threat may be express or implied, or conditional or unconditional.

Detrimental conduct or threats include suspension or termination of engagement, discrimination, harassment or intimidation, harm or injury, including psychological harm, damage to a person's property, reputational damage or damage to a person's business or financial position.

When a disclosure is made, the Eligible Recipient will endeavour to control the risk of detriment to the discloser by:

- (a) assessing the risk of detriment against the discloser and other persons (e.g. other staff who might be suspected to have made a disclosure) as soon as possible after receiving a disclosure;
- (b) providing referrals to support services or other professional or legal services; and
- (c) helping a discloser minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation.

## **Compensation and other remedies**

A discloser (or any other Workplace Participant or eligible Whistleblower) can seek compensation and other remedies through the courts if they suffer loss, damage or injury because of a disclosure if Perron Institute failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct. A discloser should seek independent legal advice in this regard.

## **Civil, criminal and administrative liability protection**

A discloser who qualifies for Whistleblower protection is protected from the following in relation to their disclosure:

- (a) civil liability (e.g. any legal action against the discloser for breach of an terms of engagement, duty of confidentiality or another contractual obligation);
- (b) criminal liability (e.g. attempted prosecution of the discloser for unlawfully releasing information, or other use of the disclosure against the discloser in a prosecution (other than for making a false disclosure)); and
- (c) administrative liability (e.g. disciplinary action for making the disclosure).

The above protections do not grant immunity for any misconduct by the discloser that is revealed in their disclosure.

## **Personal involvement**

Making a disclosure may not protect a discloser from the consequences flowing from their own involvement in the Serious Misconduct or disclosable matter. Liability for their own conduct is not affected by the disclosure of that conduct. However active cooperation in the investigation, an admission and remorse may be taken into account when considering actions against them.

## HANDLING AND INVESTIGATING A DISCLOSURE

### Assessment of Serious Misconduct allegations

All disclosures of alleged or suspected Serious Misconduct made under this Policy will be assessed to:

- determine whether they fall within the scope of this Policy and whether the disclosure qualifies for Whistleblower protection;
- identify any conflicts of interest prior to investigating;
- determine whether external authorities need to be notified; and
- determine whether a formal, in-depth investigation is necessary.

If there is insufficient information to warrant further investigation, or a preliminary inquiry immediately identifies there is no case to answer, Perron Institute may determine that no further investigation is necessary. If an investigation is deemed necessary, it will be conducted fairly, objectively and in a timely manner. The investigation process and timeframes will vary depending on the nature of the Serious Misconduct and the amount of information provided.

### Investigation Process

- Perron Institute will have to determine:
  - (a) the nature and scope of the investigation;
  - (b) the person within or outside Perron Institute that should lead the investigation (**Investigation Officer**);
  - (c) the nature of any technical, financial or legal advice that may be required to support the investigation; and
  - (d) the timeframe for the investigation.
- When an investigation is commenced, the Investigation Officer will make contact with the Whistleblower (if possible), advising that they have been appointed to respond to the report and conduct an investigation on behalf of Perron Institute, subject to the clarification of any preliminary matters with the Whistleblower.
- Perron Institute may need to speak with a Whistleblower as part of an investigation (if the identity of the Whistleblower is known).
- Where a report is submitted anonymously which warrants investigation, Perron Institute will conduct the investigation and its enquiries based on the information provided to it. However, anonymity may prevent Perron Institute from fully investigating the issue if Perron Institute is unable to contact the discloser for further information.
- The Investigation Officer may source the expertise of other officers in Perron Institute to assist in the investigation and may seek the advice of internal or external experts as required.
- The Investigation Officer may also seek further information from the Whistleblower or other persons as necessary. They may investigate a disclosure by asking the Whistleblower for consent to a limited disclosure.
- Throughout the investigation process, the Investigation Officer will be free to conduct the investigation in the manner considered necessary and appropriate, which may vary depending on multiple factors, including the nature of the allegations contained in the disclosure and any matters identified or determined during the investigation. This may include a broad review on the subject matter or the work area in question.
- The Investigating Officer will provide the Whistleblower with updates at key stages (when the investigation has begun, is in progress and has been finalised), if they can be contacted.

## **Fair treatment of Respondents**

- Any individuals who are accused of Serious Misconduct or are mentioned in a report (**a Respondent**) will have an opportunity to respond to allegations before any adverse findings are made and before any action (if appropriate) is taken.
- Perron Institute will undertake the following measures to promote the fair treatment of Respondents:
  - (a) disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;
  - (b) the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported;
  - (c) when an investigation needs to be undertaken, the process will be objective, fair and independent; and
  - (d) a Respondent will be informed about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness, but in any event before making any adverse finding against them.

## **Outcome of an investigation**

- The findings from an investigation will be documented and reported to those responsible for oversight of the Policy (including, without limitation, the Board), while preserving confidentiality.
- The method for documenting and reporting the findings will depend on the nature of the disclosure.
- At the conclusion of the investigation, a report will be prepared outlining the findings from the investigation and whether the allegation(s) have been substantiated or otherwise.
- The Investigating Officer will provide a summary of its findings to the Whistleblower. However, there may be circumstances where it may not be appropriate to provide details of the outcome to the Whistleblower.

## **Consequences of substantiated Serious Misconduct**

If the allegations are substantiated, Perron Institute may take disciplinary or other action against the individual(s) accused of Serious Misconduct or other disclosable matters. The action taken (if any) will be dependent on the severity, nature and circumstances of the matters concerned.

Actions may include termination of service contracts with suppliers, tenderers, contractors, consultants, service providers and business partners and/or withdrawal of approval for access to Perron Institute's premises.

## **Vexatious Reports**

A person considering making a disclosure is expected to have reasonable grounds for believing that Serious Misconduct has occurred. Where a disclosure is made carelessly, recklessly, vexatiously, mischievously, maliciously, vindictively or is known to be false, that may itself constitute Serious Misconduct by the discloser.

If an investigation concludes that the allegations are unsubstantiated, and have been made vexatiously, maliciously, or which are known to be false, this will be treated seriously. The discloser may be subject to termination of engagement, termination of service or supply contracts or other actions.

## REPORTING OBLIGATIONS

### Notifying external authorities

At any stage, Perron Institute may choose (or may be required by law) to report the Serious Misconduct to a Government Authority for investigation.

**Government Authority** includes (without limitation):

- (a) the Australian Federal Police;
- (b) the Commissioner of Taxation;
- (c) the Australian Securities and Investments Commission (**ASIC**);
- (d) the Australian Prudential Regulatory Authority (**APRA**); and
- (e) a Commonwealth or State government authority if the disclosure is made by ASIC, APRA, or the Australian Federal Police.

Where a disclosable matter is raised against a non-employee of Perron Institute, Perron Institute will inform the employer of the Respondent (if applicable) about the matter.

## SUPPORT

### Employee Assistance Programme (EAP)

If a discloser is an external third party but requires access to the EAP counselling service in relation to this Policy, please contact the Human Resources Manager to discuss, or utilise another relevant EAP provider.

## ENSURING THE POLICY IS EASILY ACCESSIBLE

Perron Institute will make this Policy available to external third party Workplace Participants by posting a copy of the Policy on the Perron Institute website.

Policy Administration		
<b>Department:</b>		<b>Responsible Manager:</b>
Operations		Human Resources Manager
<b>Risk Rating:</b>	<b>Review Cycle:</b>	<b>Review Next Due:</b>
High	2 Years	2026
<b>Compliance References:</b>		
<b>Statutory:</b>	Corporations Act 2001 and related legislation <a href="#">Australian Charities and Not-for-profits Commission Act 2012 (Cth)</a>	
<b>Version:</b>	<b>Decision Reference and Date</b>	
1	New policy, May 2021	
2	Revised policy adopted 21 May 2024	