



**Cancer  
Council**  
WA

# **WHISTLEBLOWER POLICY**

## 1. INTRODUCTION

- 1.1** Cancer Council Western Australia (CCWA) is committed to a culture of compliance and ethical behaviours. This policy complements the Performance and Conduct Framework and specifically deals with the protections afforded to and the process for reporting by eligible whistleblowers of issues relating to misconduct, or an improper state of affairs within CCWA.
- 1.2** The objectives of this policy are to:
- a. encourage whistleblowers to disclose any malpractice, misconduct or illegal behaviour of which they become aware
  - b. provide protection for whistleblowers who report allegations of such malpractice, misconduct or illegal behaviour
  - c. ensure that all allegations are thoroughly investigated and resolved with suitable action taken, as appropriate and where necessary
  - d. ensure that any such matters are used as an opportunity to improve our culture and our organisation.
- 1.3** This policy may be reviewed and varied from time to time in accordance with the relevant legislation requirements and to meet the ongoing needs of the organisation. This policy is to be read as subject to statutory protection under whistleblower law but it is not intended to create contractually enforceable rights in respect of those statutory protections.
- 1.4** This policy will be made available to current employees via the CCWA Intranet and external parties via the CCWA Website.

## 2. APPLICATION

- 2.1** This policy applies to all CCWA whistleblowers.

## 3. DEFINITIONS

### 3.1 In this policy:

**Whistleblower** means a current or former:

- a. employee of CCWA
- b. volunteer for CCWA
- c. director or officer of CCWA
- d. contractor or an employee of a contractor supplying goods or services to CCWA and its employees
- e. employee or officer of Cancer Council Australia or another state or territory Cancer Council
- f. an associate of CCWA
- g. spouse, relative or dependant of one of the people referred to above.

**Disclosure** means any disclosure where the whistleblower has reasonable grounds to suspect that the disclosed information:

- a. concerns misconduct (e.g. fraud, negligence, default, breach of trust or breach of duty) or an improper state of affairs or circumstances at or in relation to CCWA or Cancer Council Australia or another state or territory Cancer Council.
- or
- b. indicates conduct at CCWA or Cancer Council Australia or another state or territory Cancer Council which is illegal, represents a danger to the public, or is otherwise an offence under the regulations governing whistleblowing in the Corporations Act 2001 (Cth).

**Recipient** means:

- a. RSM Australia as the external independent agency engaged by CCWA to manage any whistleblower notifications
- a. CCWA Chief Executive Officer or another executive director at CCWA
- b. CCWA President, Vice President or Board members
- c. CCWA internal or external auditors
- d. the Australian Securities and Investments Commission
- e. legal practitioners, for the purpose of obtaining legal advice or representation.

**Worker** means CCWA employees, including casual employees and contractors, and volunteers.

## 4. PROTECTION OF WHISTLEBLOWERS

**4.1** A whistleblower who:

- a. makes a disclosure
- b. on reasonable grounds
- c. to a recipient

will be protected under this policy.

**4.2** The protection will be two-fold:

- a. the whistleblower who is an employee of CCWA will be protected (subject to this policy) by CCWA from adverse employment or other actions relating to the disclosure (dismissal, demotion, suspension, harassment, or other forms of discrimination)
- b. CCWA will take reasonable steps to protect workers from victimisation or detrimental conduct in the workplace (including harassment, bullying, and ostracism) arising out of the making of a disclosure or arising out of a belief or suspicion that a person is a whistleblower.

**4.3** Subject to this policy, a whistleblower is protected if the disclosure is made on reasonable grounds even if the allegations prove to be incorrect or unsubstantiated.

**4.4** This protection extends only to the act of disclosure itself and a whistleblower who makes a disclosure will not be granted protection or immunity for any illegal act or wrongdoing in which they were involved.

**4.5** Workers and other individuals who participate, or assist in, an investigation into the matters raised in the disclosure will also be protected.

**4.6** The following support is available for whistleblowers:

- a. connecting the whistleblower with access to the employee assistance program (EAP)
- b. appointing a support person from the People and Culture team to deal with ongoing concerns
- c. connecting the whistleblower with third-party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 224 636).

- 4.7** This policy does not apply to general employment grievances and complaints (for example, an interpersonal conflict with another employee, a decision about a worker's employment, transfer or promotion, a decision about the terms and conditions of employment or a decision to suspend or terminate employment or otherwise discipline a worker). These grievances and complaints should be raised under CCWA's Grievance Resolution policy.
- 4.8** If however a general employment grievance raises significant implications for CCWA, and suggests a breach of employment laws or suggests systemic misconduct affecting workers generally, the reporting of such may be a disclosure.

## 5. PROCESS FOR DISCLOSURE

- 5.1** Whistleblowers may disclose any conduct or behaviour they have reasonable grounds to believe is a disclosure (as defined in paragraph 3.1) to any recipient.

### External Reporting

CCWA have engaged the services of RSM Australia to provide an independent external reporting service for whistleblowers. This service is available 24 hours a day 365 days a year via a dedicated Website and Email service as follows;

- a. Website access - RSM's website whistleblower reporting:  
<https://www.rsm.global/australia/WBreporting>
- b. Email access - RSM's whistleblower reporting email address:
- c. [RSMHelpline@rsm.com.au](mailto:RSMHelpline@rsm.com.au)

Any report provided to RSM will be forwarded to the Chief Executive Officer and/or to the Corporate Services Director, depending on the report not referring to one of these contacts.

### Internal reporting

At first instance, workers are encouraged to report to any of the following people, who are appropriately trained to manage disclosures:

1. CCWA Chief Executive Officer
2. CCWA Corporate Services Director
3. CCWA President or Vice President

- 5.2** If:
- a. the disclosure relates to the Chief Executive Officer, the whistleblower may make a disclosure to the Chair of CCWA Board
  - b. the disclosure relates to a member of CCWA's Board of Directors or its Chair, the whistleblower may make a disclosure to Chief Executive Officer or the Corporate Services Director.
- 5.3** Any disclosure should be in writing if possible and contain specific, adequate and pertinent information with respect to dates, places, persons/witnesses, amounts and other relevant information, to allow for a reasonable investigation to be conducted.
- 5.4** Disclosures can be made anonymously, or the whistleblower can ask that their identity, or information that is likely to lead to their identification, be kept confidential. CCWA will make every effort to protect the confidentiality of both the information provided and the identity of the whistleblower, and neither the identity of the whistleblower nor the information provided will be disclosed without their consent, except:
- a. where it is reasonably necessary to pass on the information for the purposes of investigating the disclosure (in which case, reasonable steps will be taken to protect the identity of the whistleblower, and their identity will not be shared)
  - b. when required or permitted to do so by law
  - c. to a lawyer to obtain confidential legal advice or representation
  - d. where we need to disclose the information to prevent a serious and imminent threat to life, health or property.
- 5.5** Whistleblowers must keep information concerning the disclosure confidential, to avoid jeopardising the investigation.

## 6. PROCEDURE FOLLOWING DISCLOSURE

- 6.1** If a report is made to RSM Australia, the report will be forwarded to RSM's Fraud & Forensic Services team who will provide the nominated contacts (CCWA Chief Executive Officer or Corporate Services Director – as long as there is no conflict) with a brief written record of the details provided by the whistleblower and a brief assessment and recommendation for next steps. If the report cannot be resolved within CCWA, the Fraud & Forensic Services team at RSM may provide an investigative response.

- 6.2** Any whistleblower report received will be assessed for an appropriate and proportionate investigative response .
- 6.3** In CCWA's investigation of the disclosure, it will take reasonable steps to ensure that the information likely to lead to the whistleblowers identification is kept confidential and not disclosed without their consent, except as required by law or under this policy.
- 6.4** CCWA may arrange for an impartial, suitably qualified investigator (internal or external as the circumstances dictate) to examine the allegations raised in the disclosure to ensure the investigation is fair and objective and avoid conflicts of interest.
- 6.5** The investigator will provide a report to CCWA's Chief Executive Officer and CCWA's Corporate Services Director, who will make a joint recommendation on what action needs to be taken. If:
  - a. CCWA's Chief Executive Officer or CCWA's Corporate Services Director is the subject of the disclosure, the recommendations will be provided directly to the Chair of the Board.
- 6.6** The CEO or Board (as applicable) ultimately approves the action to take. Where criminal activity is reasonably suspected to have occurred, the disclosure will be referred to the appropriate authorities.
- 6.7** No action will be taken against a whistleblower who, in good faith and in accordance with this policy, makes a disclosure about activity which is not confirmed by a subsequent investigation.
- 6.8** At CCWA's discretion, whistleblowers may be kept informed of the process and outcomes of the investigation, subject to privacy and confidentiality restrictions

## 7. RESPONSIBILITIES

- 7.1** CCWA has a duty of care to protect all workers and other individuals who may be whistleblowers.
- 7.2** The Chief Executive Officer maintains responsibility for and governance of this policy.
- 7.3** Supervisors and managers are responsible for ensuring their staff are familiar with this policy and procedures.
- 7.4** All workers will follow the policy principles and procedural details within this document.

## 8. REFERENCES/RELATED DOCUMENTS

- Corporations Act 2001 (Cth)
- Australian Securities and Investments Commission (ASIC) Act 2001 (Cth)
- Treasury Laws Amendment (Enhancing Whistleblowers Protections) Act 2019
- Competition and Consumer Act 2010 (Cth)