Cancer Council ACT

B10

WHISTLEBLOWER POLICY	
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This policy is designed for those wishing to disclose misconduct or an improper state of affairs or circumstances in relation to Cancer Council ACT (CCACT).

1. Introduction

CCACT understands the importance of whistleblowing. People who report unethical or illegal practices within businesses help us to identify practices that should be investigated or publicised.

We set high standards for our own operations. This includes ensuring that CCACT acts with integrity, honesty and in accordance with the law and principles of good governance. We recognise that there may be occasions where a person wants to make a disclosure about some aspect of our conduct. We expect that people associated with the organisation will help us to maintain our high standards including, where necessary, reporting inappropriate or illegal conduct.

This policy explains how people covered by the protections offered by whistleblower laws can make a protected disclosure.

2. Definitions

In this policy:

You means a person eligible to make a disclosure protected by whistleblower laws (see section 5).

Officer means a member of the CCACT Board, the Company Secretary or any other "Responsible persons" as declared and listed with the ACNC.

Protected matters means the types of matters outlined in section 4 below.

Senior manager means one of the members of the management team as per the CCACT organisational chart.

Whistleblower laws refers to the protections contained in Part 9.4AAA of the Corporations Act 2001 (Cth).

Whistleblower Protection Officer means the Chief Operating Officer.

3. Commencement and scope

This policy has effect from October 2025. It replaces all other policies dealing with whistleblowers and whistleblower laws.

This policy applies to all disclosures, as defined in section 5 below.

The policy is not intended to create any contractually binding obligations on CCACT and

does not form part of any contract of employment or other contract for engagements with CCACT.

4. Protected matters

A disclosure is protected if you have reasonable grounds to suspect that the information disclosed concerns misconduct or an improper state of affairs or circumstances, in relation to CCACT. This can include concerns that CCACT or an officer or employee of CCACT has engaged in conduct that:

(a) breaches other financial sector laws enforced by the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA);

(b) breaches a law of the Commonwealth that is punishable by imprisonment for 12 months or more; and/or

(c) may involve modern slavery; and/or

(d) represents a danger to the public or the financial system.

The disclosure of information concerning a personal work-related grievance is not generally protected by whistleblower laws.

Examples of personal work-related grievances that are not covered by this policy include grievances about:

- interpersonal conflicts between you and another employee
- a decision about engaging, transferring or promoting you
- a decision to discipline, suspend or terminate you.

(e) The misconduct or improper state of affairs can also be in respect of tax affairs. For example, '*misconduct or an improper state of affairs or circumstances*' could involve conduct that, whilst not unlawful, indicates a systemic issue of concern that the relevant regulator should know about to properly perform its functions. It may also relate to business behaviour and practices that may cause consumer harm. Also, information that indicates a significant risk to public safety or the stability of, or confidence in, the financial system is a disclosable matter, even if it does not involve a breach of a particular law.

(f) Further examples of protected disclosures include:

i. illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;

ii. fraud, money laundering or misappropriation of funds;

iii. offering or accepting a bribe;

iv. financial irregularities;

v. failure to comply with, or breach of, legal or regulatory requirements; and

vi. engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.

(g) Disclosures about personal work-related grievances should be raised under CCACT's existing Grievance Policy, which can be found in CCACT's Employee Handbook and within the Policies Folder on the Team SharePoint site.

5. Who may make disclosures about protected matters?

You may make a protected disclosure if you are a current or former:

(a) employee of CCACT;

(b) officer of CCACT;

(c) supplier of goods or services to CCACT or an employee of a supplier;

(d) associate of CCACT; or

(e) spouse, relative or dependent of any of these categories of people.

While you have to fall into one of these categories, you do not need to identify yourself. You can make a disclosure anonymously.

6. Who can a protected matter be disclosed to?

In order to be protected by whistleblower laws, you must make your disclosure to:

(a) ASIC or APRA;

(b) your lawyer for the purpose of obtaining legal advice or legal representation;

(c) an officer or senior manager of CCACT;

(d) Whistleblower Protection Officer;

(e) an auditor or member of an audit team conducting an audit of CCACT; or

(f) an actuary of CCACT.

7. Disclosures to politicians and journalists

You can also make a disclosure to a journalist or member of state or federal parliament but it will only be protected by whistleblower laws if it is a public interest disclosure or emergency disclosure, as described below.

Public interest disclosures

Your disclosure will be a public interest disclosure if:

(a) you have previously made a disclosure that meets the other requirements described in sections 4 to 6 above

(b) at least 90 days have passed since you made that disclosure

(c) you do not have reasonable grounds to believe that action is being or has been taken to address your concerns

(d) you have reasonable grounds to believe that making a further disclosure of your concerns to a member of parliament or journalist would be in the public interest

(e) after 90 days have passed since your disclosure, you give CCACT (or another entity to whom you made a disclosure protected by the whistleblower laws, such as ASIC) written notice that identifies the previous disclosure and states your intention to make a public interest disclosure;

(f) you report your concerns to a journalist or member of parliament

(g) and the extent of information disclosed is no greater than is necessary to inform the

journalist or member of parliament of the relevant misconduct or improper state of affairs or circumstances.

Emergency disclosures

Your disclosure will be an emergency disclosure if:

(a) you have previously made a disclosure that meets the other requirements described in sections 4 to 6 above;

(b) you have reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;

(c) you give CCACT (or another entity to whom you made a disclosure protected by the whistleblower laws, such as ASIC) written notice that identifies the previous disclosure and states your intention to make an emergency disclosure;

(d) you report your concerns to a journalist or member of parliament; and

(e) the extent of information disclosed is no greater than is necessary to inform the journalist or member of parliament of the substantial and imminent danger.

8. Confidentiality

Where your disclosure is protected by whistleblower laws, your disclosure will be treated with the utmost confidentiality and your identity will be protected.

CCACT will obtain your consent before disclosing your identity. The only exceptions to this are when reporting to ASIC, APRA, a body prescribed by the Corporate Regulations, the Australian Federal Police (AFP) or a legal practitioner for the purposes of obtaining legal advice about whistleblower laws.

CCACT may disclose to relevant persons the existence of a whistleblower disclosure for the purpose of conducting an investigation. However, this will not include disclosure of your identity unless you consent to this occurring. When making such a disclosure, CCACT will take all reasonable steps to reduce the risk of your identity being discovered.

CCACT could make a disclosure to any of:

- the Chair of the Board, Chair of the Governance Committee, Chief Executive Officer.
- Chief Operating Officer or other managers to make inquiries or to conduct investigations or order external investigations as is deemed appropriate;
- respondents to complaints, to ensure that the person/s against whom allegations are made are given the opportunity to respond to any allegations; and
- any person who is required to give evidence as part of the investigation process.

Any breach of these confidentiality protections may attract significant fines for both individuals and companies.

9. Immunity for disclosure

If you make a disclosure protected by whistleblower laws, you cannot be subject to any civil or criminal liability for making the disclosure and cannot be subject to any contractual breach or other civil claim on the basis of the disclosure.

No contract of employment or contract for services can be terminated on the basis that a

protected disclosure constitutes a breach of contract. However, the protections do not grant immunity for any misconduct an eligible whistleblower has engaged in that is revealed in their disclosure.

10. Victimisation

CCACT will not condone anyone:

(a) conducting themselves in a way that causes harm/detriment to you because you have made a disclosure about a protected matter pursuant to whistleblower laws; or

(b) threatening to cause harm/detriment to you or anyone (whether express or implied threats) because you made a disclosure about a protected matter pursuant to whistleblower laws.

Whistleblower laws also prohibit any person from victimising you because you have made a protected disclosure. Where someone conducts themselves or makes threats as described in paragraphs (a) or (b) above, CCACT may initiate disciplinary action in relation to that person. In addition, the person engaging in such conduct will be in breach of the whistleblower laws which means that significant fines could apply. If you are adversely impacted by any victimisation, you may obtain compensation orders from a court in relation to any harm or detriment caused.

(c) The meaning of 'detriment' is very broad and includes:
   i. dismissing an employee;
   ii. injuring an employee in their employment;
   iii. altering an employee's position or duties to their disadvantage;
   iv. discriminating between an employee and other employees;
   v. harassing or intimidating a person;
   vi. harming or injuring a person;
   vii. damaging a person's property, reputation, business or financial position; and
   viii. any other damage to a person.

(d) It may be necessary during the course of an investigation to take reasonable administrative action to protect an eligible whistleblower from detriment (e.g. changing the whistleblower's reporting line if the disclosure relates to a manager). Such conduct will not be detrimental conduct. A disclosure will also not prohibit CCACT from managing (in the ordinary way) any separate performance issues that may affect the work of an eligible whistleblower.

(e) A whistleblower may be subject to disciplinary action if, in the course of investigating a disclosure, CCACT determines that the eligible whistleblower was complicit in the misconduct or improper state of affairs or has otherwise acted in an improper way.

11. Reporting and investigating protected matters

You may disclose protected matters by either of the following steps:

(a) You may submit a written complaint or report and any relevant documentation on any protected matters to one of the people identified in section 6 of this policy. That person will report the concerns to the Whistleblower Protection Officer (the Chief Operating Officer).

(b) If you have a concern about reporting to one of the people described in section 6 of this policy (for example you reasonably believe that your manager is involved in the protected matters or you do not feel comfortable reporting it to your manager for any other reason),

then you may submit a report directly to the Whistleblower Protection Officer.

When you report the protected matter, please try to provide as much information as possible including but not limited to the following:

- the nature of the alleged misconduct, or improper state of affairs or circumstances;
- the person or persons alleged to be involved;
- the facts which have created reasonable grounds for you to suspect that misconduct has occurred or there has been an improper state of affairs or circumstances;
- any supporting documentary evidence; and
- the nature and whereabouts of any further evidence which may substantiate the allegations.

CCACT will refer your protected matters to the Whistleblower Protection Officer for investigation, to determine whether misconduct or some other improper situation or circumstances exists.

In investigating the relevant matters, the Whistleblower Protection Officer will comply with the confidentiality obligations outlined in Section 8 of this policy.

The Whistleblower Protection Officer may alternatively:

- appoint an appropriately qualified and impartial person or entity to investigate the relevant matters; or
- refer protected matters directly to ASIC, APRA or the AFP.

Whilst every investigation process will differ according to the relevant circumstances, the Whistleblower Protection Officer will ordinarily ensure that appropriate actions are taken to determine whether:

(a) the allegations are substantiated; and

(b) any action needs to be taken in order to address any established misconduct or other improper situation or circumstances.

CCACT will take all reasonable steps to ensure that no person who may be involved in the protected matters is involved in an investigation. Where you, or the person you report your disclosure to, has a reasonable belief that the Whistleblower Protection Officer is involved in the protected matters, the person to whom you made the disclosure will refer the matter to another appropriate senior manager at CCACT for investigation. Before doing so, the person who received the disclosure will seek your permission to disclose to the senior manager your identity as this will assist with the investigation of the complaint. The senior manager, once informed of the matter and your identity (with your consent), will investigate the matter in accordance with this Policy and take all reasonable steps to protect your identity.

Where the protected matters may involve an officer or senior manager of CCACT, the Whistleblower Protection Officer may seek guidance or refer any issues requiring a decision to another appropriate officer of senior manager (for example, a matter involving the CEO may be referred to the President and a matter involving the President may be referred to the Vice President).

12. Supporting whistleblowers, providing fair treatment and protection from harm

CCACT will support you in relation to the reporting of any protected matters and has in place procedures to promote fair treatment and protection from harm by:

- providing our employees and volunteers access to counselling services (These services may be accessed by contacting Access EAP on 1800 81 87 28.);
- investigating complaints in accordance with the procedures outlined in this Policy;
- conducting investigations in a manner that is procedurally fair to both you and respondents to allegations;
- in situations where you consent, having an appropriate senior manager contact you at appropriate intervals to check on your welfare and ensure that you are not subject to victimisation;
- communicating this Policy to all CCACT's employees, officers and contractors;
- taking appropriate disciplinary action against any employees or contractors that breach the victimisation or confidentiality provisions of this policy or the whistleblower laws.

All employees and contractors of CCACT are required to comply with this Policy at all times as well as with whistleblower laws.

Failure to comply with this Policy or whistleblower laws may result in disciplinary action up to and including termination of employment or termination of a contractor's services.

13. Variations

This policy may be varied, amended, replaced or terminated from time to time and at any time at the absolute discretion of CCACT.