



P45

Whistleblowing Policy

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1. Introduction

- 1.1 This policy has been designed to meet the obligations of Cancer Council NSW (Cancer Council) regarding whistleblower protection under the relevant laws.
- 1.2 The objectives of this policy are to:
 - (a) encourage Cancer Council workers and members of the public to disclose any information concerning misconduct, illegal behaviour, or an improper state of affairs in relation to Cancer Council
 - (b) ensure that all allegations are thoroughly investigated and resolved with suitable action taken, where necessary, and
 - (c) ensure that any such matters are used as an opportunity to improve corporate culture where appropriate.
- 1.3 This policy also provides information about the protections that may be afforded to eligible whistleblowers who report such information to Cancer Council or another eligible recipient.
- 1.4 Cancer Council is committed to a culture of compliance and ethical behaviours, and does not tolerate:
 - (a) improper conduct, illegal activity or misconduct by its officers, workers , suppliers, sub-contractors or their employees, or
 - (b) reprisals being taken against those who come forward to disclose such conduct.
- 1.5 The document owner is the Chief Operating Officer.

2. Application and review

- 2.1 This policy commences on 22 October 2024 and replaces all other versions of this policy. It may be amended from time to time to meet the ongoing needs of the organisation and will be reviewed no less than once every three years.
- 2.2 This policy applies to all Cancer Council workers, including casual employees and contractors, and volunteers. Non-compliance may result in disciplinary action, including termination of employment. Whilst they are required to comply with this policy, which may be updated and amended from time to time, it does not form part of any employee's contract of employment or other contract and does not create or confer any entitlement, legal right or enforceable benefit on a worker or person contemplated by this policy.
- 2.3 This policy will be available on Cancer Council's intranet and external-facing website.
- 2.4 This policy should be read in conjunction with the following policies, copies of which are available on Cancer Council's intranet and external-facing website:
 - (a) [P23 Code of Conduct Policy](#), which sets out the standards of behaviour expected from Cancer Council workers
 - (b) [P25 Workplace Grievance Policy](#), which provides a framework for the effective and consistent handling of workplace grievances, and
 - (c) [P43 Fraud and Corruption Control Policy](#), which sets out the prevention, detection, investigation and response to actual or suspected fraud and corruption at Cancer Council.

3. Definitions

3.1 In this policy:

Corporations Act means the *Corporations Act 2001* (Cth) (Corporations Act)

detrimental conduct means conduct that causes or threatens to cause detriment to a person as result of or in connection with that person making a disclosure, including dismissal, demotion, disadvantageous change of duties or position, discrimination, harassment, intimidation, harm or injury (including psychological injury), reputational damage, property damage or other unfavourable treatment, to another person in connection with any disclosure of reportable conduct by that person.

disclosure means any disclosure where a person has reasonable grounds to suspect that the disclosed information concerns reportable conduct.

eligible whistleblower has the meaning defined in the Corporations Act, which includes any current or former:

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

eligible recipient means:

- (a) the eligible whistleblower complaints service engaged by Cancer Council known as 'Your Call'
- (b) Cancer Council's Chief Executive Officer, Chief Operating Officer or Director, People and Culture or another senior manager at Cancer Council
- (c) Cancer Council's Directors or Company Secretary
- (d) Cancer Council's internal or external auditors
- (e) any 'Eligible Recipient' as that term is defined under the Corporations Act, including certain Commonwealth regulatory authorities such as the Australian Securities and Investments Commission (ASIC), the Australian Federal Police (AFP) or the Australian Taxation Office (ATO), and
- (f) legal practitioners but only for the purpose of obtaining legal advice or representation in relation to the reportable conduct.

relevant laws include the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth), the *Corporations Act 2001* (Cth) and the *Taxation Administration Act 1953* (Cth)

reportable conduct means misconduct or an improper state of affairs or circumstances at or in relation to Cancer Council, or conduct engaged in by Cancer Council or any of its officers or workers which:

- (a) constitutes an offence against or contravention of any Commonwealth laws,

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including the Corporations Act, the Charities Act 2013 (Cth), or
(b) represents a danger to the public, or the financial system.

whistleblowing means an individual with inside knowledge of an organisation reporting misconduct, illegal activity or an improper state of affairs within that organisation

worker means any person Cancer Council employs or engages, including paid employees, volunteers, contractors, consultants, visiting academics student and intern placements.

4. Responsibilities

- 4.1 Cancer Council has a duty to protect all workers and other individuals who may be eligible whistleblowers.
- 4.2 Supervisors and managers are responsible for ensuring workers are familiar with this policy and any relevant procedures.
- 4.3 All workers will follow the policy principles and procedural details within this document.

5. Reportable conduct

- 5.1 Any eligible whistleblower may report information under this policy if they have reasonable grounds to suspect that the information constitutes reportable conduct.
- 5.2 Examples of reportable conduct include conduct by Cancer Council or a worker that amounts to:
 - (a) fraud or any financial irregularity
 - (b) dishonest altering of company records
 - (c) misconduct, or an improper state of affairs or circumstances, in relation to Cancer Council's tax affairs
 - (d) bribery or corruption
 - (e) undisclosed conflicts of interest
 - (f) criminal conduct
 - (g) failure to comply with any legal or regulatory obligation
 - (h) violence, harassment or intimidation
 - (i) theft or criminal damage
 - (j) unsafe work practices
 - (k) Environmental damage
 - (l) Modern Slavery and/or other human rights complaints any other misconduct in breach of a Cancer Council policy, and
 - (m) any offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more.
- 5.3 Reportable conduct for whistleblowing purposes does not include personal workplace grievances, such as:
 - (a) interpersonal conflict between workers
 - (b) a decision relating to a worker's engagement, transfer or promotion
 - (c) a decision relating to the terms and conditions of engagement, or

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- (d) a decision to suspend or terminate an engagement or take disciplinary action.
- 5.4 However, where a workplace grievance suggests a significant breach of employment laws or systemic misconduct, the reporting of such grievance may constitute a disclosure of reportable conduct.
- 5.5 Disclosures that are not about reportable conduct are not protected under the relevant laws or this policy.

6. Protection of eligible whistleblowers

- 6.1 Cancer Council is committed to ensuring confidentiality in respect of all reports made under this policy, and to ensuring that those who make reports are treated fairly and not subjected to detrimental conduct.
- 6.2 Eligible whistleblowers who make a disclosure to an eligible recipient will be protected in accordance with this policy if the disclosure is made on reasonable grounds, even if the allegations prove to be incorrect or unsubstantiated.
- 6.3 Workers and other individuals who participate or assist in an investigation into the matters raised in a disclosure will also be protected.
- 6.4 An eligible whistleblower who makes a disclosure, or workers who participate or assist in an investigation, will be protected in respect of making the disclosure, but will not be granted protection or immunity for any illegal act or wrongdoing in which they were involved.
- 6.5 The following support is available for eligible whistleblowers:
 - (a) accessing the Cancer Council employee assistance program (EAP)
 - (b) appointing an independent support person from the People and Culture Team to support with any ongoing concerns, and
 - (c) connecting the eligible whistleblower with third-party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 224 636).
- 6.6 Eligible whistleblowers can contact the Cancer Council Chief Operating Officer to obtain additional information about this policy before making a disclosure.
- 6.7 Eligible whistleblowers who are not current Cancer Council workers can contact the Cancer Council Chief Operating Officer by contacting Cancer Council Reception on (02) 9334 1900 or at reception@nswcc.org.au.
- 6.8 Eligible whistleblowers can anonymously contact the Cancer Council Chief Operating Officer to obtain additional information about this policy via 'Your Call' at
 - (a) Website: www.yourcall.com.au/cancercouncilnsw
Available 24 hours a day 7 days a week.
 - (b) Telephone: 1300 790 228
Available between 9am and midnight, Monday to Friday AEST (excluding public holidays). A message can be left outside of these hours.

7. Protections available

Eligible whistleblowers who make a disclosure will be protected in each of

the following ways:

Protection of identity and confidentiality

- 7.1 This policy provides for confidential reporting. Anonymous disclosures will also be permitted and protected.
- 7.2 Whilst it is not a requirement for an eligible whistleblower to provide their name, this information should be provided where possible to facilitate prompt investigation and resolution.
- 7.3 Subject to compliance with legal requirements, Cancer Council will only share the identity, or information likely to reveal the identity, of an eligible whistleblower:
 - (a) if they consent to the disclosure
 - (b) with ASIC or the AFP or another Commonwealth authority in the context of reporting the disclosure
 - (c) to a lawyer for the purpose of obtaining legal advice in relation to the relevant laws, or
 - (d) where otherwise permitted at law, including under the Corporations Act.

Protection against detrimental conduct

- 7.4 Cancer Council will not tolerate detrimental conduct towards eligible whistleblowers who make a disclosure under this policy.
- 7.5 Cancer Council will support all persons who have reasonable grounds to suspect reportable conduct and who make a disclosure, even if the subsequent investigation into the disclosure concludes that no wrongdoing has occurred.
- 7.6 Any person who discloses information who considers they are, or have been, subjected to detrimental conduct should:
 - (a) report the matter in accordance with section 9 in this policy, or
 - (b) contact the Cancer Council Chief Operating Officer.
- 7.7 Eligible whistleblowers who are not current Cancer Council workers can contact the Cancer Council Chief Operating Officer by contacting Cancer Council Reception on (02) 9334 1900 or at reception@nswcc.org.au.
- 7.8 Further, if an eligible whistleblower suffers detrimental conduct, the relevant laws provide that a claim may be brought before a court against:
 - (a) the individual or company who engaged in the detrimental conduct
 - (b) if the detrimental conduct was engaged in by a company, the current or former officers and employees who aided, or were knowingly concerned in, the detrimental conduct, or
 - (c) a company which has a duty to prevent an individual from engaging in the detrimental conduct.

Immunities

- 7.9 Whistleblowers may also qualify for certain other protections under the relevant laws for making a disclosure of reportable conduct, including immunity from civil, criminal or administrative liability, or disciplinary action. These immunities may not necessarily provide immunity for involvement in the conduct itself.

8. Consequences of non-compliance

- 8.1 Any worker who attempts to identify or disclose the identity of an eligible whistleblower will be subject to disciplinary action by Cancer Council and may be liable for penalties under the relevant laws, including to pay compensation to the eligible whistleblower.
- 8.2 Any worker who is found to have engaged in detrimental conduct against an eligible whistleblower under this policy will be subject to disciplinary action, which may result in termination of employment.
- 8.3 Penalties for engaging in detrimental conduct against an eligible whistleblower may include compensation, injunctions, an apology, reinstatement of that person's employment or, in certain circumstances, exemplary damages.

9. Process for disclosure

- 9.1 Eligible whistleblowers may make a disclosure to any eligible recipient.
- 9.2 Eligible whistleblowers must keep information concerning a disclosure confidential, to avoid jeopardising the investigation.

Direct reporting method

- 9.3 At first instance, disclosures should be made using 'Your Call', a confidential whistleblowing service available as follows:
- (a) Website: www.yourcall.com.au/cancercouncilnsw
Available 24 hours a day 7 days a week.
 - (b) Telephone: 1300 790 228
Available between 9am and midnight, Monday to Friday AEST (excluding public holidays). A message can be left outside of these hours.
- 9.4 Alternatively, disclosures can be made to the Cancer Council Chief Executive Officer, Chief Operating Officer or Director, People and Culture, who are appropriately trained to manage such matters.

Disclosures concerning senior management

- 9.5 If the disclosure relates to:
- (a) the Cancer Council Chief Operating Officer or Director, People and Culture, then the disclosure can be made to the Chief Executive Officer
 - (b) the Chief Executive Officer, then the disclosure can be made to the Chair of Cancer Council's Board of Directors by contacting the Company Secretary, or
 - (c) a member of Cancer Council's Board of Directors or its Chair, then the disclosure can be made to the Chair of the Audit, Risk and Information Technology Committee by contacting the Company Secretary.

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- 9.6 Eligible whistleblowers who are not current Cancer Council workers can contact the Cancer Council Chief Executive Officer, Chief Operating Officer, Director, People and Culture, Chief Executive Officer or Company Secretary by contacting Cancer Council Reception on (02) 9334 1900 or at reception@nswcc.org.au.

Disclosures to other recipients

- 9.7 The relevant laws provide that a disclosure of reportable conduct by an eligible whistleblower may qualify for protection if a disclosure is made to:
- (a) certain Commonwealth regulatory authorities or law enforcement agencies such as ASIC, the AFP, or the ATO
 - (b) to Cancer Council's auditor, actuary, or registered tax agent, or
 - (c) to a legal practitioner for the purpose of obtaining legal advice or legal representation.

10. Procedure following disclosure

Notification

- 10.1 All disclosures will be notified to the Chair of the Audit, Risk and Information Technology Committee.
- 10.2 The Chair of the Audit, Risk and Information Technology Committee will determine if the disclosed conduct is reportable conduct under section 5 of this policy.
- 10.3 All disclosures of reportable conduct will be notified to the Cancer Council Board of Directors.

Investigation

- 10.4 All disclosures will be investigated promptly and fairly, having regard to the nature of the allegations and the rights of the individuals involved.
- 10.5 Cancer Council will take reasonable steps during the investigation process to ensure that information likely to lead to the eligible whistleblower's identification is kept confidential and not disclosed without their consent.
- 10.6 Cancer Council will arrange for an impartial, suitably qualified investigator (which may be internal or external depending on the circumstances) to examine the allegations raised in the disclosure.
- 10.7 The investigator will examine all relevant and available evidence, including conducting witness interviews and examining documents, and will conduct the investigation in a timely and unbiased manner.
- 10.8 The investigator will provide a report to the Cancer Council Chief Operating Officer and Director, People and Culture, who will make a joint recommendation to the Chief Executive Officer on what action needs to be taken, except that:
- (a) if Cancer Council's Chief Operating Officer or Director, People and Culture is the subject of the disclosure, the recommendations will be provided directly to the Chief Executive Officer, and
 - (b) if the Chief Executive Officer is the subject of the disclosure, the recommendations will be provided directly to the Board of Directors.

Response

- 10.9 The Chief Executive Officer or Board of Directors (as applicable) ultimately approves the action to take.
- 10.10 Where criminal activity is reasonably suspected to have occurred, the disclosure will be referred to the appropriate authorities.
- 10.11 Where an investigation confirms that no misconduct has taken place or no improper state of affairs exists, Cancer Council may take no further action in relation to the disclosure.
- 10.12 Eligible whistleblowers may be kept informed of the process and outcomes of the investigation, depending on the nature of the disclosure and subject to privacy and confidentiality restrictions.

11. Deliberate false reporting

- 11.1 Cancer Council is committed to a culture of compliance and ethical behaviours and encourages workers or other eligible whistleblowers to make disclosures under this policy. However, deliberately making false reports under this policy undermines the integrity of whistleblowing and has the potential to harm individuals and Cancer Council's reputation.
- 11.2 Individuals making deliberate false reports may not be afforded the protections for eligible whistleblowers set out in Section 6 and 7 of this policy. Cancer Council workers making deliberate false reports under this policy may be in breach of the Code of Conduct and subject to disciplinary action, including termination of employment.

12. References / related documents

- [P23 Code of Conduct Policy](#)
- [P43 Fraud and Corruption Control Policy](#)
- [P25 Workplace Grievance Policy](#)
- *Corporations Act 2001* (Cth)
- *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth)
- *Australian Securities and Investments Commission (ASIC) Act 2001* (Cth)
- *Competition and Consumer Act 2010* (Cth)

13. Version control

Version control			
Document name	P45 Whistleblowing Policy		
Document owner	FSO – Chief Operating Officer		
Commencement date	October 2024	Approved by	Board
Current version #	3.0	Next review date	October 2027
Document history			
Version #	Commencement date	Summary of changes	
1.0	October 2019	Initial policy approval date.	
2.0	December 2021	Previous update before insertion of document control table.	
2.1	September 2023	Updated Your Call URL to updated site. Insert Modern Slavery or other human right complaints as reportable conduct.	
3.0	October 2024	Update owner to COO. Inserted contact details for external whistleblowers to access CCNSW people. Inserted definition of whistleblowing. Inserted document control table. Inserted notification to ARIT, Board requirements.	
3.1	March 2025	Updated Your Call URL, phone number and phone hours.	