

Purpose

Cancer Council Queensland (CCQ) is committed to operating legally (in accordance with applicable laws), properly (in accordance with CCQ's policies and procedures and industry codes and standards), and ethically (in accordance with recognised ethical principles). Employees, volunteers, interns, suppliers and external individuals play a key role in assisting CCQ to maintain legal, proper and ethical operations. This may include the reporting of non-compliant behaviours by CCQ or its volunteers, interns, employees or suppliers. Accordingly, employees, volunteers, interns, suppliers, individuals related to them, and external individuals are encouraged to report non-compliant behaviours, on reasonable grounds, safe in the knowledge that they will not be penalised for that reporting.

This Guideline (and the related CCQ Whistleblower Procedure) supports the Workplace Policy and its purpose is to:

- encourage the reporting of breaches of law, policy, standards or ethics;
- enable CCQ to identify, investigate and take action in relation to breaches that may otherwise have been unidentified;
- support CCQ's Risk Management Framework;
- encourage and promote good corporate culture and governance;
- enable CCQ to deal with reports from Whistleblowers in a way that will protect the identity of the Whistleblower as far as practicable and provide for the secure storage of the information provided;
- protect Whistleblowers against Detriment and reprisal by CCQ or any person internal or external to CCQ;
- ensure that CCQ complies with its legal obligations in relation to Eligible Whistleblowers under the Corporations Act; and
- ensure CCQ operates in accordance with its code of conduct and values by maintaining the highest standards of legal and ethical behaviour.

Under the Corporations Act, Eligible Whistleblowers are entitled to protection in relation to Protected Disclosures. This Guideline incorporates and complies with the requirements of the Corporations Act but also relates to Misconduct Disclosures that may not fall within the definition of "Protected Disclosures" and relates to disclosures by external individuals who would not fall within the definition of Eligible Whistleblowers. For example, disclosure of a breach of the *Collections Act 1966* (Qld) (which relates to fundraising) or disclosure of a breach of CCQ's Privacy Policy may not constitute a "Protected Disclosure" under the Corporations Act but it may still be dealt with under this Guideline and the related Procedure if it is a "Serious Breach". In addition, a fundraising supporter, or a user of CCQ's services may not be an "Eligible Whistleblower" but a disclosure, by one of those individuals, of a Serious Breach may still be dealt with under this Guideline and the related Procedure.

From time to time, when performing functions for the Queensland government, CCQ may be obliged to comply with the Human Rights Act. When the implementation of this Guideline would constitute performance of those functions, we will consider and act compatibly with human rights (including the right to freedom of expression).

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Attached at Schedule 2 to this Guideline is a flowchart to assist Whistleblowers and Internal Eligible Recipients in understanding the basic steps that are to be followed when making or receiving a Misconduct Disclosure.

DEFINITIONS

Please refer to Schedule 1 for definitions of terms not otherwise defined in the body of this Guideline.

RESPONSIBILITIES

The Board is responsible for monitoring the effectiveness of this Guideline and for setting the tone for the culture of the organisation. In addition, individuals and groups that have roles designated in this Guideline and the supporting Whistleblower Procedure are responsible for the fulfilment of those roles and responsibilities.

REPORTING PROCEDURES

If an Eligible Whistleblower wishes to make a Protected Disclosure (i.e. under the Corporations Act) they **must** make their disclosure to an Eligible Recipient.

Whistleblowers may make a Protected Misconduct Disclosure to an Eligible Internal or External Recipient.

Whistleblowers are encouraged to make a Protected Misconduct Disclosure Internally via the BDO Secure on-line reporting service or directly to an Internal Eligible Recipient as set out in the *CCQ Whistleblower Procedure*, however a Protected Misconduct Disclosure may also be made to an Eligible External Recipient such as Australian Securities and Investments Commission (ASIC) via the form that is available on the ASIC website: <https://asic.gov.au/report-misconduct> or CCQ's auditor.

Contact details of CCQ's auditor can be found in CCQ's most recent annual report (which is available on CCQ's website). Protected Disclosures can also be made to legal practitioners, however, any lawyer employed or otherwise engaged by CCQ are not Eligible Recipients. Depending on the nature of the disclosure, a Whistleblower may wish to make a Misconduct Disclosure to another external body, for example the police or the Office of Fair Trading.

A Whistleblower may choose whether to disclose their identity when making a Misconduct Disclosure. It is illegal for a person to identify an Eligible Whistleblower who has made a Protected Disclosure, or disclose information that is likely to lead to the identification of an Eligible Whistleblower other than in the following circumstances:

- (a) a disclosure to ASIC or the Australian Federal Police;
- (b) in order to obtain legal advice; or
- (c) with the consent of the Eligible Whistleblower.

Whistleblowers should be aware that anonymous disclosures may affect the ability for the misconduct to be investigated fully and for the Whistleblower to receive appropriate protection and support. As such, it is recommended that Whistleblowers provide enough information to allow for two-way communication with CCQ so that CCQ can ask follow-up questions or provide feedback.

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INVESTIGATION

The process that CCQ will follow when investigating a Misconduct Disclosure is set out diagrammatically in the flowchart attached at Schedule 2 and is described in more detail in the CCQ Whistleblower Procedure.

WORK-RELATED GRIEVANCES

In contemplating the use of this Guideline, a person should consider whether the matter of concern may be more appropriately raised under CCQ's Workplace Policy or the Grievance Guideline. If a volunteer, intern or employee wishes to report a personal grievance they should do so to their direct manager and such matters will be dealt with in accordance with CCQ's Grievance Guideline. Such disclosures may be entitled to protection under other legislation such as the *Fair Work Act 2009* (Cth). A grievance is considered any work-related issue that has, or tends to have, implications for the discloser personally, but does not have any other significant implications for CCQ; nor relate to any conduct, or alleged conduct, about a Misconduct Disclosure.

Examples of grievances that may be personal work-related grievances include:

- (a) an interpersonal conflict between the discloser and another employee;
- (b) decisions that do not involve a breach of workplace laws:
 - (i) about the engagement, transfer or promotion of the discloser;
 - (ii) about the terms and conditions of engagement of the discloser;
 - (iii) to suspend or terminate the engagement of the discloser; or
 - (iv) otherwise to discipline the discloser.

A personal work-related grievance will still qualify for protection and will be dealt with under this Guideline if it also constitutes a Misconduct Disclosure, for example:

- (a) it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report);
- (b) CCQ has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances; or
- (c) the discloser suffers from or is threatened with a work-related Detriment for making a Misconduct Disclosure.

PROTECTION OF WHISTLEBLOWERS

CCQ is committed to protecting and respecting the rights of Whistleblowers. Eligible Whistleblowers making Protected Disclosures under the Corporations Act are entitled to protections including:

- not having their identity revealed by CCQ;
- not having information revealed by CCQ that is likely to lead to their identification;
- protection from civil, criminal or administrative liability for making the disclosure;
- no contractual or other remedy enforced (e.g. dismissal, demotion, alteration of position or duties) due to their disclosure;
- not to suffer any Detriment (real or threatened) as a result of the disclosure; and,
- protection from victimisation.

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In order to qualify for these protections Protected Disclosures must be made to an Eligible Recipient. Protected Disclosures to a legal practitioner will be protected even if the legal practitioner concludes that a disclosure is not a Protected Disclosure. Eligible Whistleblowers making a Protected Disclosure will still be entitled to these protections even if they make the disclosure anonymously.

All reasonable steps will be taken by CCQ to ensure that all Whistleblowers who make a Misconduct Disclosure are supported and will not be subject to Detriment. Such steps will vary depending on the facts and circumstances but may include:

- (a) an assessment of the risk of Detriment and ongoing monitoring and control recommendations by the Protected Disclosure Committee;
- (b) designating an appropriate person to be responsible for ensuring that the Whistleblower doesn't suffer Detriment and providing additional support for the Whistleblower;
- (c) providing the Whistleblower with details of CCQ's Employee Assistance Program;
- (d) making modifications to the way that the Whistleblower performs their work duties; or
- (e) providing the Whistleblower with strategies to help them minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation.

If a Whistleblower wishes to make their Misconduct Disclosure confidentially, their wish shall be honoured except insofar as it is not practical or appropriate for CCQ to maintain confidentiality.

Making a Misconduct Disclosure does not necessarily absolve the Whistleblower from the consequences of any involvement on their own part in the misconduct that has been disclosed.

If a Whistleblower is concerned that they have suffered any Detriment or victimisation as a result of having made a Misconduct Disclosure, they are encouraged to contact a member of the Protected Disclosure Committee and provide full particulars of what has happened. Whistleblowers may also wish to seek independent legal advice or contact regulatory bodies such as ASIC if they believe they have experienced any Detriment. If a person causes or threatens to cause a Whistleblower (or any other person) Detriment as a result of their Misconduct Disclosure, and CCQ fails to take reasonable precautions and exercise due diligence to prevent the Detriment, and such person suffers loss, damage or injury as a result, then such person may be entitled to apply to a court for compensation.

Subject to this Guideline, a Whistleblower is protected even if the allegations prove to be incorrect or unsubstantiated. Protection is not available if a Misconduct Disclosure is trivial, or unfounded allegations are made maliciously or when they are known to be false. These may be viewed seriously and may be subject to disciplinary action. Employees and other certain individuals who participate, or assist in, an investigation will also receive the above protections.

CCQ will not tolerate any retaliatory action or threats of retaliatory action against a Whistleblower, or against a Whistleblower's colleagues, employer (if a contractor, consultant or supplier) or relatives. Any such retaliatory action or victimisation in reprisal for a disclosure made under this Guideline will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. In some circumstance it may be illegal; in which case CCQ will notify the police.

PUBLIC INTEREST DISCLOSURES TO PARLIAMENT OR THE MEDIA

If the disclosure is a Protected Disclosure the protections above are available for disclosures to a member of Parliament or to a journalist if the disclosure has already been made to a Commonwealth regulator (such as ASIC) and, after waiting 90 days, the Eligible Whistleblower

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has reason to believe that no action has been taken in relation to a matter of 'public interest'. Such protections are also available for disclosures by Eligible Whistleblowers to a member of Parliament or to a journalist in relation to emergency disclosures (i.e. the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment). Other than those limited situations this Guideline does not authorise any Whistleblower to inform commercial media or social media of their concern, and it does not offer protection to any Whistleblower who does so.

INFORMATION AND TRAINING

Subject to considerations of the privacy of those against whom the allegations are made and customary practices of confidentiality, the Whistleblower will - where the Whistleblower has disclosed their identity - be kept informed of the commencement and conclusion of an investigation.

CCQ will provide appropriate training and/or information to all employees, volunteers and interns in relation to their rights and obligations under the Guideline and the Whistleblower Procedure.

AVAILABILITY OF GUIDELINE

This Guideline and the related Procedure will be available on CCQ's intranet and website. Any enquiries in relation to this Guideline, the Whistleblower Procedure or misconduct disclosures more generally should be directed to CCQ's Whistleblower Officer (CCQ's Chief Financial Officer) or, failing that, to the Company Secretary.

REVIEW AND OVERSIGHT OF THIS GUIDELINE

This Guideline (and the related Procedure) will be subject to periodic review and approval in accordance with CCQ's Delegation of Authority Policy. However, any significant proposed alterations to either of these documents will be notified by the Company Secretary to the Finance, Audit and Risk Management Committee and the Board.

Eligibility

This Guideline applies to all CCQ employees, volunteers and interns and all potential Whistleblowers and Internal Eligible Recipients.

Associated CCQ Documents

- Workplace Policy
- Grievance Guideline
- Code of Conduct
- Risk Management Policy
- Risk Management Framework
- Risk Register
- Whistleblower Procedure
- Whistleblower Form

References

- *Public Interest Disclosure Act 2013 (Cth)*

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- *Corporations Act 2001 (Cth)*
- *Treasury Laws Amendment (Whistleblowers) Bill 2017 (Cth)*
- *Public Interest Disclosure Act 2010 (Qld)*
- Whistleblowing at Your Not-For-Profit, A Leader's Guide:
- <https://www.ourcommunity.com.au/files/whistleblowingbook.pdf>
- [ASIC Regulatory Guide 270: Whistleblower Policies \(November 2019\)](#)
- [ASIC Information Sheet 238 –Whistleblower Rights and Protections \(1 July 2019\)](#)
- *Human Rights Act 2019 (Qld)*

Human Services Quality Standards Indicators

- HSQS Indicators 1.1, 1.7, 4.3, 5.1, 5.2, 5.3 and 6.5.

Revision History

| Version | Date | Author | Description of Changes |
|---------|------------|------------------|---|
| 1 | 5/11/2019 | Samantha Lennox | New document |
| 1a | 19/12/2019 | Samantha Lennox | Change to ASIC guidance – minor amendments |
| 1b | 26/2/2020 | Samantha Lennox | Minor amendments |
| 2 | 20/5/2021 | Samantha Lennox | <ul style="list-style-type: none"> • External individuals added as potential whistleblowers. • Clarification re reporting to external bodies. • Reference to the Human Rights Act added. |
| 3 | 06/12/2022 | Samantha Lennox | <ul style="list-style-type: none"> • BDO Secure additions |
| 4 | 7/11/2023 | Samantha Lennox | Minor edit to clarify Whistleblower internal and external reporting option. |
| 4a | 11/11/2024 | Theresa Jennings | Minor edits to update the definition of Eligible External Recipients for tax-related disclosures |

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Schedule 1 - Definitions

BDO Secure provides an independent and anonymous way for employees and other stakeholders to report Misconduct Disclosures.

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

Detriment includes:

- (a) dismissal of an employee;
- (b) injury of an employee in his or her employment;
- (c) alteration of an employee's position or duties to his or her disadvantage;
- (d) discrimination between an employee and other employees;
- (e) harassment or intimidation of a person;
- (f) harm or injury to a person, including psychological harm;
- (g) damage to a person's property;
- (h) damage to a person's reputation;
- (i) damage to a person's business or financial position; or
- (j) any other damage to a person.

Administrative action that is reasonable to protect a Whistleblower from Detriment (e.g. when the disclosure relates to wrongdoing in the discloser's immediate work area) will not be considered conduct causing Detriment.

Eligible Recipients are Internal Eligible Recipients and External Eligible Recipients.

Eligible Whistleblowers are:

- (a) CCQ officers (e.g. directors);
- (b) CCQ employees;
- (c) individuals who supply services or goods to CCQ (whether paid or unpaid);
- (d) volunteers or interns;
- (e) employees of suppliers to CCQ; or

relatives or dependents of any of the people noted in (a) – (e) above or of such an individual's spouse (including a spouse, parent, child, grandchild or sibling).

External Eligible Recipients are:

- (a) the Australian Securities and Investments Commission;
- (b) the auditor, or a member of an audit team conducting an audit of CCQ; and
- (c) legal practitioners, for the purpose of obtaining legal advice or representation.

For tax-related disclosures, External Eligible Recipients include:

- (d) the Inspector-General for Taxation;
- (e) the Tax Practitioners Board; and
- (f) the Commissioner of the Australian Charities and Not-for-profits Commission.

Human Rights Act means the *Human Rights Act 2019* (Qld).

Internal Eligible Recipients are:

- (a) CCQ's directors, Chief Executive Officer, Chief Financial Officer, Company Secretary or General Counsel, the Head of People, all other General Managers, and Senior Managers; and
- (b) any other person authorised by CCQ from time to time to be an Eligible Recipient.

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Misconduct Disclosures are:

- (a) Protected Disclosures; and
- (b) all other disclosures by Whistleblowers, on reasonable grounds, to an Eligible Recipient, and in accordance with this Guideline, in relation to conduct by CCQ or its directors, employees, volunteers, interns or suppliers which is a Serious Breach.

Examples of Misconduct Disclosures include disclosures relating to:

- (a) theft, criminal damage against property, dealing in or use of illicit drugs;
- (b) fraud, money laundering or misappropriation of funds; or
- (c) offering or accepting a bribe.

However, Misconduct Disclosures will not necessarily involve a breach of law. They may relate, for example, to dishonest or unethical behaviour and practices, conduct that may cause harm, or conduct prohibited by CCQ's policies or code of conduct.

Protected Disclosures are disclosures that entitle Eligible Whistleblowers to protection under the Corporations Act i.e. a disclosure of information to an Eligible Recipient where an Eligible Whistleblower has reasonable grounds to suspect that the disclosed information:

- (a) concerns misconduct (i.e. fraud, negligence, default, breach of trust or breach of duty) or an improper state of affairs or circumstances in relation to CCQ; or
- (b) indicates that CCQ or its directors or employees have engaged in conduct which:
 - (i) constitutes an offence against the Corporations Act; the *Australian Securities and Investments Commission Act 2011* (Cth); the *Banking Act 1959* (Cth); the *Financial Sector (Collection of Data) Act 2001* (Cth); the *Insurance Act 1973* (Cth); the *Life Insurance Act 1995* (Cth); the *National Consumer Credit Protection Act 2009* (Cth); the *Superannuation Industry (Supervision) Act 1993*; and/or an instrument made under any of those Acts;
 - (ii) constitutes an offence of a Commonwealth law that is punishable by imprisonment of 12 months or more;
 - (iii) represents a danger to the public; or
 - (iv) is otherwise an offence under the regulations governing whistleblowing in the Corporations Act.

Protected Disclosure Committee or **PDC** means the committee established for the purpose of investigating a complaint in accordance with the Whistleblower Procedure.

Serious Breach means a serious breach of law, CCQ policy, guideline or procedure, industry code or standard or recognised ethical principles i.e. any such breach which is assessed by the PDC, using the Risk Matrix (annexed to the CCQ Risk Management Framework), as being Moderate, High or Very High risk (or which exceeds CCQ's Risk Tolerance for that type of risk).

Whistleblowers are Eligible Whistleblowers and external individuals.

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Schedule 2 - Flowchart to be followed by Whistleblowers and Eligible Recipients

Please refer to Schedule 1 for definitions of terms not otherwise defined in the body of this Flowchart.

Whistleblowers

