

# RED NOSE LIMITED WHISTLEBLOWER POLICY



## CONTENTS

1. [Introduction](#)
2. [Purpose](#)
3. [Scope](#)
4. [Eligible whistleblower](#)
5. [Disclosable Matters](#)
6. [What is the process for blowing the whistle?](#)
7. [Public interest disclosures and emergency disclosures](#)
8. [Protections for whistleblowers](#)
9. [No detrimental conduct](#)
10. [Confidentiality](#)
11. [Offences](#)
12. [Investigation Process](#)
13. [What is expected of whistleblowers](#)
14. [Support and fair treatment](#)
15. [Vexatious or false disclosures](#)
16. [Making this policy available](#)
17. [Additional information](#)

# RED NOSE LIMITED WHISTLEBLOWER POLICY



## 1. Introduction

A transparent whistleblower policy is essential to good risk management and corporate governance. It helps to uncover misconduct that may not otherwise be detected. Often, such wrongdoing only comes to light because of individuals (acting alone or together) who are prepared to disclose it, sometimes at great personal and financial risk.

A whistleblower policy helps to:

- a) provide better protections for individuals who disclose wrongdoing;
- b) improve the whistleblowing culture of entities and increase transparency in how entities handle disclosures of wrongdoing;
- c) encourage more disclosures of wrongdoing; and
- d) deter wrongdoing, promote better compliance with the law and promote a more ethical culture, by increasing awareness that there is a higher likelihood that wrongdoing will be reported.

Red Nose is committed to conducting its business in a uniformly ethical manner and pursuant to a standard of fundamental honesty and reasonable dealing. This standard requires adherence to all laws, regulations and normal ethical practices that apply to Red Nose's business activities. We expect responsible social and ethical behaviour from all employees, volunteers and subcontractors.

We encourage openness and accountability, and through this Policy, we want to foster a culture where all those who are involved in the activities and business of Red Nose, including our employees, volunteers, subcontractors and suppliers, feel empowered to speak up about legitimate concerns of unlawful, unethical or irresponsible behaviour or wrongdoing within Red Nose.

## 2. Purpose

The *Corporations Act 2001* (Cth) and the *Taxation Administration Act 1953* (Cth) provide for protections for whistleblowers (**Whistleblower Protections Scheme**).

The purpose of the Red Nose Whistleblower policy ('this Policy') is to set out information relating to the Whistleblower Protection Scheme, including to:

- a) help deter wrongdoing, in line with the entity's risk management and governance framework;
- b) encourage more disclosures of wrongdoing;
- c) provide information to assist individuals who disclose wrongdoing to do so safely, securely and with confidence that they will be protected and supported;
- d) facilitate disclosures being dealt with appropriately and on a timely basis;

## RED NOSE LIMITED WHISTLEBLOWER POLICY



- e) provide transparency around the entity's framework for receiving, handling and investigating disclosures;
- f) support the entity's values and code of conduct;
- g) support the entity's long-term sustainability and reputation;
- h) meet the entity's legal and regulatory obligations; and
- i) align with the Australian Stock Exchange Corporate Governance Principles and Recommendations.

This is a policy document. It can be amended at any time and it does not form part of any employment contract or contract for services. It is provided in satisfaction of the requirements of the Whistleblower Protection Scheme and in accordance with Red Nose's standards of good governance.

As required by the Whistleblower Protection Scheme, this Policy provides information about:

- a) the protections available to whistleblowers;
- b) the types of disclosures that qualify for protection, how to make them, and who to make them to;
- c) how Red Nose will support whistleblowers and protect whistleblowers from detriment;
- d) how and when Red Nose will investigate disclosures and ensure fair treatment of employees of Red Nose who are mentioned in disclosures; and
- e) how this Policy will be made available to officers and employees of Red Nose.

This Policy is not intended to be a full analysis of the law and should not be relied upon as legal advice. In certain circumstances, other legislation may apply, including state or federal whistleblower protection laws or public interest disclosure laws.

### **3. Scope of the Whistleblower Protection Scheme**

*What disclosures are protected?*

A disclosure will 'qualify' for protection under the Whistleblower Protection Scheme if:

- a) it is a disclosure by an 'eligible whistleblower' (refer [Section 4](#) below) to:
  - (i) ASIC, APRA, the Commissioner of Taxation (in relation to tax matters), a prescribed Commonwealth authority or a legal practitioner (to obtain legal advice or legal representation about the operation of the Whistleblower Protection Scheme); or
  - (ii) an 'eligible recipient' (refer [Section 6](#) below); and
- b) the eligible whistleblower has 'reasonable grounds' to 'suspect' that the disclosed information concerns a disclosable matter (refer [Section 5](#). below);

Public interest and emergency disclosures also qualify for protection – refer [Section 7](#) below.

# RED NOSE LIMITED WHISTLEBLOWER POLICY



## 4. Eligible whistleblower

The following persons are capable of being 'eligible whistleblowers':

- a) current and former suppliers or service providers to Red Nose;
- b) current and former associates of Red Nose, which includes directors and company secretaries of Red Nose;
- c) any current and former employees of Red Nose, whether they are or were engaged on a casual, fixed-term, temporary, part-time or full-time basis;
- d) current and former volunteers of Red Nose; and
- e) relatives, dependants or spouses of the above.

Adherence to the principles outlined in this policy is a condition of working with Red Nose. This applies to everyone who works for us or under our control, and is not limited to employees only, but also includes volunteers, subcontractors and consultants.

## 5. Disclosable matters

We encourage any person to speak out if they have reasonable grounds to suspect a disclosable matter in relation to the business and activities of Red Nose.

A 'disclosable matter' is information that:

- a) Concerns misconduct or an improper state of affairs or circumstances, in relation to Red Nose;
- b) indicates Red Nose or one of its officers or employees has engaged in conduct that:
  - (i) constitutes an offence against, or a contravention of, the:
    - *Corporations Act 2001*;
    - *Australian Securities and Investments Commission Act 2001*;
    - *Banking Act 1959*;
    - *Financial Sector (Collection of Data) Act 2001*;
    - *Insurance Act 1973*;
    - *Life Insurance Act 1995*;
    - *National Consumer Credit Protection Act 2009*;
    - *Superannuation Industry (Supervision) Act 1993*; or
    - *An instrument made under any of the above Acts*;
  - (ii) constitutes any offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or

## RED NOSE LIMITED WHISTLEBLOWER POLICY



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

Further examples of disclosable matters include:

- a) bribery or corruption;
- b) illegal activities (including theft, drug sale/use, violence, threatened violence, or criminal damage against assets/property);
- c) fraud, money laundering or misappropriation of funds;
- d) financial irregularities;
- e) unsafe work-practices or conduct involving a substantial risk to health and safety;
- f) misconduct or an improper state of affairs in relation to the tax matters of Red Nose;
- g) the deliberate concealment of information tending to show any of the matters listed above, including engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure, or is planning to make or is believed or suspected to have made a disclosure.

Disclosable conduct may include conduct which is not in contravention of a particular law. 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.

### *Personal work-related grievances*

However, this Policy does not apply to grievances, complaints or disclosures by a person, which relate solely to a personal work-related grievance and have no implications for Red Nose, or do not relate to anything that is disclosable conduct pursuant to this [Section 5](#).

Personal work-related grievances are those that relate to a person's current or former employment and have, or tend to have, implications for them personally. Examples may include an interpersonal conflict between the person and another employee, or a decision relating to the engagement, transfer or promotion of the person.

Personal work-related grievances, or matters which do not concern disclosable conduct, do not qualify for protection under this Policy or the Whistleblower Protection Scheme. However, such disclosures may be protected under other legislation such as the *Fair Work Act 2009* (Cth). Red Nose employees should refer to the Red Nose Code of Conduct and Bullying and Harassment policy if they wish to raise these matters.

However, a personal work-related grievance may still qualify for protection if:

- a) it relates to a disclosable matter and a personal work-related grievance (i.e. it is a mixed disclosure); or

## RED NOSE LIMITED WHISTLEBLOWER POLICY



- b) the eligible whistleblower seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act.

Examples of personal work-related grievances include:

- a) an interpersonal conflict between the eligible whistleblower and another employee;
- b) a decision relating to the engagement, transfer or promotion of the eligible whistleblower;
- c) a decision relating to the terms and conditions of engagement of the eligible whistleblower; or
- d) a decision to suspend or terminate the employment of the eligible whistleblower, or otherwise to discipline the eligible whistleblower.

### 6. What is the process for blowing the whistle?

For the protections under the Whistleblower Protection Scheme to apply, a disclosure must be made directly to an 'eligible recipient'. These people are detailed below. The role of an eligible recipient is to receive disclosures that qualify for protection. An eligible whistleblower's disclosure qualifies for protection from the time it is made to an eligible recipient, regardless of whether the eligible whistleblower or the recipient recognises that the disclosure qualifies for protection at that time.

An eligible whistleblower who makes a disclosure must have 'reasonable grounds to suspect' to qualify for protection. This means that even if a disclosure turns out to be incorrect, the protections will still apply, provided the eligible whistleblower had 'reasonable grounds to suspect'.

Any person who has reasonable grounds to suspect a disclosable matter has occurred pursuant to Section 5, may report it to any of the following individuals:

- a) Red Nose's Chairman, Mr. Nick Xerakias, at [nickxerakias@rednose.org.au](mailto:nickxerakias@rednose.org.au);
- b) the Chief Executive Officer, Ms. Keren Ludski, at [kerenludski@rednose.org.au](mailto:kerenludski@rednose.org.au);
- c) Red Nose's Human Resource Manager and Whistleblower Protection Officer, Ms Alison Godlee at [alisongodlee@rednose.org.au](mailto:alisongodlee@rednose.org.au);
- d) the Head of Corporate Services, Mr. Andrew Hutchins, at [andrewhutchins@rednose.org.au](mailto:andrewhutchins@rednose.org.au);
- e) both the CEO and the Head of Corporate Services at [whistleblower@rednose.org.au](mailto:whistleblower@rednose.org.au); and
- f) Red Nose's auditor, Mr. David Munday, at [davidmunday@crowe.com.au](mailto:davidmunday@crowe.com.au).

A report can also be made **anonymously** via the '[Contact us](#)' page on Red Nose's website.

All whistleblowers who disclose their identity when reporting a disclosable matter will be asked if they wish to be contacted by or on behalf of Red Nose, so that they can be provided with details of the protections and support available pursuant to this Policy and the Corporations Act.

While Red Nose encourages disclosures to the authorised recipients above, an eligible person who has reasonable grounds to suspect a disclosable matter pursuant to Section 5 above may

## RED NOSE LIMITED WHISTLEBLOWER POLICY



also report it to the [Australian Securities and Investment Commission](#) ('ASIC'), the [Australian Prudential Regulation Authority](#) ('APRA'), the [Australian Charities and Not-for-profit Commission](#) ('ACNC'), or another Commonwealth body prescribed by the regulations under the Corporations Act.

Disclosures can be made anonymously and still be protected under the Act, and whistleblowers may choose to remain anonymous over the course of the investigation and after the investigation is finalised. A whistleblower is under no obligation at any time to answer any questions which they feel may reveal their identity, including during any follow-up conversations.

Reporting anonymously may hinder our ability to fully investigate a reported matter. For this reason, we encourage anonymous eligible whistleblowers to maintain ongoing two-way communication with us (such as via an anonymous email address), so that we can ask follow-up questions or provide feedback.

An eligible whistleblower may wish to seek additional information before formally making a disclosure to an eligible recipient. If an eligible whistleblower wishes to obtain additional information, they may do so by contacting Red Nose's Whistleblower Protection Officer, Ms. Alison Godlee, or an independent legal advisor.

### **7. Public interest disclosures and emergency disclosures**

In certain circumstances, disclosures may be made to a journalist or a parliamentarian and qualify for protection under the Corporations Act pursuant to [Section 1317AAD](#). These are called public interest disclosures and emergency disclosures, and they will attract protection if they meet strict requirements.

Before making a public interest or emergency disclosure, it is important that an eligible whistleblower understands the criteria for protection under the relevant legislation. Eligible whistleblowers should obtain independent legal advice prior to making any disclosure.

#### *Public interest disclosures*

A public interest disclosure will qualify for protection where:

- (a) the eligible whistleblower has made a qualifying disclosure to ASIC, APRA, or a prescribed Commonwealth authority;
- (b) at least 90 days has passed since the qualifying disclosure was made;
- (c) the eligible whistleblower does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the qualifying disclosure related;
- (d) the eligible whistleblower has reasonable grounds to believe that making a further disclosure of the information would be in the public interest;
- (e) after 90 days has passed, the eligible whistleblower must give the body to which the qualifying disclosure was originally made a written notification that:
  - (i) includes sufficient information to identify the qualifying disclosure; and
  - (ii) states that the eligible whistleblower intends to make a public interest disclosure; and

## RED NOSE LIMITED WHISTLEBLOWER POLICY



- (f) the extent of the information disclosed in the public interest disclosure is no greater than to inform the journalist or member of Parliament of the misconduct or improper state of affairs or circumstances, or other conduct falling within the scope of the Whistleblower Protection Scheme.

### *Emergency disclosures*

An emergency disclosure will qualify for protection where:

- (a) the eligible whistleblower has first made a qualifying disclosure to ASIC, APRA or a prescribed Commonwealth authority;
- (b) the eligible whistleblower has reasonable grounds to believe that information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
- (c) the eligible whistleblower gave notice to the body to which the qualifying disclosure was made that states:
  - (iii) that they intend to make an emergency disclosure; and
  - (iv) includes sufficient information to identify the qualifying disclosure; and
- (d) the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or member of Parliament of the substantial and imminent danger.

### *Disclosure to a legal practitioner*

Additionally, a report of a disclosable matter to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the whistleblower provisions in the Act, will qualify for protection.

## **8. Protections for whistleblowers**

Whistleblowers who report disclosable matters in accordance with the Whistleblower Protection Scheme outlined in this Policy will be protected even if the allegations prove to be incorrect or unsubstantiated, so long as the whistleblower has reasonable grounds to suspect the information they disclose concerns a disclosable matter as set out in Section 5 above, and they use a reporting route detailed in Section 6 or 7 above.

Every effort will be made to protect the confidentiality of the whistleblower, and there is no requirement for a whistleblower to identify themselves in order to qualify for protection.

Eligible whistleblowers are protected against any civil, criminal, or administrative liability (including disciplinary action) for making a qualifying disclosure in accordance with the Whistleblowing Protection Scheme, and no contractual or other remedy may be enforced or exercised against the eligible whistleblower on the basis of the qualifying disclosure.

However, the protections do not grant immunity for any misconduct which an eligible whistleblower has engaged in that is revealed in their disclosure.

Certain protections are also available under Part IVD of the [Taxation Administration Act 1953](#).



## RED NOSE LIMITED WHISTLEBLOWER POLICY



### 9. No detrimental conduct

The protections also make it unlawful for a person to engage in conduct against another person that causes or will cause a detriment:

- (a) in circumstances where the person believes or suspects that the other person or a third person made, may have made, proposed to make or could make a qualifying disclosure; and
- (b) if the belief or suspicion held by that person is the reason or part of the reason for their conduct.

Threats of detriments will also be unlawful if the person making the threat intended to cause fear that a detriment would be carried out, or was reckless as to whether the person against who it was directed would fear the threatened detriment would be carried out.

Threats may be express or implied, conditional or unconditional. An eligible whistleblower (or another person) who has been threatened in relation to a disclosure does not have to actually fear that the threat will be carried out.

Red Nose will not tolerate any detrimental conduct or threats of detrimental conduct against a whistleblower, or against a whistleblower's colleagues, employer (if a contractor, consultant or supplier) or relatives.

Detrimental conduct includes, but is not limited to:

- a) Dismissal or termination of services;
- b) Demotion;
- c) Altering a position or duties to the individual's disadvantage;
- d) Discrimination, victimisation or harassment;
- e) Harm or injury to the whistleblower, including psychological harm;
- f) Damage to the whistleblower's property, reputation, business or financial position;
- g) Any other damage to a person; and
- h) Threats of any of the above.

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 Red Nose from managing (in the ordinary way) any separate performance issues that may affect the work of an eligible whistleblower.

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

# RED NOSE LIMITED WHISTLEBLOWER POLICY



Information about what Red Nose will do to provide support to and protect an eligible whistleblower is set out in this Policy. However, if an eligible whistleblower believes they have suffered detriment they can lodge a complaint with an authorised recipient or a regulator such as ASIC or APRA for investigation.

## 10. Confidentiality

Strict confidentiality requirements apply in respect of any disclosures that qualify for protection under the Whistleblower Protection Scheme.

Red Nose also recognises that maintaining appropriate confidentiality is crucial in ensuring that potential whistleblowers come forward and make disclosures in an open and timely manner, and without fear of victimisation or any detrimental conduct being made against them.

As noted above, there is no requirement for a whistleblower to identify themselves in order for a disclosure to qualify for the protections set out in the Act or this Policy.

Where a whistleblower chooses to disclose their identity, Red Nose shall take all reasonable steps to protect their identity and will adhere to all statutory requirements in respect of the confidentiality of disclosures made. The measures and/or mechanisms that Red Nose may put in place to protect the confidentiality of a whistleblower's identity include, where appropriate:

- a) redacting personal information or references to the whistleblower witnessing an event;
- b) referring to the whistleblower in a gender-neutral context;
- c) ensuring secure record-keeping and information-sharing processes;
- d) limiting all information relating to a disclosure to those directly involved in managing and investigating the disclosure;
- e) ensuring communications and documents relating to the investigation of a disclosure are not sent to an email address or to a printer that can be accessed by other staff.

Red Nose will not disclose the identity of a whistleblower or information that is likely to lead to the identification of the whistleblower, except where the whistleblower's identity is disclosed (as permitted by law):

- a) to ASIC, APRA, or a member of the Australian Federal Police;
- b) to a legal practitioner for the purposes of obtaining legal advice or legal representation about the whistleblower provisions under the Act;
- c) to a person or body otherwise prescribed by regulations; or
- d) with the consent of the whistleblower.

Red Nose may disclose information that is likely to lead to a whistleblower's identification, but only if:

- a) the information does not include the whistleblower's identity;

## RED NOSE LIMITED WHISTLEBLOWER POLICY



- b) Red Nose has taken all reasonable steps to reduce the risk that the whistleblower will be identified from the information; and
- c) it is reasonably necessary in the circumstances for investigating the issues raised in the disclosure.

It is illegal for a person to identify a whistleblower or disclose information that is likely to lead to the identification of a whistleblower outside the exceptions explained in this section.

In practice, it is important to recognise that an eligible whistleblower's identity may still be determined if the eligible whistleblower has previously mentioned to other people that they are considering making a disclosure, the eligible whistleblower is one of a very small number of people with access to the information, or the disclosure related to information that an eligible whistleblower has previously been told privately and in confidence.

If there is a breach of confidentiality, an eligible whistleblower may lodge a complaint with either Red Nose, ASIC, APRA, the ACNC or the ATO for investigation.

### 11. Offences

All persons engaged by Red Nose, including its officers and employees, should be aware that, in addition to any disciplinary action that Red Nose may take, the Whistleblower Protection Scheme provides that any individual who breaches the confidentiality of a whistleblower's identity or who engages in detrimental conduct, may be guilty of an offence. Breaching these laws is extremely serious, and individuals may be subject to significant fines, compensation orders, or a penalty of up to 2 years' imprisonment.

### 12. Investigation process

Once Red Nose is made aware of a whistleblowing disclosure, Red Nose will consider the most appropriate action. This is likely to include an assessment of the disclosure to determine whether:

- (a) it falls within the Whistleblower Protection Scheme; and
- (b) an investigation is required and if so, how that investigation should be carried out.

Any investigation in relation to a disclosure will be conducted objectively, promptly, fairly, and independently with due regard for the nature of the allegation and the rights of the persons involved in the investigation, including any persons who are the subject of the disclosure. Persons who are the subject of a disclosure will be dealt with in accordance with the principles of natural justice and procedural fairness.

The investigation may, where appropriate, be conducted in accordance with a set timeframe. However, the precise process may vary depending on the nature of the disclosure.

Any evidence gathered during an investigation, including any materials, documents or records, must be held by the investigator, and held securely.

During the investigation, the investigator will have access to all of the relevant materials, documents, and records. Red Nose shall ensure appropriate records and documentation for each step in the process are maintained.

## RED NOSE LIMITED WHISTLEBLOWER POLICY



Where an investigation shows that wrongdoing has occurred, Red Nose will take appropriate action in relation to any person who has been involved in the wrongdoing, subject to being dealt with in accordance with the principles of natural justice and procedural fairness prior to any action being taken.

Where illegal conduct has occurred, Red Nose may report the matter to relevant authorities, including the police.

Where practicable and provided the disclosure was not made anonymously, Red Nose will keep the whistleblower informed of the outcomes of the investigation, subject to the considerations of privacy of those against whom allegations are made.

Whistleblowers should be aware that Red Nose may not be able to undertake an investigation if it is not able to contact the whistleblower, such as where the disclosure is made anonymously and the whistleblower has not provided a means of contacting them.

Once an investigation is concluded, the findings from the investigation will be documented and reported in a manner which ensures the confidentiality of the whistleblower is preserved. In some circumstances, it may not be appropriate for Red Nose to provide details of the outcome of the investigation to the whistleblower.

### **13. What is expected of whistleblowers?**

While Red Nose encourages wrongdoing to be reported, it is also important that Red Nose protect its employees and volunteers against mischievous or false reports, or reports based on rumour or innuendo.

Accordingly, when reporting wrongdoing, whistleblowers should provide as much factual information as possible, to ensure that Red Nose has a reasonable basis for an investigation and to allow investigations to be conducted in a rigorous way.

Red Nose will treat all reports of disclosable matters seriously and endeavour to protect anyone who raises concerns in line with this Policy. An eligible whistleblower can still qualify for protection under this Policy where their disclosure turns out to be incorrect.

However, deliberate false or vexatious reports will not be tolerated. Anyone found making a deliberately false claim or report will be subject to disciplinary action, which could include dismissal.

### **14. Support and fair treatment**

Red Nose is committed to transparency and to building an environment in which people feel free to raise legitimate issues relating to Red Nose's operations. Red Nose is also committed to protecting eligible whistleblowers from detriment.

When a qualifying disclosure under the Whistleblower Protection Scheme is made, Red Nose will reiterate the requirements of this Policy to relevant individuals to ensure the protections are not undermined.

Disciplinary action up to and including dismissal may be taken against any person who causes or threatens to cause any detriment against an eligible whistleblower.

## RED NOSE LIMITED WHISTLEBLOWER POLICY



In addition, Red Nose's Employee Assistance Program provider will be available to all employee and volunteer whistleblowers and other employees and volunteers affected by the disclosure, should they require that support.

Red Nose may also consider a range of other matters to protect an eligible whistleblower from the risk of suffering detriment, and to ensure fair treatment of individuals mentioned in a disclosure. Steps it will take to help achieve this may include:

- (a) assessing whether anyone may have a motive to cause detriment—information could be gathered from an eligible whistleblower about:
  - (i) the risk of their identity becoming known;
  - (ii) who they fear might cause detriment to them;
  - (iii) whether there are any existing conflicts or problems in the work place; and
  - (iv) whether there have already been threats to cause detriment.
- (b) analysing and evaluating the likelihood of each risk and evaluating the severity of the consequences;
- (c) developing and implementing strategies to prevent or contain the risks - for anonymous disclosures, it may be worthwhile assessing whether the person's identity can be readily identified or may become apparent during an investigation;
- (d) monitoring and reassessing the risk of detriment where required - the risk of detriment may increase or change as an investigation progresses, and even after an investigation is finalised;
- (e) taking steps to ensure that:
  - (i) disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;
  - (ii) each disclosure will be assessed and may be the subject of an investigation;
  - (iii) the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters disclosed;
  - (iv) when an investigation needs to be undertaken, the process will be objective, fair and independent;
- (f) assisting the eligible whistleblower by providing support services such as counselling services and access to resources for managing stress, time, or performance impacts resulting from the investigation;
- (b) allowing the eligible whistleblower (where appropriate) to perform their duties from another location or reassigning the eligible whistleblower to another role of the same level, or making other modifications to the workplace or the way the eligible whistleblower performs their duties; and/or
- (g) where necessary, undertaking specific interventions to protect an eligible whistleblower where detriment has already occurred, including disciplinary action,

## RED NOSE LIMITED WHISTLEBLOWER POLICY



extended leave for the eligible whistleblower, and alternative career development and training.

If the disclosure mentions or relates to employees of Red Nose other than the eligible whistleblower, Red Nose will take steps to ensure that those individuals are treated fairly. Typically, this would include giving those persons an opportunity to respond to the subject matter of the disclosure, having regard to the principles of procedural fairness. In addition, action would only be taken against such a person if there is cogent evidence of wrongdoing.

### **15. Vexatious or false disclosures**

An eligible whistleblower will only be protected if they have reasonable grounds to suspect that the information that they disclose concerns misconduct or an improper state of affairs, or circumstances or other conduct falling within the scope of the Whistleblower Protection Scheme.

The protections under the Whistleblower Protection Scheme will not extend to vexatious or deliberately false complaints. If any investigation of a disclosure demonstrates that it was not made on objectively reasonable grounds, it will not be protected.

Depending on the circumstances, it may be appropriate for Red Nose to take disciplinary action against any person who does not have reasonable grounds for their disclosure. Such action may include dismissal.

### **16. Making this Policy available**

This Policy will be made available to all Red Nose employees, volunteers and officers by being uploaded to SharePoint, Red Nose's volunteer system (Better Impact) and the Red Nose Website.

### **17. Additional information**

Ultimate responsibility for this Policy rests with the Red Nose Board.

This Policy is not intended to go beyond the legislation. This Policy is not a term of any contract, including any contract of employment, and does not impose any contractual duties, implied or otherwise, on Red Nose. This Policy may be varied by Red Nose from time to time, including as part of any review.

This Policy will be reviewed annually in November by the Red Nose Executive team and the Audit & Risk Committee, and updated as required.

The Red Nose Executive team will ensure that the Audit & Risk Committee and the Board is informed of all legitimate whistleblower complaints that are received, whilst complying with the confidentiality obligations detailed in Section 10 above.

This policy is to be read in conjunction with applicable Red Nose policies, including:

- the Codes of Conduct for Staff and Volunteers; and
- the Workplace Bullying, Discrimination & Harassment Policy.

If additional information is required regarding the operation of this Policy, please contact the Whistleblower Protection Officer, Ms Alison Godlee, at [alisongodlee@rednose.org.au](mailto:alisongodlee@rednose.org.au), or the Head of Corporate Services, Mr. Andrew Hutchins, at [andrewhutchins@rednose.org.au](mailto:andrewhutchins@rednose.org.au).

**RED NOSE LIMITED  
WHISTLEBLOWER POLICY**



**Document History**

| <b>Drafted/reviewed by:</b> | <b>Comment</b>                     | <b>Date</b> | <b>Approved by:</b>   | <b>Date</b> |
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