



RSL
Australia

Whistleblower Policy

The Returned & Services League of Australia Ltd

1. INTRODUCTION

As a registered charity with the Australian Charities and Not-for-profits Commission (ACNC), the Returned & Services League of Australia Ltd (RSLA) is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.

RSLA recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct.

This Whistleblower Policy has been developed so that people can raise concerns regarding situations where they believe that RSLA or anybody connected with RSLA has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below. Whilst RSLA does not qualify by law to the requirement to have a mandatory Whistleblower policy, it will adhere to this policy to best effect, but is not bound by it.

2. PURPOSE

This Policy aims to:

- encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct
- provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the charity
- enable RSLA to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information
- ensure that any Reportable Conduct is identified and dealt with appropriately
- ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported, and
- help to ensure that RSLA maintains the highest standards of ethical behaviour and integrity.

3. DEFINITIONS

3.1 Reportable Conduct

Reportable Conduct includes any past, present or likely future activity, behaviour or state of affairs considered to be:

- dishonest;
- corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
- fraudulent;
- illegal (including theft, drug sale or use, violence or threatened violence, or property damage);
- in breach of regulation, internal policy or code;
- improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;
- a serious impropriety or an improper state of affairs or circumstances;
- endangering health or safety;
- damaging or substantially risking damage to the environment;
- a serious mismanagement of RSLA's resources;
- detrimental to RSLA's financial position or reputation;
- maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);
- concealing reportable conduct.

Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

3.2 What is not Reportable Conduct?

While everybody is encouraged to speak up and report any concerns to RSLA, not all types of conduct are intended to be covered by this Policy. This Policy does not apply to personal work-related grievances unless the grievance includes victimisation due to whistleblowing.

Personal work-related grievances are those that relate to the discloser's current or former employment with RSLA that might have implications for the discloser personally but do not:

- have any other significant implications for RSLA (or another entity); or
- relate to any conduct or alleged conduct about a disclosable matter.

Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

However, personal work-related grievances may be covered by this Policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

3.3 Detrimental Conduct

Actions against a person making a report of Reportable Conduct. Examples include:

- retaliation, dismissal, suspension, demotion, or termination of a role;
- bullying, harassment, threats or intimidation;
- discrimination, subject to current or future bias, or derogatory treatment;
- harm or injury;
- damage or threats to a discloser's property, business, financial position or reputation; or revealing the identity of a Whistleblower without their consent or contrary to law;
- threatening to carry out any of the above actions.

3.4 Worker

Any person performing work for RSLA or a related entity of RSLA regardless of whether it is paid or voluntary. All employees (including current or former employees), Board Directors, Committee Members, Contractors (including employees of contractors), volunteers, suppliers and consultants are represented by the term "**Workers**" for the purposes of this Policy. Although they are under no obligation to do so, any associate, family member or dependent of any person in the above groups of people may also speak up. If they do choose to speak up in line with this Policy, they will be extended the relevant rights and protections under this Policy.

3.5 Whistleblower

A person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with RSLA, and wishes to avail themselves of protection against reprisal for having made the report.

3.6 Protected Disclosure

A report of Reportable Conduct made in accordance with this Policy. To be protected under this Policy, a Whistleblower must have reasonable grounds to suspect the Reportable Conduct.

4. POLICY

4.1 Reporting 'Reportable Conduct'

RSLA encourages a culture of speaking up and coming forward if a person is aware, has knowledge of, or reasonably suspects, that someone has, or will, commit Reportable Conduct.

Reports and disclosures can be made verbally or in writing and can be anonymous. Reports can be made to any of the following:

- Chief Executive Officer (CEO) acting as Protected Disclosure Officer
- Chair of RSLA Board's Finance, Audit and Risk Committee
- Board Director
- RSLA's auditor or a member of the audit team

For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. Reports should include as much information as possible, including the details of the misconduct, people involved, dates, locations, possible witnesses to the events and any other evidence that exists (e.g., documents, emails).

In the report, include any steps already taken to report the matter elsewhere or to resolve the concern.

Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal. The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

4.2 Anonymous Reporting and Confidentiality

A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised and still receive the protection provided under this policy.

RSLA encourages all individuals to disclose their identity when raising a concern. This will assist RSLA to gather further information relating to a report. It will also enable RSLA to monitor the discloser's wellbeing and protect them from any retaliation or detriment.

RSLA will treat all reports, as well as all confidential information acquired in the course of investigating a report, with the strictest confidence. A discloser's identity will not be revealed unless:

- they consent in writing to the disclosure;
- the disclosure is made to a Commonwealth or State body or the Australian Federal Police (AFP);
- the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
- the disclosure is authorised under the Corporations Act 2001 (Cth); and/or
- disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

It is illegal for a person to identify a discloser or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If a discloser feels that their confidentiality has been breached, they can lodge a complaint with the Chairman of the Board. RSLA may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

4.3 Protection from Detrimental Conduct

If an individual has reasonable grounds to suspect Reportable Conduct, even if it turns out their concerns are mistaken, RSLA will support and protect the individual and anyone else assisting in the investigation.

RSLA will not tolerate any detriment inflicted on an individual because they or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:

- retaliation, dismissal, suspension, demotion, or termination of a role;
- bullying, harassment, threats or intimidation;
- discrimination, subject to current or future bias, or derogatory treatment;
- harm or injury;
- damage or threats to property, business, financial position or reputation; or revealing the identity of a Whistleblower without their consent or contrary to law;
- threatening to carry out any of the above actions.

This protection applies regardless of whether any concerns raised in a report are found to be true, provided that the Whistleblower acted honestly and ethically and made the report on reasonable grounds. This protection also applies to individuals conducting, assisting or participating in an investigation.

Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be subject to discipline and may be dismissed or subject to criminal or civil penalties.

If a person makes a report and subsequently faces any kind of Detrimental Conduct, they are encouraged to report this immediately to the Protected Disclosure Officer. Any concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.

Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.

A Whistleblower may also be entitled to the following legal protections for making a report:

- protection from civil, criminal or administrative legal action;
- protection from having to give evidence in legal proceedings; and/or
- compensation or other legal remedy.

4.4 Responding to Reportable Conduct

The Protected Disclosure Officer will assess all reports that are received and will endeavour to determine whether the matter qualifies as a Protected Disclosure and if a formal, in-depth investigation is required.

The Protected Disclosure Officer will endeavour to provide the discloser with regular updates.

RSLA may not be able to investigate a disclosure if it is unable to contact the discloser or if the discloser wishes to remain anonymous. RSLA will handle and investigate Protected Disclosures in accordance with its Whistleblower procedures.

5. RESPONSIBILITIES

5.1 Person making a Report (Whistleblower)

The Whistleblower will report any past, present or likely future activity or behaviour defined as Reportable Conduct as per this policy.

5.2 Recipient of Report

Any person (as per list at 4.1) who receives a report must maintain the confidentiality of the person making the report and notify the Protected Disclosure Officer (CEO).

5.3 Protected Disclosure Officer (CEO)

The Protected Disclosure Officer (CEO) will report any past, present or likely future activity or behaviour defined as Reportable Conduct as per this policy and will provide support and protection to persons making a report of Reportable Conduct. The CEO will keep persons making a report informed of the progress and outcomes of the inquiry/investigation subject to considerations of those against whom a disclosure has been made.

If required, the CEO will appoint an Investigator.

5.4 Investigator

An Investigator will conduct a sufficient and proper inquiry into the content of a Whistleblower report, at the direction of the CEO who will be updated with investigation results in a timely manner.

An Investigator will be objective, fair and independent throughout the investigation process and will maintain confidentiality when handling reports as appropriate.

6. PROCESSES

RSLA will handle and investigate Protected Disclosures in accordance with its Whistleblower procedures.

7. NEXT REVIEW DATE

To ensure effective protection under the Policy, the RSLA Finance, Audit and Risk Committee will monitor and review this Policy regularly.