

WHISTLEBLOWER POLICY



Topic:	Whistleblower Policy		
Responsible:	Governance		
Approved by:	TSH Board	Signature:	
Review Date:	3 years from policy approval date or as and when required		

Effective Date:	31 August 2020	Review Date:	31 August 2023	Policy Version:	V3
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1. AIM AND OBJECTIVE

The Board of TSH is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with TSH policies and procedures), and ethically (in accordance with recognised ethical principles).

This policy is to provide a confidential process and service, to all Board members, employees, contractors, suppliers (including suppliers' employees), associates, tenderers and customers of TSH, and relatives or dependents of any of the foregoing. It offers an avenue for reporting concerns about the business or an individual's behaviour. This can include suspicion of breaches or violations of TSH's policies and procedures, human rights, safety, environmental, financial reporting, fraud or business integrity issues or any type of corporate or tax misconduct in general.

TSH is committed to a culture of transparency and encourages employees, contractors and other stakeholders to speak up about their issues and concerns, either through management, human resources and other functions or via this whistleblowing policy.

All people are encouraged to raise a concern that could prevent a potentially serious situation from impacting on TSH and others.

A copy of this policy will be made available to all employees by via the TSH Intranet and published on the TSH website at <https://www.tsh.org.au/whistleblower-policy/>.

The Board shall review and amend this policy on a periodic basis and rectify any issues identified in the review in a timely manner

2. PURPOSE

The purpose of this policy is to:

- encourage the reporting of matters that may cause harm to individuals, or financial or non-financial loss to TSH, damage to its reputation or present a risk of harm or danger to public health or safety or to the financial system generally;
- enable TSH to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for the secure storage of the information provided;
- establish the policies for protecting whistleblowers against reprisal by any person internal or external to TSH;
- provide for the appropriate infrastructure for reporting breaches and concerns; and
- help to ensure TSH maintains the highest standards of ethical behaviour and integrity.

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3. SCOPE and APPLICATION

This policy applies to all Board members, employees, contractors, suppliers (including suppliers' employees), associates, tenderers and customers of TSH, and relatives or dependents of any of the foregoing.

This Policy covers reports about TSH breaches and wrongdoing, including any conduct by TSH directors, employees, or contractors deemed unethical, dishonest, improper, illegal or a danger to the public or financial system.

Complaints regarding occupational health and safety should where possible be made through the TSH's occupational health and safety procedures.

Personal work-related complaints or grievances (e.g. interpersonal conflicts, promotion decisions and disciplinary actions) should be lodged or raised under TSH's relevant grievance procedure.

People should not make false reports (including reports that are trivial, vexatious, or made maliciously, or without basis). The making of such reports is considered serious misconduct and may result in disciplinary action being taken up to and including termination of employment. Abusing the process outlined in this Policy and acting improperly in making a report undermines the effectiveness of this Policy and may adversely impact on genuine whistleblowers. TSH does not discourage people from reporting matters of genuine concern, however, people raising concerns or reporting must ensure as far as possible their reports comply with this Policy.

4. RELATED LEGISLATION

- The Privacy Act 1988 (Cth)
- Public Interest Disclosure Act 2003 (WA)
- Taxation Administration Act 1953 (Cth)
- Corporations Act 2001 (Cth)

5. DEFINITIONS

Breaches may include breaches of general law, TSH policies or procedures, or generally recognised principles of ethics including:

- corrupt conduct
- fraud or theft
- official misconduct
- serious and substantial waste of public resources
- any corporate or tax misconduct

Disclosure Officer means the person appointed by the TSH Board to receive, investigate and report on allegations pertaining to reportable conduct as outlined in section 11.

Employee includes any current or former employee.

Reportable Conduct may include conduct which:

- can be considered a breach (as defined in this policy);
- is dishonest, fraudulent or corrupt activity, including bribery or similar activity;
- is illegal activity (such as theft, drug sale or use, violence, harassment or intimidation, criminal damage to property or other breaches of state or federal law);
- is unethical or in breach of TSH's policies (such as dishonestly altering company records or data, adopting questionable accounting practices or wilfully breaching TSH's Code of Conduct or other policies or procedures);
- amounts to an abuse of authority;
- may cause financial loss to TSH or damage its reputation or be otherwise detrimental to TSH's interests;

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- involves any other kind of serious impropriety;
 - presents a risk of harm or danger to public health or safety or to the financial system.

Whistleblower is a person (being a Board member, employee, contractor, supplier (including supplier's employees), associate, tenderer and customer of TSH, and relative or dependent of any of the foregoing who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with reportable conduct and wishes to avail themselves of protection against reprisal for having made the report.

6. POLICY

Where a disclosing whistleblower believes on reasonable grounds that any TSH Board member, director, employee, volunteer, supplier, associate, tenderer or contractor has engaged in conduct that may be reportable conduct that whistleblower should report their concern to:

- the relevant supervisor, or, if they feel that their supervisor may be complicit in the breach;
- the CEO, or if they feel that the CEO may be complicit in the breach;
- TSH's nominated Disclosure Officer; or if they feel this to be necessary;
- the duly constituted authorities responsible for the enforcement of the law in the relevant area.

Before reporting a concern under this Policy, potential disclosing whistleblowers should consider if the concern can be appropriately handled by other internal policy reporting procedures or raising the concern with a member of the senior leadership team. Generally, a formal report should only be made after a potential disclosing whistleblower has endeavoured to have the concerns about breaches addressed through usual reporting channels.

The disclosing whistleblower shall not suffer any sanctions by TSH on account of their actions in this regard, provided that they have reasonable grounds to believe the disclosed breaches have occurred or are occurring.

Any person within TSH to whom such a disclosure is made shall:

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the disclosing whistleblower of their decision;
- if they believe the behaviour complained of to be neither trivial nor fanciful, ensure that the allegation is investigated, a finding is made, and the disclosing whistleblower is informed of the finding.

Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness.

Disclosures may be made anonymously, and this anonymity shall, as far as possible, be preserved by TSH.

7. ANONYMITY

If the disclosing whistleblower wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law.

If you choose to make an anonymous report, you should note that:

- (a) The Disclosure Officer will not release the identity or any information that may lead to identification of the disclosing Whistleblower other than to individuals involved in the investigation or to law enforcement authorities, unless the Disclosure Officer is required to report the matter to the Board of TSH is required by law to disclose information.
- (b) Notwithstanding paragraph (a) above, any person whom the report is against will be given the opportunity to respond to the allegation and it is possible they may therefore ascertain the disclosing whistleblower's identity from the anonymous information provided.
- (c) Where the report is anonymous, it remains the professional judgment of the Disclosure Officer or the Board of TSH (if not implicated in the report) whether to progress with a full investigation given limited ability to

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- interview the disclosing Whistleblower to confirm details or seek further information. This decision will be made after an internal preliminary investigation of the information has been conducted.
- (d) In some situations, TSH may not be able to investigate the complaint without further details from the disclosing Whistleblower including role and other background information.
 - (e) In certain circumstances, the law may require that your identity be disclosed.
 - (f) If you choose to remain anonymous you will not be provided with any feedback or progress reports on the investigation.

The disclosing whistleblower should, however, be informed if the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.

8. PROTECTION OF WHISTLEBLOWERS

Where the whistleblower has made a disclosure on reasonable grounds, the CEO or Disclosure Officer (as appropriate) shall designate an officer to be responsible for ensuring that the whistleblower is protected from any employment-related disadvantage or reprisals on account of the disclosure and to provide additional support for the whistleblower where necessary. TSH will also avail the organisation's Employee Assistance Program to the whistleblower in accordance with its contract with the EAP provider,

In the event a whistleblower suffers a detriment as a result of a disclosure they may also have a right to other legal protections and redress, including compensation, injunctions, an apology or other civil, criminal and administrative protections.

9. PROTECTION OF FILES AND RECORDS

All files and records created from an investigation will be retained under strict security and unauthorised release of information to someone not involved in the investigation (other than senior managers or directors who need to know to take appropriate action, or for corporate governance purposes) without the consent of the disclosing whistleblower will be a breach of this policy.

Whistleblowers are assured that a release of information in breach of this policy will be regarded as a serious matter and will be dealt with under TSH's disciplinary procedures.

10. REPORTING PROCESSES

The CEO or Disclosure Officer (as appropriate) will report to the Legal and Governance Committee on the number and type of whistleblower incident reports annually, to enable TSH to address any issues. These reports will be made on a 'no names' basis, maintaining the confidentiality of matters raised under this policy.

The Legal and Governance Committee will receive copies of all whistleblower reports. In addition, serious and/or material Reportable Conduct will be considered by the Disclosure Officer for immediate referral to the Chair of the Legal and Governance Committee.

11. DISCLOSURE OFFICER

Any person wishing to obtain additional information before making a disclosure, or make a report may contact the Disclosure Officer as follows:

TSH Company Secretary:
Peter Marcakis

Email: whistleblower@tsh.org.au

Reports may also be made by post, marked Private and Confidential to:

c/- Disclosure Officer
Telethon Speech and Hearing Ltd
PO Box 186

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Wembley WA 6913.

A report may be submitted anonymously if the whistleblower does not wish to disclose their identity to the Disclosure Officer.

If the appointed Disclosure Officer may be subject to a complaint, the Chair of the Board will appoint an external person or officer to act as the Disclosure Officer.

PROCEDURE

Where a person reasonably believes that any TSH Board member, employee, volunteer, supplier, associate, customer or contractor has breached general law, TSH policy, generally recognised principles of ethics or any other any corporate or tax misconduct, that person should disclose their concern to any one of the following:

- the relevant supervisor
- the CEO; or
- TSH's nominated Disclosure Officer; or
- a person or officer independent of TSH nominated by the TSH to receive such a disclosure, that person or officer as appointed by the Chair of the Board;
- a legal practitioner; or
- (where a breach of general law is alleged) the duly constituted legal authorities responsible for the enforcement of the law in the relevant area.

Disclosures may be made anonymously and/or confidentially, securely, and outside of business hours.

To ensure due process, TSH requires that the disclosing whistleblower not discuss the details of the report with any person, except with those authorised under this Policy or relevant external agencies, or as required by law.

These procedures do not authorise any person to disclose their concerns to commercial media or social media, and do not offer protection to any employee who does so, unless:

- it is not feasible for employees to disclose internally;
- all other relevant disclosure channels have failed to deal with issues effectively; and
- the matter involves an "emergency disclosure", where it is perceived that there is an imminent risk of serious harm or danger to public health or safety or to the financial system.

Any whistleblower disclosing such a breach should be informed that:

- as far as lies in TSH's power, the whistleblower will not be disadvantaged for the act of making such a disclosure; and
- if the whistleblower wishes to make their disclosure anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law; however,
- disclosing such a breach does not necessarily absolve the whistleblower from the consequences of any involvement on their own part in the misconduct complained of.

Any such disclosure should where possible be in writing and should contain, as appropriate, details of:

- the nature of the alleged breach;
- the person or persons responsible for the breach;
- the facts on which the whistleblower's belief that a breach has occurred, and has been committed by the person or persons named, are founded;
- the nature and whereabouts of any further evidence that would substantiate the whistleblower's disclosure, if known.

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Evidence to support such disclosures should be brought forward if it exists. The absence of such evidence will be taken into account in subsequent consideration of whether to open an investigation into the matter. However, absence of such evidence is not an absolute bar to the activation of TSH's investigative procedures. The existence of such a disclosure is sufficient to trigger reporting responsibilities.

In contemplating the use of this policy a whistleblower should consider whether the disclosure may be more appropriately raised under either TSH's grievance procedures or its disputes resolution policy.

INVESTIGATION

On receiving the disclosure of a breach, the person to whom the disclosure is made shall:

- if they believe the disclosure to be unquestionably trivial or fanciful, dismiss the disclosure and notify the disclosing whistleblower of their decision;
- if they believe the disclosure to be neither trivial nor fanciful, put in motion the investigation process described below.

The person to whom the disclosure is made shall notify the disclosing whistleblower that the disclosure has been received and will advise the whistleblower that an investigation will be commenced immediately.

The person to whom the disclosure was made shall notify the CEO or Disclosure Officer (as appropriate), who shall be responsible for ensuring that an investigation of the disclosure is established and adequately resourced.

Terms of reference for the investigation will be drawn up, in consultation with the CEO or Disclosure Officer (as appropriate), to clarify the key issues to be investigated.

An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

An independent investigator will be appointed by the Board of TSH to conduct the investigation of the disclosure. The investigator shall be, as far as possible, unbiased.

The appointed investigator will be required to:

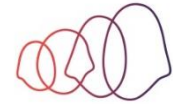
- (a) Maintain strict security and confidence during the investigation process.
- (b) Take all reasonable steps to ensure that the investigation is fair and unbiased and that the rules of procedural fairness are applied. In particular, where adverse comment about a person is likely to be included in a report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.
- (c) Carry out the investigation consistently with this Policy and any other requirements of TSH.
- (d) Interview all relevant witnesses and, where possible, audio record the interviews and make contemporaneous notice of all discussions, phone calls and interviews.
- (e) Examine all relevant documents.
- (f) Carry out the investigation as soon as practical and in a timely manner.
- (g) Prepare a report of the investigation which summarises the conduct of the investigation and the evidence collected, draws conclusions about the occurrence and extent of any serious misconduct and recommends any action to remedy the serious misconduct to prevent it recurring.
- (h) Provide a report of findings to the Legal and Governance Committee of the Board of TSH as per the Policy.
- (i) Where appropriate, provide the disclosing whistleblower with updates about the status of the investigation.

FINDINGS

A report will be prepared as soon as is reasonably practicable following the completion of the investigation. This report will include:

- The allegations;
- A statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions;

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- The conclusions reached (including the damage caused, if any, and the impact on TSH and other affected parties) and their basis; and
 - Recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

The outcome of the investigation will be reported to the disclosing whistleblower (having regard to any applicable confidentiality issues).

A copy of this report will be provided to the Legal and Governance Committee of the TSH Board as per the policy.

Where a disclosing whistleblower is not satisfied that a disclosure has been investigated and acted upon appropriately, that person may contact the Legal and Governance Committee of the TSH Board to request that the investigation be reviewed.

REMEDIAL ACTION

TSH will undertake any remedial action required by the findings of a whistleblower investigation such as:

- (a) Changing policies and procedures.
- (b) Introducing new policies and procedures.
- (c) Reporting to relevant regulatory or investigating authorities.
- (d) Taking appropriate disciplinary or other action against wrongdoers.

Remedial action will be taken as soon as appropriate after or during the investigation.