

Community Broadcasting Foundation

Whistleblower Policy

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Introduction

The Community Broadcasting Foundation (CBF) values accountability and transparency in the management of public funds. As an ethical and responsible steward of community broadcasting sector funding and resources, the CBF emphasises the importance of speaking up as a critical component of our values expectations and supports the protection of whistleblowers.

This Whistleblowing Policy should be read in conjunction with the CBF Risk Management Plan, the CBF Fraud Control Plan and the CBF Complaints Process.

Purpose

This Policy provides a framework for the CBF to investigate and address allegations and concerns regarding suspected or actual unethical or unlawful behaviour raised by whistleblowers.

The purpose of this Policy is to create an environment where people feel safe to report actual or suspected improper conduct in good faith and in an environment free from victimisation.

Scope of Policy

This Policy applies to:

- current and former directors;
- current and former employees and temporary staff, including contractors;
- current and former service providers and suppliers;
- volunteers; and/or
- a spouse, relative or dependent of these individuals.

(Relevant Persons)

Exclusions

This Policy does not apply to trivial or vexatious matters. This Policy does not replace other reporting structures such as those for dispute resolution, grievances, equal opportunity, discrimination, harassment or bullying except where the issue is of a serious nature and existing reporting systems have failed to process the issue or processed it in an inappropriate, unfair or biased manner.

The Federal whistleblower legislation excludes “personal work-related grievances” from the categories of protected disclosures. The *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* outlines several broad examples of such grievances, including:

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

Policy Application

Internal measures

The CBF requires Relevant Persons to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Relevant Persons must act with honesty and integrity when fulfilling their responsibilities and must comply with all applicable laws and regulations.

It is the responsibility of all Relevant Persons to report concerns about breaches of the CBF's Code of Conduct or suspected breaches of law or regulations that govern the CBF's operations.

If any Relevant Person reasonably believes that a policy, practice or activity of the CBF is in breach of the law or regulations that govern the CBF's operations, a written complaint must be filed with the CBF's Chief Executive Officer who will investigate the allegation, and where proven, address the unlawful or unethical activity.

External measures:

Where an external party believes that an individual or entity with whom the CBF has a commercial or funding relationship has seriously and/or deliberately breached the terms of any agreement with the CBF, or has not fulfilled its responsibilities as a recipient of CBF funding with transparency and integrity, a written report together with supporting evidence must be filed by the informant with the CBF's Chief Executive Officer. The CBF will investigate the alleged breach and if validated, implement action to ensure the integrity of the disbursement of public funds and protection of the CBF's reputation. The CBF's Chief Executive Officer will inform the CBF Board of the report and the action taken to address it and where necessary and appropriate, advise relevant authorities.

For procedures and reporting requirements relating to allegations of fraud, please see the CBF Fraud Control Plan.

Reporting and investigating:

Any whistleblower must have reasonable grounds for believing that improper conduct has occurred (**alleged breaches**). Such information must be reported in writing together with supporting evidence to the CBF Chief Executive Officer. The CBF Chief Executive Officer will promptly investigate each report and prepare a written report for the CBF Board.

Confidentiality and Anonymity:

All information received from a whistleblower will be treated confidentially and sensitively.

Any whistleblower disclosure may be submitted on an anonymous basis by the whistleblower.

Whilst whistleblowers are encouraged to share their identity when making a disclosure as it will make it easier for the disclosure to be addressed, whistleblowers are not required to do so. If a whistleblower does not share their identity, their disclosure will be assessed in the same way as if the CBF had received the disclosure with a whistleblower's identity, noting that there may be some practical limitations in conducting an investigation if a whistleblower's identity is not shared.

Confidentiality cannot be accorded in any manner that restricts the ability of the CBF's Chief Executive Officer to report a disclosure to the CBF Board; the CBF to fulfil its obligations to the Australian Government, regulatory bodies such as the Australian Securities and Investment Commission (ASIC)

and the Australian Charities and Not-For-Profit Commission (ACNC); or prevents the CBF from meeting its obligations under law.

Protection from Retaliation

It is unlawful for a person to engage in conduct that causes detriment to a whistleblower (or an associate of the whistleblower) in the belief or suspicion that a person has made, may make, proposes to make or could make a protected disclosure or to purport to terminate an employee because of a protected disclosure. 'Detriment' in this context is very broadly defined and includes dismissal, alteration of position, discrimination, harassment, injury in employment or damage to reputation.

The CBF will not retaliate against anyone who has made a whistleblower disclosure against the CBF, or of another individual or entity with whom the CBF has a commercial or funding relationship.

Alternative arrangements

The CBF Chief Executive Officer is responsible for receiving and acting on whistleblower disclosures, unless the report relates to the CBF's Chief Executive Officer, in which case the report should be made to the CBF President or CBF Vice-President who will be responsible for providing an alternative procedure to investigate.

Implementation of this Policy

It is the responsibility of the CBF Board and management to establish, maintain and implement policies and procedures and to bring this Policy into effect.

This Policy will be published on the CBF website.

The CBF will adopt procedures for implementation of this Policy, which will include:

Documenting reported breaches or alleged breaches;

- Working with legal counsel to decide whether the whistleblower disclosure requires review by the CBF's Chief Executive Officer or should be directed to other authorities;
- Ensuring the CBF Board is informed of the progress of any whistleblower investigation;
- Ensuring the whistleblower is informed about the status of the investigation;
- Interviewing CBF employees; and
- Preparing a written record of the whistleblower disclosure.