

Whistleblower Policy

1. POLICY STATEMENT

Lung Foundation Australia (LFA) is committed to fostering a culture of integrity, transparency, and accountability. We encourage employees, contractors, and stakeholders to report any misconduct, unethical behaviour, or breaches of the law. This whistleblower policy outlines the procedures and protections for individuals who report such concerns.

2. PURPOSE

The purpose of this policy is to:

- Encourage the reporting of suspected misconduct, unethical practices, or legal breaches.
- Provide a clear framework for reporting and investigating allegations.
- Ensure that individuals who make reports are protected from retaliation.
- Comply with applicable Australian whistleblower legislation, including the Fair Work Act 2009 and the Corporations Act 2001, and other relevant legislative obligations.

3. SCOPE

This policy applies to all employees, directors, volunteers, members, contractors, suppliers, consultants, stakeholders and any other parties engaged with LFA, as well as their relatives and dependents both past and current, who are entitled to protections under applicable whistleblower legislation, including the Corporations Act 2001 (Cth).

4. PROTECTED DISCLOSURE

A protected disclosure is a report made by an eligible whistleblower who has reasonable grounds to suspect misconduct, an improper state of affairs or breach of the law. The disclosure must be made to the Reporting Mechanisms in Section 7.

5. REPORTABLE CONDUCT

Reportable conduct under this policy includes, but is not limited to:

- Fraud, corruption, or bribery.
- Illegal activities or breaches of the law.
- Misuse of data, unauthorised access, disclosure, breaches or suspected breaches of privacy or confidentiality obligations.
- Mismanagement, serious misconduct, or improper behaviour.
- Deliberate and wilful violations of LFA policies or procedures.
- Unsafe work practices or environmental hazards.
- Retaliation against individuals who report conduct under this policy.

6. WHAT IS NOT REPORTABLE CONDUCT

While we encourage the reporting of misconduct, it is important to clarify that certain issues do not fall under the scope of this whistleblower policy. These include:

- Personal work-related grievances. These are issues that are solely related to an individual's employment and do not have significant implications for the organisation, such as interpersonal conflicts, decisions relating to employment transfers, promotions, or disciplinary actions.
- Matters that have already been addressed under other formal grievance or dispute resolution processes.
- Concerns that are based on unsubstantiated rumours or that do not have sufficient evidence to support a report of misconduct.

7. REPORTING MECHANISMS

7.1 Reports can be made through the following channels:

- Internal Reporting: Employees are encouraged to report concerns to their immediate supervisor or manager, the General Manager, People and Culture (Whistleblower Protection Officer) or any [Eligible Recipient](#) under the Corporations Act.
- Escalation may be made to the CEO, Board Chair or LFA's auditors.
- Where the matter concerns the CEO or Director(s) a report can be made to the appropriate supervisory role or external authority (i.e. if the matter is about the Executives, CEO or Board member report to the Board Chair, or Risk Sub-committee Chair.
- Where appropriate, a concern may be raised with the [Australian Charities and Not-for-profits Commission](#)
- External Reporting: Reports can also be made to external regulatory bodies, such as the Fair Work Ombudsman or the Australian Securities and Investments Commission (ASIC), as appropriate under the Fair Work Act and the Corporations Act, or the Office of the Australian Information Commissioner (OAIC) under the Privacy Act.
- Anonymous External Report to Stopline:
 - Website:
<https://makeareport.stopline.com.au/portal/landing/LungFoundationAustralia>
 - Phone: 1300 30 45 50
 - Email: makeareport@stopline.com.au

7.2 When making a complaint, it is essential to provide detailed and accurate information to facilitate a thorough investigation. Please ensure your complaint includes the following:

- Dates: Specify the dates and times when the alleged misconduct occurred.
- Location: Mention the location(s) where the incident(s) took place.
- Individuals Involved: Identify the persons involved in the incident, including witnesses, if any.
- Description of the Misconduct: Provide a clear and concise description of the events or actions that constitute the misconduct.
- Evidence: Attach any relevant evidence, such as documents, emails, or photographs, that support your complaint.
- Impact: Explain the impact of the misconduct on you, other individuals, or the organisation.

Clearly articulating these details helps ensure that the investigation can proceed effectively and that appropriate actions can be taken.

8. GOOD FAITH REPORTING

Individuals are encouraged to make disclosures honestly and on reasonable grounds. A whistleblower will continue to be protected under this policy even if their concerns are ultimately not substantiated, provided the disclosure was made in good faith.

Knowingly making a false or malicious report, or intentionally providing misleading information, may result in disciplinary action.

9. CONFIDENTIALITY

All reports will be treated with the utmost confidentiality. The identity of the whistleblower will not be disclosed without their consent, except where required by law.

Records relating to whistleblower disclosures will be stored securely, with access limited to authorised individuals involved in managing or investigating the disclosure. Information will only be disclosed where necessary to investigate the matter or where required by law.

10. PROTECTION AGAINST RETALIATION

LFA will not tolerate any form of retaliation against individuals who report concerns. Retaliation includes, but is not limited to, dismissal, demotion, harassment, or discrimination.

It is illegal to fire, harass or discriminate against a whistleblower or potential whistleblower. Any individual found to have engaged in retaliatory behaviour will be subject to disciplinary action and faces criminal or civil penalties.

If the whistleblower is concerned about possible harm as a result of the disclosure, they may raise their concerns with an [Eligible Recipient](#) under the Corporations Act.

9. SUPPORT AND PRACTICAL PROTECTION FOR DISCLOSERS

LFA is committed to ensuring that individuals who make disclosures under this policy are provided with appropriate support and protection. In addition to legal protections, LFA will take practical steps to safeguard whistleblowers, including:

- Providing access to confidential counselling or employee assistance services (EAP).
- Making reasonable adjustments to the whistleblower's working arrangements, where possible, to prevent detriment (e.g., relocation, modified reporting lines, flexible work options).
- Regularly checking in with the whistleblower to ensure their wellbeing and address any ongoing concerns.
- Taking prompt action to prevent or stop any behaviour that could be perceived as retaliation.
- Allowing anonymous reporting and ongoing anonymous communication where requested.

Where a whistleblower chooses to remain anonymous, LFA encourages them to maintain a confidential communication channel (where possible) to assist with the investigation and enable appropriate support to be provided. Alternatively, Stopline Reporting is available to ensure anonymity. Anonymous reporting, however, may result in practical limitations such as seeking clarifying information and sufficient evidence, natural justice and investigation constraints, communicating outcomes and the ability to provide protection and support.

LFA's Whistleblower Protection Officer will coordinate any necessary support measures in consultation with the whistleblower and relevant managers, while maintaining confidentiality.

10. INVESTIGATION AND RESOLUTION

All reports will be acknowledged (where contact details are available) and assessed promptly. Where appropriate, LFA will undertake an investigation that is proportionate to the nature, seriousness and circumstances of the disclosure. The investigation process will be fair, objective, and conducted by an independent party where necessary. Findings and outcomes of the investigation will be communicated to the whistleblower, where appropriate, and necessary corrective actions will be taken.

The investigation process will include:

1. Receipt of Report: The report of misconduct is received and logged confidentially. Receipt will be acknowledged within 5 business days.

2. Preliminary Assessment: Determine whether the disclosure falls within the scope of this policy, assess any immediate risks to the whistleblower, and determine whether an investigation is warranted.

3. Investigation Planning: Determine who will conduct the investigation and whether an independent investigator is required.

4. Evidence Gathering: Collect relevant documents, records and witness statements.

5. Analysis: Analyse the evidence objectively.

6. Findings: Prepare investigation findings and recommendations

7. Communication: Where appropriate and lawful, the whistleblower will be advised periodically about the progress of the investigation and when it has concluded and whether the allegations were substantiated. LFA may be unable to disclose specific outcomes or disciplinary action due to privacy and confidentiality obligations.

8. Corrective Actions: Implement any corrective actions.

9. Follow-Up: Monitor implementation of actions and ensure the whistleblower has not experienced detriment.

11. FAIR TREATMENT OF INDIVIDUALS MENTIONED IN A DISCLOSURE

LFA is committed to ensuring that any person who is the subject of, or mentioned in, a whistleblower disclosure is treated fairly and in accordance with the principles of natural justice.

- Any person who is the subject of an investigation will be informed of the substance of the allegations at an appropriate time and given the opportunity to respond.
- Investigations will be conducted objectively, with confidentiality maintained to the fullest extent possible.
- Findings will be based on available evidence, and conclusions will be documented and reviewed by relevant management or the Whistleblower Protection Officer.
- Support will be made available to individuals involved, including access to counselling or employee support services, where appropriate.
- Where allegations are not substantiated, LFA will take reasonable steps to protect the reputation of individuals who were the subject of the disclosure.

12. RESPONSIBILITIES

Employees: Report any known or suspected misconduct or unethical behaviour.

Managers and Supervisors: Support and protect whistleblowers and ensure that reports are escalated appropriately.

Whistleblower Protection Officer (General Manager, People and Culture):

- Receive and assess whistleblower disclosures.
- Determine the appropriate response and investigation pathway.
- Assess and manage any risks of detriment to the whistleblower.
- Coordinate appropriate support measures.
- Maintain secure records relating to disclosures.
- Ensure confidentiality is maintained throughout the process.
- Escalate matters to the CEO, Chair of the Board or external investigators where appropriate. The Chair of the Board may request de-identified reporting to the Risk Management Sub-committee periodically.

13. REVIEW AND AMENDMENT

This policy will be reviewed regularly to ensure its effectiveness and compliance with legal requirements. Any amendments will be communicated to all employees and stakeholders.

14. ACCESSIBILITY OF THIS POLICY

LFA will ensure that this Whistleblower Policy is easily accessible to all employees, volunteers, contractors, suppliers, and stakeholders via the LFA website.

Managers are responsible for ensuring that that individuals under their supervision are aware of this policy and how to access it.

- The policy will be published on the website, LFA intranet and Employment Hero (HRIS).
- Information about whistleblower protections and reporting mechanisms will be periodically communicated through staff training, newsletters, or other internal channels.