



Whistleblower Policy

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RACV Whistleblower Policy

RACV Whistleblower Policy**Document Control**

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27 April 2022	2.0	Fiona Bourdot-Clayton	Policy updated	RACV Board 27 April 2022

RACV Whistleblower Policy

1. Purpose and scope

By publishing and implementing this Whistleblower Policy, RACV intends that:

- RACV complies with the **Whistleblower Protection Laws**;
- You understand how to report genuine concerns about wrongdoing at RACV and other entities connected to RACV, and how such reports are managed and investigated by RACV;
- You understand the protections under **Whistleblower Protection Laws** and the circumstances in which they apply.

This Policy applies to disclosures made after the Policy comes into effect, regardless of when the conduct disclosed occurred. If this Policy is inconsistent with law that applies to RACV or an entity covered by this policy, the law applies over this Policy. Disclosures about the entities named in the Appendix are covered by this Policy. A reference in this Policy to a disclosure about RACV means a disclosure about any one or more of these entities.

This Policy is not part of the terms of employment or engagement of any employee or contractor.

Definitions

Words in **this text** are defined in the Appendix.

Matters not covered by this Policy

Not all reports of concerns about RACV are covered by this Policy or the **Whistleblower Protection Laws**. For example:

- If you are a current or former RACV employee and you want to report a **personal work-related grievance** that affects only you, please refer to the applicable [complaints, disputes and grievances policy](#) to report the matter to your People and Culture team. The **Whistleblower Protection Laws do not apply** to these reports **unless they concern an alleged victimisation under those laws or misconduct that is a disclosable matter**.
- If you are a member or customer of RACV and you have concerns about how RACV has handled any product, service or interaction with you, including a complaint, please contact RACV on 13 72 28.

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2. Protected disclosures

We encourage you to speak up if you have concerns about wrongdoing. We take these concerns seriously and do not victimise people who raise them. Protections under the **Whistleblower Protection Laws**, however, will apply only if:

- you are an **Eligible Person**;
- you have a genuine and reasonable concern about actual or suspected activity within, by or at RACV entities covered by this policy that is a **disclosable matter**; and
- the concern is **not a personal work-related grievance** or a member or customer complaint.

You might also consider making a disclosure if you do not feel safe or comfortable to raise your concern to your manager or their manager, or to RACV's Risk and Legal or People and Culture teams.

Activity that is a **disclosable matter** does not have to be illegal. You must have a reasonable basis to believe or suspect the activity is real when you make the disclosure. The protections may still apply even if it turns out that information you have disclosed is incorrect.

3. Ways to make a disclosure

FairCall, our external whistleblower reporting service. FairCall is operated by KPMG. FairCall receives disclosures 24/7 and reports them to the Whistleblower Investigation Officer. Disclosures to FairCall can be made anonymously.

Free call anytime: 1800 500 965

Web: <https://www.kpmgfaircall.kpmg.com.au/RACV>

Fax: +61 2 9335 746

Post: The FairCall Manager

KPMG Forensic

PO Box H67

Australia Square

Sydney NSW 1213

RACV has appointed KPMG as an Eligible Recipient to receive disclosures under the Whistleblower Protection Laws. KPMG will treat all disclosures in accordance with the FairCall Privacy Statement: <https://home.kpmg/au/en/home/misc/privacy-faircall.html>.

Whistleblower Investigation Officer. The General Manager, RACV Risk and Legal, is the Whistleblower Investigation Officer.

Email: whistleblower@racv.com.au

Post: The Whistleblower Investigation Officer – Confidential

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RACV Risk and Legal
Level 7, 485 Bourke Street
Melbourne VIC 3000

Other RACV Eligible Recipients of protected disclosures. Other individuals who are eligible to receive protected disclosures and who must handle that information in accordance with this Policy include the RACV Company Secretary and Governance Counsel; members of RACV's Leadership Team; directors, company secretaries and other officers of RACV (including a subsidiary); and RACV's auditors¹. Disclosures received by these individuals will, with your consent, be referred to the Whistleblower Investigation Officer in all but exceptional cases. For this reason, we recommend that you make your disclosure to FairCall or to the Whistleblower Investigation Officer.

Disclosures of tax related concerns. In addition to FairCall, the Whistleblower Investigation Officer and the other RACV Eligible Recipients, you may report concerns about RACV's tax affairs to RACV's external registered tax agent, KPMG; an RACV employee who has functions in relation to RACV's tax affairs, such as RACV's Financial Controller; or Australia's Commissioner of Taxation. RACV recommends you seek independent legal advice if considering making a whistleblower disclosure to the Commissioner of Taxation.

Disclosures to regulators and media. You may report a **disclosable matter** to the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA). In limited circumstances, disclosure to a journalist or member of Parliament will qualify for protection under the **Whistleblower Protection Laws** as an 'emergency disclosure' or 'public interest disclosure'². An emergency or public interest disclosure must first have been made to one of ASIC or APRA, notice must have been given to ASIC or APRA of the intention to make an emergency or public interest disclosure and, in the case of a public interest disclosure, 90 days must have passed since the disclosure was made to ASIC or APRA. We recommend you seek independent legal advice if considering making a whistleblower disclosure to a journalist or member of Parliament.

When an **Eligible Person** discloses a **disclosable matter** to one of the entities or individuals described above, the **Whistleblower Protection Laws** apply. An **Eligible Person** could qualify for protection

¹ See the Appendix for how to contact these RACV Eligible Recipients.

² ASIC provides more information about disclosures to journalists and members of Parliament; see <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/>

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regardless of which of the listed channels they choose to report through.

4. Assessing and investigating disclosures

We intend that investigations of disclosures are conducted confidentially, fairly, impartially, within a reasonable timeframe and in accordance with the Whistleblower Protection Laws.

A disclosure made to FairCall, the Whistleblower Investigation Officer or another RACV Eligible Recipient is assessed by the Whistleblower Investigation Officer, the RACV Company Secretary and Governance Counsel or another legal adviser to RACV to determine if it is in the scope of this Policy. If the disclosure is in the scope of this Policy, the Whistleblower Investigation Officer or the RACV Company Secretary and Governance Counsel then decides whether an investigation should be made. Not all disclosures warrant investigation. For example, it may be decided that the matter disclosed has already been investigated and another investigation is not reasonable or appropriate.

In all but exceptional cases, the Whistleblower Investigation Officer is responsible for the conduct of the investigation. They may engage internal or external expertise and assistance if it is reasonable and appropriate to do so but remain responsible for seeing that the investigation is made in accordance with this Policy and the **Whistleblower Protection Laws**.

In exceptional cases, investigations under this Policy may be overseen by someone other than the Whistleblower Investigation Officer, for example, where:

- The disclosure concerns a senior member of the RACV executive or RACV Board director. Such a disclosure may, with the discloser's consent, be referred to the RACV Managing Director and CEO or the Chairman of the RACV Board or another Board director.
- The Whistleblower Investigation Officer has a conflict of interest or is otherwise inappropriate or unable to oversee the investigation. In such cases, with the discloser's consent, the disclosure may be referred to the RACV Company Secretary and Governance Counsel, an RACV General Manager or an Executive General Manager.
- The disclosure is made to a director of RACV. Such a disclosure may, with the discloser's consent, be referred to the RACV Company Secretary and Governance Counsel.

When a disclosure made to FairCall or an RACV Eligible Recipient is referred to a person other than the Whistleblower Investigation Officer, that person is responsible for the conduct of any investigation. They may engage internal or external expertise and assistance if it is reasonable and appropriate to do so but remain responsible for seeing that the investigation is made in accordance

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with this Policy and the **Whistleblower Protection Laws**.

Timeframes

We aim to acknowledge each disclosure within 24 hours of receipt and decide within two weeks of receipt whether the disclosure will be investigated. If an investigation is made, the length of the investigation will depend on the matter's complexity. We aim that a relatively simple investigation be completed in two months. Very complex investigations may take twelve months or longer. Factors that contribute to the complexity of an investigation include the number and significance of issues to be investigated and the availability of information about the issues.

Confidentiality

When you make a disclosure to FairCall you are asked if you want to keep your identity confidential. If you make a disclosure to an RACV Eligible Recipient, they may ask you for your permission to disclose your identity to the Whistleblower Investigation Officer. You decide how much of your identity or contact information to provide and you can make your disclosure anonymously, including by using a pseudonym. You do not need to disclose your identity to be protected by the **Whistleblower Protection Laws**. You may stay anonymous throughout any investigation and you do not have to answer any question in an investigation if to do so would reveal your identity.

If anonymity is important to you, we recommend you make your disclosure to FairCall.

If you wish to remain anonymous but do not wish to make your disclosure to FairCall, we recommend you send your disclosure to an RACV Eligible Recipient by Australia Post or internal mail, or use an email address that does not identify you or include details that could lead to your identity becoming known (for example, an email address shared with a partner).

It is illegal for a person to whom disclosure of a **disclosable matter** has been made, whether the disclosure is to FairCall, an RACV Eligible Recipient, a lawyer, a regulator or other external body, to identify or to disclose information that is likely to identify the person who made the disclosure.

If you identify yourself to FairCall, the Whistleblower Investigation Officer or another RACV Eligible Recipient, they will keep your identity and information likely to identify you confidential unless you give them your consent to share that information or they are otherwise allowed or required by law to disclose the information; eg to a lawyer to get legal advice or to a regulator or law enforcement. Confidential information other than your identity that you give to an RACV Eligible Recipient can be disclosed by that person if it is reasonably necessary for an investigation that the information be disclosed and the person to whom you disclosed the information takes all reasonable steps (eg by withholding or redacting your name, position title and other identifying information) to reduce the

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risk that you will be identified.

Your decision not to identify yourself or provide contact information does not determine whether an investigation is made but it may affect the investigator's ability to communicate with you about your disclosure, to obtain and assess information relevant to an investigation, and to give you protection and support. For this reason, we encourage you to identify yourself to the Whistleblower Investigation Officer or other person responsible for investigating your disclosure.

To best maintain your confidentiality and other protections under **Whistleblower Protection Laws**, RACV expects that you will not share information about your disclosure or any investigation with personnel who are not involved in managing or investigating the disclosure. You may at any time speak to your own lawyer, our regulators and law enforcement³ about a whistleblower disclosure, including to complain if you are concerned that confidentiality has not been maintained.

Reporting and Confidentiality

We keep reports and other information relevant to a disclosure or investigation appropriately secure by ensuring access to the information is available only to those involved in managing or investigating the disclosure; restricting the number of people involved in managing or investigating the disclosure; reminding each such person of their obligations of confidentiality. The method of documenting and reporting any investigation findings will depend on the nature of the disclosure and our obligations of confidentiality.

Reports to RACV's management committees or Board may include non-identifying, aggregated information about whistleblower disclosures. The purpose of these reports is to give senior leaders insights about the operation of the RACV whistleblower Program and any themes of which they should be aware regarding the behaviour and conduct of personnel. An Eligible Person who makes a disclosure will be given the opportunity to opt out of their information being used for high level reporting purposes.

Fairness and impartiality

Investigators of disclosures must act objectively and competently in the collection, review and assessment of information about the disclosure. We give individuals who are accused of wrongdoing an opportunity to respond to allegations before adverse findings of fact are made and before any disciplinary action is taken. We take reasonable steps to maintain confidentiality over the identity of

³ ASIC, APRA, the Commissioner of Taxation, a member of the Australian Federal Police.

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any person mentioned in or the subject of a disclosure.

Informing disclosers about assessment and investigation outcomes

You will be told whether your disclosure is assessed as being a whistleblower disclosure and is being investigated. Any other updates to you, including about the progress, conclusions and outcome of the investigation, depend on what the investigator determines is appropriate in the circumstances and are subject to confidentiality requirements. There may be circumstances where it is not appropriate to provide to you details of the outcome of an investigation. Updates may be written or verbal, as the investigator decides.

If the investigator does not know your identity or contact details, any updates may be given to you via FairCall. This is easiest if you have given FairCall your contact details. Even if you have decided to remain anonymous or not to give your contact details, you should check in to FairCall to maintain ongoing communications and participate in any investigation.

If you believe the investigator has not acted on your disclosure appropriately, you may ask that it be reviewed. We are not obliged to reopen an investigation and may conclude a review if it finds that the investigation was conducted properly, or new information is either not available or would not change the outcome of the investigation. You may speak to our regulators and law enforcement⁴ if you are concerned that we have not managed your disclosure satisfactorily or in accordance with the **Whistleblower Protection Laws**.

5. Protection and support for people involved in a disclosure or investigation

We do not tolerate detriment to a person because it is believed or suspected that the person has made, may have made, or could make a whistleblower disclosure, or because they are participating in or assisting an investigation. Further, the **Whistleblower Protection Laws** protect an **Eligible Person** who has disclosed a **disclosable matter** to FairCall, an RACV Eligible Recipient, a lawyer, regulatory or other external body, or who has made a public interest and or emergency disclosure in accordance with the **Whistleblower Protection Laws**.

Protection against detriment

Detriment includes:

⁴ ASIC, APRA, the Commissioner of Taxation, a member of the Australian Federal Police.

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- dismissing a person from their employment, injuring the person in employment or altering their position or duties to their disadvantage;
- discriminating between the person and other employees;
- harassing or intimidating the person;
- harming or injuring the person, including causing psychological harm;
- damaging a person's property, reputation or financial position; or
- revealing a person's identity as a discloser without their consent or contrary to law.

What we do to protect a person who makes or is involved in investigation of a disclosure from detriment depends on the circumstances of the disclosure. It may include adjustments to a person's work conditions, such as location and duties; reinforcing confidentiality obligations; managing conflicts; working to ensure fairness in performance management; and investigating detrimental conduct that is alleged to have occurred.

It is not detrimental conduct to:

- move a person to another work location to protect them from detriment;
- manage a person's work performance in accordance with the applicable disciplinary policy.

If you are concerned that you are experiencing detrimental conduct because of your involvement in a whistleblower disclosure or investigation, you should immediately tell FairCall, the Whistleblower Investigation Officer or another RACV Eligible Recipient. By reporting detriment quickly, you enable us to better protect you.

People who have suffered detriment because of someone else's belief or suspicion that they are or were involved in a whistleblower disclosure or investigation may be awarded compensation or other legal remedies. If you believe you have suffered detriment, we recommend that you seek independent legal advice and you may contact our regulators. Legal remedies may be available if:

- a person suffers loss, damage or injury because of a disclosure; and
- we failed to take reasonable steps and weren't diligent in acting to prevent the detrimental conduct.

Anyone engaging in detrimental conduct may be subject to serious consequences, including penalties under the law. Victimising another staff member is against RACV's Code of Conduct and any applicable fair treatment, or like, policy and may lead to disciplinary action, including dismissal

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and/or termination of engagements or contracts.

Protection from legal action

A person who makes a disclosure may be protected by the **Whistleblower Protection Laws** from certain legal action for making the disclosure, including:

- civil, criminal, and administrative (including disciplinary) action; and
- contractual action, including termination of a contract on the basis that making the disclosure was a breach of that contract.

The **Whistleblower Protection Laws** do not give disclosers immunity from legal liability for their own misconduct that is revealed in their disclosure. We recommend you seek independent legal advice if you are concerned about how this affects you.

Support for employees

RACV offers an Employee Assistance Program (EAP) for free, confidential, short term counselling support for employees and their immediate family members. Information about accessing EAP is on [CHARLI](#). The EAP is not an Eligible Recipient of disclosable matters. If you are using EAP while involved in a disclosure or investigation under this Policy, you must be mindful of the prohibitions under this Policy and the **Whistleblower Protection Laws** on disclosing the identity, or information likely to reveal the identity, of a discloser.

Copies of and questions about this Policy

This Policy is available on Charli, RACV.com.au and at any time on request.

If you are asked by an RACV staff member for a copy of this Policy, or know that a staff member has accessed the Policy, you must not disclose this to others, because doing so may affect the confidentiality of the person who requested or accessed the Policy under the **Whistleblower Protection Laws**.

Questions about this Policy and RACV's process for handling protected disclosures should be directed to the General Manager, RACV Risk and Legal.

Seeking information and advice

If you are considering making a disclosure you can contact FairCall for more information about KPMG's process for handling disclosures made using FairCall. You can speak to your own lawyer for advice or representation in relation to the **Whistleblower Protection Laws**, and the disclosure you make to your lawyer for that purpose is protected under the **Whistleblower Protection Laws**.

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We encourage Eligible Persons to report matters if they are unsure whether the matter would be considered a **disclosable matter**. When doing so, we recommend that Eligible Persons indicate they are making a disclosure under this Policy. We treat all disclosures made under this Policy in the same way, regardless of whether the matter qualifies for protection under the **Whistleblower Protection Laws**, this is unless the disclosure concerns matters that are expressly outside the scope of this Policy as set out at the start of this document.

6. Policy Governance

Policy Review

The Policy Owner must review this Policy at least once every 2 years.

Policy Changes

Substantive changes to this Policy must be proposed by the Policy Owner to the MD & CEO and Governance & Risk Management Committee for their endorsement to the RACV Board for approval.

Minor changes, including changes to format, headings, role titles and related documents may be approved by the Policy Owner.

Requests for changes to this Policy must be made to the General Manager, RACV Risk and Legal.

Related Policies and Documents

- [RACV Code of Conduct Policy](#)
- [RACV Complaints, Disputes and Grievances Policy](#)
- [RACV Fair Treatment Policy](#)

Further Information

- Visit the [ASIC website \(www.asic.gov.au\)](http://www.asic.gov.au)
- Visit the [ATO website \(www.ato.gov.au\)](http://www.ato.gov.au)
- [ASIC Information Sheet 238 Whistleblower rights and protections \(INFO 238\)](#)
- [ASIC Information Sheet 239 How ASIC handles whistleblower reports \(INFO 239\)](#)

7. Appendix

RACV companies

This Policy applies to disclosures in relation to the following RACV companies:

- Royal Automobile Club of Victoria (RACV) Limited
- RACV Investment Holdings Pty Ltd
- RACV Holdings Pty Ltd
- RACV Finance Ltd
- RACV Insurance Services Pty Ltd
- Intelematics Australia Pty Ltd
- Arevo Pty Ltd
- Property Safe Investments Pty Ltd
- Club Tasmania Holdings Pty Ltd
- Gippsland Solar Pty Ltd
- Gippsland Heating and Cooling Pty Ltd

Disclosures in relation to Nationwide Group are governed by the Nationwide Group Whistleblower Policy.

A reference to 'RACV' in the Definitions below includes the RACV companies listed above.

Definitions

Eligible Person

A person who is or was:

- a) an RACV employee, whether full or part-time, casual or fixed-term;
- b) an officer or director of RACV;
- c) an individual who supplies services or goods to RACV, or a contractor engaged by RACV;
- d) an employee of a supplier of services or goods to RACV;

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- e) an individual who is an associate, such as a director or secretary of a related company of RACV; or
- f) a relative or family member of any of the individuals at a) to e) above.

Disclosable matter	<p>Reasonable concerns about:</p> <ul style="list-style-type: none"> • misconduct, or an improper state of affairs or circumstances, in relation to RACV, such as dishonest conduct or other serious breaches of RACV's Code of Conduct. • conduct by RACV (or an officer or employee) that breaches certain laws including the Corporations Act 2001 (Cth), the ASIC Act 2001 (Cth), the Financial Sector (Collection of Data) Act 2001 (Cth), or the National Consumer Credit Protection Act 2009 (Cth); or that is an offence under any other Commonwealth law punishable by at least twelve months' imprisonment; or that is a danger to the public or the financial system. • misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of RACV or an associate of RACV.
Personal work-related grievance	<p>For example, an interpersonal conflict between you and another staff member; or concerns about a decision relating to your employment or engagement such as a transfer, promotion or disciplinary action.</p>
Whistleblower Protection Laws	<p>The Corporations Act 2001 (Cth) and the Taxation Administration Act 1953 (Cth) provide legally enforceable protections for people who make disclosures. In this Policy the relevant provisions of these Acts are referred to as the Whistleblower Protection Laws.</p>

RACV Eligible Recipients of whistleblower disclosures

We recommend that you make your disclosure to FairCall or to the Whistleblower Investigation Officer. You may also make a disclosure to the other RACV Eligible Recipients listed in section 3 of this Policy as follows:

- In person or by post marked Confidential and addressed to the Eligible Receipt by name and/or title and posted to: RACV, Level 7, 485 Bourke Street, Melbourne VIC 3000.
- RACV's external auditor is PwC, GPO Box 1331, Melbourne VIC 3001.

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- RACV's internal auditor and tax agent is KPMG, Tower Two, Collins Square, 727 Collins Street, Melbourne VIC 3001.