



NATIONAL
NUTRITION
FOUNDATION

Whistleblower Policy

VERSION	2.0
DATED	02 October 2025
ORGANISATION	National Nutrition Foundation

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1. Overview

The National Nutrition Foundation Ltd (**NNF**) is committed to ensuring corporate compliance and promoting ethical corporate culture by observing the highest standards of fair dealing, honesty and integrity in our business activities.

1.1. Purpose

This Whistleblower policy has been put in place to ensure any concerns raised regarding any misconduct or improper state of affairs or circumstances in relation to NNF's business are dealt with effectively, securely, appropriately, and in accordance with the Corporations Act 2001 (Cth) (the **Act**). To the extent of any inconsistency between this policy document and the Act, the Act prevails.

NNF encourages the reporting of any instances of suspected unethical, illegal, corrupt, fraudulent or undesirable conduct involving NNF's business and provides protections and measures to individuals who make a disclosure in relation to such conduct without fear of victimisation or reprisal.

This policy will be provided to all employees and directors of NNF upon commencement of their employment or engagement and will also be available via Employment Hero (for access by employees at any time).

The policy is also available to persons outside the organisation and can be accessed on NNF's website.

NNF will invite officers and employees to attend regular training sessions to ensure ongoing education regarding the application of the policy and the rights of whistleblowers.

1.2. Scope

This policy applies to any person who is, or has been, any of the following with respect to NNF:

- employees;
- directors;
- members;
- volunteers (including students);
- contractors (including sub-contractors and employees of contractors);
- associates; and
- any relative, dependant, spouse, or dependant of a spouse of any of the above.

Collectively, this list of persons is referred to as **Eligible Persons**.

2. Definitions

Detrimental Conduct has the meaning given to that term in clause 8.2.

Eligible Person has the meaning given to that term in clause 1.2.

Eligible Recipient has the meaning given to that term in clause 5.1.

Reportable Conduct has the meaning given to that term in clause 3.

Whistleblower has the meaning given to that term in clause 3.

Whistleblower Protection Officer(s) is a person(s) authorised by NNF to receive and investigate Reportable Conduct within the organisation. The Whistleblower Protection Officer(s) is responsible for protecting the interests of the Whistleblower including maintaining confidentiality as far as possible and protecting them from detriment as a result of their report.

3. Reportable Conduct

An Eligible Person may make a report or disclosure under this policy if they have reasonable grounds to believe that any current or former director, employee, member, volunteer, or contractor of NNF or any other person who has business dealings with NNF has engaged in conduct which:

- is illegal (such as theft, dealing in or use of illicit drugs, violence, criminal damage to property, or other breaches of applicable state or federal law);
- is unethical;
- is a serious breach of NNF's constitution, its policies and procedures;
- involves maladministration (such as dishonestly altering NNF records or adopting questionable accounting practices);
- is dishonest, fraudulent or corrupt (such as falsifying scientific/nutrition data or its interpretation or publishing or promoting false scientific/nutrition information);
- is negligent or reckless which places any person at high risk (such as unsafe work practices or health risks);
- may cause significant financial loss to NNF or significantly damage its reputation;
- involves harassment, discrimination, victimisation or bullying;
- involves serious breaches of data protection or privacy laws, including unauthorised access, disclosure or misuse of confidential information; or
- involves any other kind of serious misconduct or an improper state of affairs or circumstances.

Collectively, this list of conduct is referred to as **Reportable Conduct**.

In this Whistleblower policy, a Whistleblower is any Eligible Person who genuinely discloses an allegation or concern about Reportable Conduct under this policy and wishes to avail themselves of the protections offered by this policy (**Whistleblower**).

For the avoidance of doubt, Reportable Conduct does not include personal work-related grievances. A personal work-related grievance is a grievance about any matter in relation to a staff member's current or former employment, having implications (or tending to have implications) for that person personally and that do not have broader implications for NNF.

Examples of personal work-related grievances are as follows:

- an interpersonal conflict between the staff member and another employee;
- a decision relating to the engagement, transfer or promotion of the staff member;
- a decision relating to the terms and conditions of engagement of the staff member;

- a decision to suspend or terminate the engagement of the staff member, or otherwise to discipline the staff member.

Personal work-related grievances should be reported to an employee’s manager or in accordance with NNF’s Dispute Resolution Policy.

4. Responsibilities

BOARD	<ul style="list-style-type: none"> • Approve the Whistleblower policy. • Nominate NNF’s Whistleblower Protection Officers. • Monitor and annually review the effectiveness of the Whistleblower policy. • Oversee Whistleblower processes and complaints.
CHIEF EXECUTIVE OFFICER (CEO)	<ul style="list-style-type: none"> • Ensure the Whistleblower policy is communicated adequately to all Eligible Persons. • At the time of complaint, communicate the Whistleblower policy (should the CEO be implicated, the policy should be communicated by a Director of the Board or alternative Eligible Recipient). • Ensure investigations into reports by Whistleblowers are appropriately resourced and conducted in a reasonable timeframe. • Ensure Board has oversight of Whistleblower processes and complaints. • Implement appropriate and ongoing training programs.
AN ELIGIBLE RECIPIENT RECEIVING A WHISTLEBLOWER’S REPORT (INCLUDING WHISTLEBLOWER PROTECTION OFFICER)	<ul style="list-style-type: none"> • Undertake and follow the Whistleblower policy. • If requested by the Whistleblower, maintain the anonymity of the Whistleblower as far as possible under law. • Maintain strict security and confidentiality of information provided by the Whistleblower.
ELIGIBLE PERSONS	<ul style="list-style-type: none"> • Make a report if they become aware of actual cases, or suspect on reasonable grounds potential cases, of any conduct that is reportable under this policy and procedure, and which cannot or is not being resolved through other reporting mechanisms.

5. Making a disclosure

NNF relies on its employees, officers, contractors and volunteers maintaining a culture of honest and ethical behaviour. Accordingly, if an Eligible Person becomes aware of any Reportable Conduct, it is expected that they will make a disclosure under this policy to an Eligible Recipient (defined below at 5.1). This is required in order for the Eligible Person to qualify for protection as a whistleblower under the Act. This is discussed in section 6, Protection of Whistleblowers (below).

There are several ways in which Eligible Persons may report or disclose any issue or behaviour which they consider to be Reportable Conduct to receive protections under law.

5.1. Internal Reporting

To ensure appropriate escalation and timely investigation, Whistleblowers are encouraged to make a report under this policy, either in writing or orally, to an NNF Whistleblower Protection Officer.

NNF's Whistleblower Protection Officers are appointed by the Board and are:

- its CEO.

The Whistleblower Protection Officers may be contacted:

- via email at whistleblower@nnf.org.au
(note: this email is monitored by the appointed Whistleblower Protection Officer/s)
- in person; or
- via post (marked 'confidential') addressed as follows:

National Nutrition Foundation
Attn: The Whistleblower Protection Officers
Level 1, 41-43 Stewart Street,
Richmond, Vic 3121

If you are an Eligible Person and would prefer to raise the matter with someone other than an NNF Whistleblower Protection Officer (for example, if the matter concerns the CEO), you can also make a report in writing to any Director of the Board at legal@nnf.org.au, or NNF's External Auditor as set out below (each, an **Eligible Recipient**).

You are also encouraged to contact the above Whistleblower Protection Officers or any other Eligible Recipient to obtain any additional information you may require before making a disclosure or for any clarification regarding this policy.

The Whistleblower Protection Officer or any other Eligible Recipient will safeguard your interests and will ensure the integrity of the reporting mechanism.

Whilst internal reporting is always encouraged as a first step, you may be of the view that there is an exceptionally serious issue which warrants reporting to an external body such as the regulatory body responsible for the enforcement of law. In those circumstances, the regulatory body (or law enforcement body) should be notified as a priority.

5.2. External Reporting

If you are an Eligible Person and you do not feel comfortable making an internal report, or where you have made an internal report, but no action has been taken within a reasonable time, you may disclose any Reportable Conduct to NNF's external auditor.

Andrew White
Ashfords Accountants & Advisory
Email: audit@ashfords.com.au

The abovementioned contact will prepare (or commission) a report which details the concerns raised by you to a Whistleblower Protection Officer (unless your concern pertains to a Whistleblower Protection Officer where it will be escalated to a Director of the Board). Any information contained in the report will be kept confidential, except as required by law or where disclosure is necessary to regulatory authorities, law enforcement agencies or professional advisors to NNF.

5.2.1. Anonymity

When making a disclosure, you may do so anonymously. It may be difficult for NNF to properly investigate the matters disclosed if a report is submitted anonymously and therefore NNF encourages you to share your identity when making a disclosure, however you are not required to do so.

Where a disclosure has been made externally and you provide your contact details, those contact details will only be provided to a Whistleblower Protection Officer with your consent.

5.3. Reporting to Regulators

You may also make a disclosure to the Australian Securities and Investments Commission (ASIC) in relation to a Reportable Conduct. You will be covered by the protections outlined in this policy if you have reported your concerns to ASIC.

5.4. Reporting to a Legal Practitioner

You may choose to discuss your concerns with a legal practitioner for the purposes of obtaining legal advice or representation. You will be covered by the protections outlined in this policy if you have reported your concerns to a legal practitioner.

5.5. Public Interest and Emergency Disclosure Reporting

In certain situations, the conduct or wrongdoing may be of such gravity and urgency that disclosure to the media or a parliamentarian is necessary. It is recommended that you contact an independent legal adviser prior to making any public interest or emergency disclosure.

A public interest and emergency disclosure can only be made to:

- a journalist, defined to mean a person who is working in a professional capacity as a journalist for a newspaper, magazine, or radio or television broadcasting service; or
- a Member of the Parliament of the Commonwealth or of a State or Territory parliament.

You may only make a 'public interest disclosure' if:

- you have previously disclosed the information to ASIC or other prescribed authority;
- at least 90 days has passed since the previous disclosure was made;
- you have reasonable grounds to believe that action is not being taken to address the matters which you have disclosed;
- you have reasonable grounds to believe that making a further disclosure to a journalist or member of parliament would be in the public interest;
- you have given written notification, including sufficient information to identify the previous disclosure to the authority to which the previous disclosure was made that you intend on making a public interest disclosure; and
- the extent of information disclosed is no greater than is necessary to inform the recipient of the misconduct, an improper state of affairs or circumstances, or a breach of the law.

You may only make an 'emergency disclosure' if:

- you have previously disclosed the information to ASIC or other prescribed authority;
- you have reasonable grounds to believe that the information concerns a **substantial and imminent danger** to the health or safety of one or more persons, or to the natural environment;
- you have given written notification, including sufficient information to identify the previous disclosure to the authority to which the previous disclosure was made that you intend on making an emergency disclosure; and
- the extent of information disclosed is no greater than is necessary to inform the recipient of the substantial and imminent danger.

5.6. Malicious or Vexatious Reporting

Intentionally making a false report or disclosure without a proper and reasonable basis, is a serious matter and, depending on the circumstances, may result in disciplinary action (including potentially suspension or dismissal of an employee, termination of a contract or other legal action).

For the avoidance of doubt, no disciplinary action will be taken against anyone who makes a disclosure in good faith, even if the allegation is not substantiated through investigation.

6. Investigation

NNF will investigate all matters reported under this policy as soon as practicable after the matter has been reported. The Whistleblower Protection Officer or other Eligible Recipient (as outlined in section 5.1) will investigate the matter and/or where necessary, appoint an external investigator to conduct or assist in conducting the investigation. All investigations will be conducted in a fair, independent and timely manner and all reasonable efforts will be made to preserve confidentiality during the investigation.

If the report is not anonymous, the Whistleblower Protection Officer or external investigator will contact you, by your preferred method of communication to discuss the investigation process and any other matters that are relevant to the investigation.

Where you have chosen to remain anonymous, your identity will not be disclosed to the investigator or to any other person and NNF will conduct the investigation based on the information provided to it.

Where possible, the Whistleblower Protection Officer, or other Eligible Recipient, will provide you with feedback on the progress and expected timeframes of the investigation. The person against whom any allegations have been made will also be informed of the concerns and will be provided with an opportunity to respond (unless there are any restrictions or other reasonable bases for not doing so).

To the extent permitted by law, the Whistleblower Protection Officer may inform you and/or a person against whom allegations have been made of the findings. NNF will document the findings in a report however any report will remain the property of NNF and will only be shared with you or any person against whom the allegations have been made if NNF deems it appropriate.

7. Protection of Whistleblowers

As per legal requirements, any person who makes a disclosure will be treated fairly and will not suffer detriment. Confidentiality will be preserved in respect of all matters raised under this policy.

Whistleblowers may be protected against reprisals provided that the Whistleblower:

- identifies himself or herself as required under this policy;
- discloses Reportable Conduct;
- submits the disclosure in good faith and without any malice or intentionally false allegations; and
- has a reasonable belief that the alleged conduct or issue related to the alleged conduct constitutes, or may constitute, a material breach of a law or other standard of behaviour.

7.1. Protection from Legal Action

You will not be subject to any civil, criminal or administrative legal action (including disciplinary action) for making a disclosure under this policy or participating in any investigation.

Any information you provide will not be admissible in any criminal or civil proceedings other than for proceedings in respect of the falsity of the information.

7.2. Protection against Detrimental Conduct

NNF (or any person engaged by NNF) will not engage in 'Detrimental Conduct' against you if you have made a disclosure under this policy.

Detrimental Conduct is defined as actual or threatened conduct such as the following (without limitation):

- Termination of employment;
- Injury to employment including demotion, disciplinary action;
- Alternation of position or duties;
- Discrimination;
- Harassment, bullying or intimidation;
- Victimisation;
- Harm or injury including psychological harm;
- Damage to a person's property;
- Damage to a person's reputation;
- Damage to a person's business or financial position; or
- Any other damage to a person.

NNF also strictly prohibits all forms of Detrimental Conduct against any person who is involved in an investigation of a matter disclosed under the policy in response to their involvement in that investigation.

NNF will take all reasonable steps to protect you from Detrimental Conduct and will take necessary action where such conduct is identified. If appropriate, NNF may allow you to perform your duties from another location or reassign you to another role (at the same level) or make other modifications to your workplace or your duties to protect you from the risk of detriment.

If you are subjected to Detrimental Conduct as a result of making a disclosure under this policy or participating in an investigation, you should inform a Whistleblower Protection Officer or Eligible Recipient in accordance with the reporting guidelines outlined above.

You may also seek remedies including compensation, civil penalties or reinstatement if:

- You suffer loss, damage or injury because of a disclosure; and
- NNF failed to take reasonable precautions and exercise due diligence to prevent any Detrimental Conduct.

7.3. Protection of Confidentiality

All information received from you will be treated confidentially and sensitively.

You will not be required to provide your name when making a disclosure. To make a disclosure on an anonymous basis, it is recommended that you use a pseudonym and contact the Whistleblower Protection Officers in the manner outlined above.

If you report on an anonymous basis, you will still qualify for the protections in this policy.

If you make a disclosure under this policy, your identity (or any information which would likely to identify you) will only be shared if:

- You give your consent to share that information; or
- The disclosure is allowed or required by law (for example where the concern is raised with a lawyer for the purposes of obtaining legal advice); or
- The concern is reported to the Australian Securities and Investments Commission (ASIC), or the Australian Federal Police (AFP); or
- Where it is necessary to disclose information for the effective investigation of the matter, and this is likely to lead to your identification, all reasonable steps will be taken to reduce the risk that you will be identified. For example, all personal information or reference to you witnessing an event will be redacted from any report, you will be referred to in a gender-neutral context, where possible you will be contacted to help identify certain aspects of your disclosure that could inadvertently identify you. Any disclosure under this policy will also be handled and investigated by qualified staff.

NNF will also take the following measures for protecting your identity:

- All paper and electronic documents and other materials relating to disclosures will be stored securely;
- Access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- Only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of your identity (subject to your consent) or information that is likely to lead to your identification;
- Communications and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other staff; and
- Each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of your identity may constitute a criminal offence under the Act.

If you are concerned that your identity has been disclosed in relation to a disclosure, and without your consent, you should inform a Whistleblower Protections Officer or other Eligible Recipient immediately.

8. Support available

Any employee who makes a disclosure under this policy or is implicated as a result of a disclosure that is made may access NNF's Employee Assistance Program (EAP) which is a free and confidential counselling service via Acacia Connection, and can be accessed in the following ways:

- Phone: Call 1300 364 273 (available anytime, day or night)
- Live chat: Visit www.acaciaconnection.com
- Text: Send a message to +61 401 33-77-11
- Email: Contact info@acaciaconnection.com

You may also access third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 46 36) for support.

9. Other matters

Any breach of this policy will be taken seriously and may result in disciplinary action, up to and including termination of employment.

In so far as this policy imposes any obligations on NNF, those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees, they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.

NNF may unilaterally introduce, vary, remove or replace this policy at any time.

10. Related Documents

10.1. Other Policies

Employees are encouraged to read this policy in conjunction with other NNF policies and procedures. These include:

- Termination of Employment Policy
- Employee Assistance Program Procedures
- Dispute Resolution Policy
- Code of Conduct Policy.

10.2. Other Reference Material

- Corporations Act 2001 (Cth), including section 1317AI s1317AI (5)
- ASIC Regulatory Guide 270 Whistleblower policies
- ASIC Information Sheet 238 – Whistleblower rights and protections
- ASIC Information Sheet 239 – How ASIC handles whistleblower reports