



# Whistleblowing Policy

## Policy Statement

At Transform Aid International (**TAI**), we are committed to conducting our activities professionally, honestly and with integrity.

We are committed to fostering a culture which encourages raising concerns about unethical and unacceptable conduct and behaviour.

We encourage the disclosure of suspected wrongdoing and are committed to providing a safe environment for disclosures to be made without fear of retaliation or reprisal.

We will respond in a timely manner to all disclosures of actual or suspected wrongful acts, act confidentially within relevant laws and take steps to protect those personnel who make such disclosures (**whistleblower**) from detrimental treatment.

## Scope and Purpose

This policy applies to:

- any officer (including board members and others who are officers of TAI);
- any employee;
- any supplier of goods or services (whether paid or unpaid) to TAI or an employee of such a supplier (which would include contractors and consultants);
- an associate of TAI;
- a relative of any of the above persons; and
- a dependant of any of the above persons or of their spouse

(collectively, **personnel**), meaning that all personnel are bound by this policy and may enjoy the protections as described in this policy.

The purpose of this policy is to:

- to encourage more disclosures of wrongdoing
- to help deter wrongdoing
- to ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported
- to ensure disclosures are dealt with appropriately and on a timely basis
- to provide transparency around our framework for receiving, handling and investigating disclosures
- to support our values, code of conduct and/or ethics policy
- to support our sustainability and reputation
- to meet our legal and regulatory obligations.

This policy is available on our website [www.transformaid.org](http://www.transformaid.org) and to all our personnel on our Policies and Procedures Portal on SharePoint.



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## What does this policy look like in practice?

### 1 Reportable conduct

- (a) You are encouraged to make a report under this policy if you are one of our personnel and you know about or have reasonable grounds to suspect wrongdoing with respect to TAI, its related bodies corporate (including Baptist World Aid Australia Ltd ABN 86 164 099 736) or any other personnel (“**reportable conduct**”).

Reportable conduct may include:

- breaches of legal obligations (including negligence, breach of contract, breach of the Corporations Act 2001 (Cth) (**Corporations Act**), Taxation Administration Act 1953 (Cth), The Australian Charities and Not-for-profits Commission Act 2012 (Cth)).
- criminal offences.
- fraud, negligence, default, breach of trust and breach of duty (“**misconduct**”), corruption, money laundering, terrorism financing or any other conduct which contravenes our Financial Wrongdoing or Anti-Bribery and Corruption policies;
- mismanagement or unauthorised use of organisational funds;
- abuse of authority;
- health and safety risks, including risks to the public as well as other personnel;
- harassment, discrimination, victimisation and bullying, other than personal work-related grievances (see our Grievance Policy);
- sexual exploitation, sexual abuse or physical abuse of other personnel, children or vulnerable adults;
- conduct that is contrary to, or a breach of, our policies (including our Code of Conduct which is available on our website [www.transformaid.org](http://www.transformaid.org));
- conduct which may cause financial loss or damage to our reputation or be otherwise detrimental to our interests.

- (b) To report a reportable conduct:

- (i) **You may wish to first consider if it can be a “protected disclosure”** – see 2 below. If it is a “protected disclosure”, we must extend the protections to you as provided under Part 9.4AAA of the Corporations Act.
- (ii) If your report will not be, or you do not wish for it to be, a “protected disclosure”, you may report it in accordance with the relevant policy. The relevant policy is the one about the subject matter of the reportable conduct. For example, our Grievance Policy is the relevant policy for reporting any reportable conduct in the nature of harassment, discrimination, victimisation and bullying. If you are uncertain about the relevant policy or if that policy does not provide a



process, or no such policy exists you may report the reportable conduct to one of the following:

HR Manager  
Phone number: 02-9451 1199

Natasha Thompson, Chief Financial Officer  
Phone number: 02-9451 1199  
Email: [natasha.thompson@transformaid.org](mailto:natasha.thompson@transformaid.org)

Our commitments (see 3) will apply to all reports made.

- (c) When you disclose, you may provide your name or remain anonymous. We encourage you to identify yourself so as to enhance our ability to provide protection. We may not be able to arrange for a report to be investigated if we are not able to contact you.

## 2 Protected disclosures

- (a) If you are a personnel and you make a “protected disclosure” (meaning a disclosure of the types set out in 2(b) below), we must extend certain protections to you as provided under Part 9.4AAA of the Corporations Act.
- (b) A protected disclosure is one of the following:
- (i) ***Disclosure about serious offence:***
- (A) You (a personnel) makes a disclosure of information having reasonable grounds to suspect that the information:
- concerns misconduct or an improper state of affairs or circumstances in relation to TAI or a related body corporate; and
  - indicates that any officer or employee of TAI or a related body corporate has engaged in conduct that constitutes an offence against:
    - any provision of the Corporations Act;
    - any other law of the Commonwealth punishable by imprisonment of 12 months or more; or
    - represents danger to the public or the financial system

(each a **serious offence**)

and

- (B) You make the disclosure to one of the following:
- Australian Securities and Investments Commission (which regulates TAI as a corporation under the Corporations Act) - see [www.asic.gov.au](http://www.asic.gov.au) and also “How ASIC handles whistleblower reports” available from <https://asic.gov.au/about-asic/asic-investigations->



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[and-enforcement/whistleblowing/how-asic-handles-whistleblower-reports/](#)

- an eligible recipient meaning any of the following:
  - one of our “protected disclosure officers” who are specially trained to receive reports, arrange for timely investigation and protect your rights:

HR Manager

Phone number: 02-9451 1199

Natasha Thompson, Chief Financial Officer

Phone number: 02-9451 1199

Email: [natasha.thompson@transformaid.org](mailto:natasha.thompson@transformaid.org)

- an officer or senior manager of TAI or a related body corporate (for example, board member, CEO or departmental director)
- an auditor or member of an audit team conducting an audit of TAI or a related body corporate (for example, the auditor of our annual financial statements or an internal audit)
- the Whisplii Speak Up System – an anonymous, secure communication system:

<https://tai.whispli.com/report>

- (ii) **Disclosure to a legal practitioner:** You (a personnel) make a disclosure to a lawyer for the purposes of obtaining legal advice or legal representation in relation to the operation of Part 9.4AAA of the Corporations Act.
- (iii) **Public interest disclosure or emergency disclosure:** You (a personnel) make a public interest disclosure or an emergency disclosure as described in section 1317AAD of the Corporations Act.

Note that it is **not** protected disclosure where you disclose information concerning a personal work-related grievance (that is information which concerns a grievance about any matter relating to your employment or former employment, having or tending to have implications for you personally and does not have significant implications for TAI and does not concern a serious offence) which does not concern the contravention, or alleged contravention, of the prohibition against victimisation under section 1317AC of the Corporations Act that involves detriment caused to you or a threat made to you.

- (c) When you report a protected disclosure, you may provide your name or remain anonymous. We encourage you to identify yourself so as to enhance our ability to provide protection. We may not be able to arrange for a report to be investigated if we are not able to contact you.



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- (d) If you have made a protected disclosure, under Part 9.4AAA of the Corporations Act, you will be provided with certain protections:
- (i) We must not disclose the following:
- (A) identity of you (as discloser); and
  - (B) information that is likely to lead to identification of you (as discloser).

We may, however, disclose the information:

- with your consent
- to ASIC
- to a member of the Australian Federal Police
- to a legal practitioner for the purposes obtaining legal advice or legal representation in relation to Part 9.4AA of the Corporations Act
- to a Commonwealth or state or territory authority, for the purpose of assisting them in the performance of their duties

We may disclose information if it is not about your identity where it is reasonably necessary for the purposes of investigating matters as described in 2(b)(i) above and we have taken all reasonable steps to reduce the risk that you will be identified as a result of the disclosure.

- (ii) Your disclosure will not be actionable against you to the extent as set out in section 1317AB of the Corporations Act. Note that this may not protect you for any liability for you conduct that is revealed in the disclosure.
- (iii) We must not engage in any conduct that victimises you (meaning conduct which causes you detriment or threatens detriment) as described in section 1317AC of the Corporations Act. If we are involved in such a contravention those of our officers and employees who are involved will also be liable.

### **3 Our commitments**

- (a) We will respond in a timely manner to all reports:
- (i) We will ensure that any investigation begins, proceeds in and is concluded as quickly as possible taking into account all the circumstances (such as the subject matter of the report, the personnel and other persons involved, etc).
  - (ii) We will provide updates on the progress of an investigation to relevant personnel including you (as the discloser).
  - (iii) We will provide the reports or outcomes from investigations to the appropriate personnel (see 3(d) below) without delay.
- (b) We will investigate every report fairly, objectively and confidentially:
- (i) We will not require you to disclose your identity – see 1(c) and 2(c) above.



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- (ii) One of our personnel listed as an eligible recipient in 2(b)(i)(B), as appropriate (meaning they are not involved the serious offence or they do not have or may have a conflict of interest in the matter), will triage with an independent whistleblowing service provider (currently Integritas360) to determine as soon as possible whether the information disclosed falls under this Policy. The investigator will be a person who is independent of all parties involved or who is approved by all relevant parties. In the case of protected disclosures, the investigator will be our independent whistleblowing service provider (currently Integritas360).
  - (iii) We will require all parties involved to commit to confidentiality and take steps to maintain confidentiality (for example, by redacting confidential information from documents, storing and using information securely, etc).
  - (iv) Access to confidential information will be limited to personnel and other persons on a need's basis only and as the law permits.
  - (v) We will only involve those personnel or other persons as are necessary in the investigation.
- (c) We will support you and protect you from detriment (for example, retaliation, dismissal, suspension, demotion, or termination of your role, bullying, harassment, threats and intimidation, discrimination, etc) and ensure fair treatment of employees mentioned in a report or to whom a report relates:
- (i) We will inform all those involved and other personnel (which may include your manager) as may be necessary that they may not cause or threaten detriment to you or any other personnel involved in the investigation at any time during or after the investigation. We will discipline (and may be dismiss) any personnel who is found to cause detriment or engage in victimisation. Where the report is a "protected disclosure" – see 2 above – we will also inform those involved and other personal as relevant about the protections and offences relating to victimisation and detriment under Part 9.4AA of the Corporations Act.
  - (ii) We will allow all those involved reasonable time of leave to enable them to participate in the investigation.
  - (iii) Our Employee Assistance Program will be all those involved as needed – for details, please speak with our Human Resources Manager.
- (d) We will provide the report or outcomes from any investigation to the most senior appropriate personnel or body. This may be our CEO and/or our Board (or a sub-committee of our Board).

#### **4 False reports**

We encourage personnel to act honestly and ethically and make reports on reasonable grounds.



Deliberate false reports will not be tolerated and any personnel found making a false report deliberately or recklessly will be subjected to disciplinary action (taking into account the severity and circumstance of the false report) and may include dismissal.

## **5 Review and reporting**

Our Finance and Risk Committee will review protected disclosure handling and outcomes to ensure that the process followed is effective, compliant with this policy, and to capture learnings.

The Board will receive reports of disclosures made under this policy from the Finance and Risk Committee, including status of current investigations, outcomes of investigations and resulting actions taken.

## **6 Non-compliance**

Any breach of this policy will be treated seriously and relevant personnel may be investigated and subject to disciplinary action.

The laws regulating whistleblowing in Australia may also impose penalties for breaches of legal requirements relating to disclosures of misconduct.

## **7 Training**

Training and familiarisation of this policy our personnel will be provided at the commencement of their employment / engagement with us.

## **8 Responsibilities**

Responsibility for the strategic management of this policy will lie with the Director of Finance and Operations.

Responsibility for the operational management of this policy will lie with the Human Resource Manager.

The importance of achieving the requirements of the policy will be addressed with all relevant staff as part of the induction process at commencement of their employment.

This policy will be available on TAI's intranet.

## **9 Review**

This policy will be reviewed triennially or sooner as required.

This policy may only be amended with our Board's approval, except in the case of minor amendments (such as updating the names of Protected Disclosure Officers in section 2(b)(i)(B), or the independent whistleblowing service provider).

## **Related Policies and Procedures**

This Policy should be read in conjunction with the following: -

- TAI Code of Conduct
- Grievance Policy
- Complaints Handling Policy
- Financial Wrongdoing Policy
- Purchasing Policy



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## External References

- Part 9.4AA of the *Corporations Act 2001* (Cth)
- Australian Securities and Investments Commission Regulatory Guidance RG 270 – Whistleblower policies (<https://asic.gov.au/regulatory-resources/find-a-document/regulatory-guides/rg-270-whistleblower-policies/>)

## Document Control Information

| Whistleblowing Policy                          |                                    |
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| Date       | Version | Revision Description   | Reviewed / Updated by              |
|------------|---------|--|------------------------------------|
| 19/09/2019 | 1       | Significantly updated / re-wrote previous policy in line with new Whistleblowing Legislation and requirements. | Director of Finance and Operations |
| 13/02/2020 | 2       | Updated in line with advice from Prolegis lawyers.   | Governance and Risk Coordinator    |
| 22/04/2020 | 3       | Updated to include Whispli details   | Governance and Risk Coordinator    |
| 3/05/2022  | 4       | Updated point of contact to include CFO  | Governance and Risk Coordinator    |