

WHISTLEBLOWER POLICY and PROCEDURES

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Section 1: POLICY STATEMENT

Scripture Union Australia (SUA) is committed to the highest standards of conduct and ethical behaviour in all our business activities. We promote and support honest and ethical behaviour, and seek to ensure the highest levels of compliance and effective corporate governance.

SUA encourages the disclosure of any instances of suspected misconduct which amounts to a Protected Disclosure, using the mechanisms provided in this policy. SUA seeks to provide protections and implement appropriate measures so that disclosures can be made confidentially and without fear of intimidation, disadvantage, or retaliation.

Section 2: PURPOSE AND SCOPE

The purpose of this policy is to:

- encourage disclosure of actual or suspected Protected Disclosures;
- provide a convenient and safe disclosure mechanism and protection for people who make these disclosures;
- ensure disclosures are dealt with appropriately and in a timely way;
- provide transparency around SUA's framework for receiving, handling and investigating disclosures;
- support SUA's values and Conduct and Behaviour Standards (incorporating the Code of Conduct);
- support SUA's long-term sustainability and reputation;
- comply with SUA's legal and regulatory obligations, including under the *Corporations Act 2001* (Cth).

This policy forms part of SUA's overall risk management framework and [Safety Management System](#) and is a key tool for identifying, responding to, and managing actual or suspected misconduct that amounts to a Protected Disclosure.

This policy applies to all SU Board of Australia members, current and former employees, contractors, volunteers, interns, and consultants.

This policy applies across all jurisdictions where SUA operates. If local legislation, regulations, or laws provide a higher level of protection than what is included in this policy such local legislation, regulations or laws will take precedence.

Section 3: RESPONSIBILITIES

3.1 Whistleblower

A Whistleblower is an officer, employee, associate, contractor or volunteer of SUA who has made a Protected Disclosure in accordance with Section 4 of this policy.

3.2 Whistleblowing Officer

The Group Director of Shared Services is the nominated Primary Whistleblowing Officer. If it is not possible or appropriate to report a Protected Disclosure to the Primary Whistleblowing Officer, the Secondary Whistleblowing Officer will be the Group Chief Executive Officer (CEO).

If the Protected Disclosure contains allegations against the Primary or Secondary Whistleblowing Officer, a Protected Disclosure may be made by email to the Chairperson of the SU Board of Australia (chair@su.org.au) The Chair of the Board will assume responsibility as the Whistleblowing Officer in accordance with this Policy and liaise with the CEO or Group Manager, People Services (as appropriate) for support and advice to progress the matter.

The appropriate Whistleblowing Officer is responsible for receiving Protected Disclosures and for overseeing the resolution of a Protected Disclosure.

Where the appropriate Whistleblower Officer determines that a disclosure is trivial, vexatious or baseless, the Whistleblower Officer will inform the Whistleblower of this assessment and no further action will be taken under this policy.

If it is determined that the disclosure is one to which this policy applies, the appropriate Whistleblowing Officer must:

- Brief the Group Manager, People Services as the on-going advisor (or another appropriate person, if the Protected Disclosure relates to the Group Manager, People Services);
- Conduct reasonable preliminary enquiries to establish substance and the best practicable and confidential approach to take;
- Appoint a support person to provide support to the Whistleblower (normally a member of People Services);
- Notify the Whistleblowing Coordinator of the Protected Disclosure;
- Develop Terms of Reference (TOR) for an investigation and appoint an appropriately qualified and experienced Investigator (which may be internal or external to SUA);
- Ensure that Protected Disclosure received is appropriately investigated; Ensure that action taken in response to the investigation outcome is appropriate to the circumstances; Provide governance oversight over any investigation into alleged retaliatory action taken against the Whistleblower; Provide appropriate feedback to the Whistleblower on the outcome of the investigation; and
- Provide advice and clarification on the application of this policy to individuals coming under the scope of this policy where necessary.

3.3 Whistleblowing Coordinator

The Group Manager, Risk and Compliance is the Primary Whistleblowing Coordinator. If a Whistleblower's concern relates to the Group Manager, Risk and Compliance, the Group Manager, People Services will be the Secondary Whistleblowing Coordinator for that case.

The appropriate Whistleblowing Coordinator provides support to the Whistleblower Officers in relation to Protected Disclosures received by SUA, including:

- Arranging the logistics for investigations into a Protected Disclosure;
- Ensuring appropriate government agencies are notified if required;
- Maintains a confidential Register of Protected Disclosure (omitting the names of any Whistleblowers or persons implicated by Protected Disclosures) for trend analysis, reporting, and to identify systemic issues requiring attention;

- Providing advice and clarification on the application of this policy to individuals coming under the scope of this policy where required.

3.4 Investigator

The Investigator:

- Must be independent of line management in the area(s) affected by the Protected Disclosure;
- Must conduct the investigation in a confidential (to the greatest extent possible), objective, and fair manner that affords natural justice to all parties;
- Must have due regard for the TOR (and investigation timeframes) and seek the Whistleblowing Officer's consent where new information suggests a change to the TOR;
- May seek the advice of internal or external experts as required (the Whistleblowing Officer must be consulted prior to such advice being sought);
- Provides regular feedback to the Whistleblowing Officer and Group Manager, People Services on investigation progress;
- Maintains an audit trail relating to investigation activities and document evidence found and critical decisions made;
- Submits a written report to the Whistleblowing Officer on the findings (not including recommendations) of the investigation.

Refer to Appendix A for the minimum requirements of an investigation.

3.5 Group Manager, People Services

Provides advice and guidance, as required.

3.6 Support Person

The Support Person is generally a member of the People Services team and:

- Provides confidential, emotional support to the Whistleblower for the duration of the investigation;
- Maintains regular personal contact preferably by phone, video link, or in person;
- Relays any concerns, issues, or questions the Whistleblower may have, to the Whistleblowing Officer.

The support person **is not to provide any advice or information about the investigation** or discuss the merits of the case at all. Any information about the investigation process will be appropriately provided to the Whistleblower by the Whistleblowing Officer where necessary.

3.7 SUA Managers

All managers who receive disclosure about actual or suspected Protected Disclosures must:

- Notify the Whistleblowing Officer;
- Provide particulars;
- Maintain complete confidentiality.

Section 4: MAKING A PROTECTED DISCLOSURE

A Whistleblower qualifies for protection as a under this Policy if they make a:

- Protected Disclosure to one of the individuals or entities listed in Section 4.3; or
- if they make an emergency disclosure under Section 4.5; or
- public interest disclosure under Section 4.6.

4.1 Who May Make a Protected Disclosure

Each of the following persons may make a protected disclosure:

- Current and former officers and employees;
- Current and former contractors, associates and suppliers, of SUA;
- Employees of contractors, associates, and suppliers of SUA; and
- Relatives or dependents of any person who is within the categories listed above.

4.2 What is a Protected Disclosure

To qualify for protection under this policy, a person must disclose information that they have reasonable grounds to suspect behaviour that:

- Concerns misconduct (that is, fraud, negligence, default, breach of trust, or breach of duty);
- Concerns an improper state of affairs or circumstances;
- Constitutes a contravention of the Corporations Act 2001, the Australian Securities & Investments Commission Act 2001, the Superannuation Industry (Supervision) Act 1993, the Banking Act 1959, the Financial Sector (Collection of Data) Act 2001, the Insurance Act 1973, the National Consumer Credit Protection Act 2009 or any instrument made under any of the previously referred to legislation;
- Constitutes an offence against a law of the Commonwealth which is punishable by imprisonment for 12 months or more; and/or
- Represents a danger to public safety or the financial system,

in relation to SUA or a related body corporate of SUA (a Protected Disclosure).

While not an exhaustive list, Protected Disclosures can be made where there are reasonable grounds to suspect that the actual or suspected wrongdoing concerns behaviour or conduct that is:

- Illegal or perverting the course of justice;
- Unethical behaviour, such as fraud, corruption, or maladministration e.g. based on improper motives or gross negligence;
- Gross mismanagement, repeated breaches of SUA administrative procedures, or a serious/substantial waste of resources;
- Unsafe or unreasonably creates an unsafe environment for self and/or others;
- The concealment of any of the above

Not all Protected Disclosures will involve a contravention of a particular law.

A disclosure can still qualify as a Protected Disclosure even if it turns out to be incorrect. However, Whistleblowers must have reasonable grounds to suspect that the behaviour amounts to a Protected Disclosure.

Whistleblowers must ensure that the disclosure is:

- Not trivial or vexatious in nature or with no substance. A report of this nature will be treated in the same manner as a false report and may be subject to disciplinary action.

- Not malicious or knowingly false. Such allegations will be viewed seriously and may be subject to disciplinary action.

4.3 What is not a Protected Disclosure

A disclosure that is **not** about a matter listed above in Section 4.2 will not qualify as a Protected Disclosure.

A disclosure that is in relation to a personal work-related grievance will not qualify as a Protected Disclosure.

Examples of personal work-related grievances include:

- interpersonal conflict between the discloser and another employee;
- a decision that does **not** involve a breach of workplace laws;
- a decision about the engagement, transfer, or promotion of the discloser;
- a decision about the terms and conditions of engagement of the discloser; or
- a decision to suspend or terminate, or otherwise discipline the discloser.

This policy is concerned with the disclosure of instances of (or suspicions of) Protected Disclosures only and is not intended to replace existing policy documents regarding dispute resolution, grievances, discrimination, harassment or bullying.

4.4 Who can receive a Protected Disclosure

A Whistleblower may make a Protected Disclosure to the following:

- SUA's Whistleblowing Officer;
- An officer or senior manager of SUA or a related body corporate;
- An internal or external auditor of SUA or a related body corporate;
- Australian Securities and Investments Commission;
- Australian Prudential Regulation Authority;
- Australian Tax Office; or
- A legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the protections under the *Corporations Act 2001* (Cth).

4.5 How to Make a Protected Disclosure

Protected Disclosures can be made in the following ways:

- a. Protected Disclosures can be made directly via the SUA website on the following link: <https://www.su.org.au/>. The link contains a copy of this policy and the confidential email address idisclose@su.org.au that can only be accessed by the SUA Whistleblowing Officer and Whistleblowing Coordinator;
- b. The Whistleblower may submit a written letter to the Whistleblowing Officer in a sealed envelope addressed to the Group Director of Shared Services (see below), and clearly marked **STRICTLY CONFIDENTIAL**. The letter should contain details of the disclosure, the Whistleblower's preferred contact details, and any relevant supporting documentation. The standard mailing address is: Group Director of Shared Services; PO Box 1167; Eagle Farm QLD, 4009.

The Whistleblowing Officer will establish contact with the Whistleblower at the earliest opportunity to explain the process and to progress the Protected Disclosure.

Anonymous disclosures of actual or suspected wrongdoing are accepted under this policy. However, SUA may be limited with respect to the level of inquiry or investigation it can undertake in response to an anonymous disclosure, including as a result of:

1. The inability to gather sufficient information to assist the inquiry or investigation.
2. The inability to provide feedback on the outcome.
3. Difficulty in enforcing specific protection mechanisms.

In limited circumstances, where permitted by legislation, a Whistleblower may make an Emergency Disclosure or a Public Interest Disclosure regarding a Protected Disclosure to a journalist or member of Parliament. Such disclosures will qualify for protection under this Policy.

Section 5: PROTECTION

5.1 How Whistleblowers are Protected

5.1.1 Anonymity

The Whistleblower has the right to remain anonymous and does not need to identify themselves at any time either at the time of disclosure or during the investigation process.

SUA acknowledges however that proper investigation may not be possible upon receipt of an anonymous complaint, as the inability to make inquiries and seek further information from the disclosure may limit the scope of any potential investigation.

5.1.2 Confidentiality

SUA will take all reasonably practicable steps to protect the identity of a Whistleblower.

SUA will not disclose a Whistleblower's identity or information that is likely to lead to the identification of a Whistleblower except where required by law or with the express consent of the Whistleblower.

SUA will take reasonable precautions to store any records relating to the Protected Disclosure securely and to restrict access to authorised persons only.

Unauthorised disclosure of information that could prejudice confidentiality and identify a Whistleblower will be regarded seriously and may result in disciplinary action. Where applicable, SUA will notify federal police.

5.1.3 Detrimental conduct

SUA will take reasonable precautions to protect Whistleblowers from detrimental conduct in relation to a Protected Disclosure.

A person cannot cause or threaten to cause detriment to a Whistleblower in relation to a Protected Disclosure. A threat may be express or implied, conditional, or unconditional.

Examples of detriment include:

- Dismissal of the Whistleblower as an employee or volunteer, or alteration of the employee or volunteer's duties or position;
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- Being harassed or intimidated on the job or workplace bullying;
- Discrimination against the Whistleblower as compared to others in similar positions/roles;
- Harm or injury to the whistleblower (including psychological harm);

- Threats of any of the above.

Detrimental conduct does not include administrative action that is reasonable for the purpose of protecting a Whistleblower from potential detriment or reasonable management action in relation to a Whistleblower's unsatisfactory work performance unrelated to the Protected Disclosure.

5.1.4 Managing the risk of detriment

Where the Whistleblower reasonably believes they may be at risk of detriment from another person or that another person has caused detriment to them, the Whistleblower should contact the Whistleblowing Officer. Allegations of subjecting a Whistleblower to detriment for making a Protected Disclosure will be investigated and dealt with as a disciplinary matter.

The Whistleblowing Officer will take appropriate action and may make recommendations to the Whistleblower for how the situation can be resolved.

5.1.6 Separation of Issues

While SUA will protect the Whistleblower from any detriment caused as a result of making a disclosure that is a Protected Disclosure, issues related to work or performance may still be raised and addressed provided such issues are kept separate and are not influenced by the disclosure/s that have been made.

Where a Whistleblower is implicated in an investigation report found to be substantiated that relates to the Protected Disclosure, the protections under this policy will not apply to any disciplinary action taken by SUA in relation to the Whistleblower's misconduct.

Section 6: INVESTIGATING PROTECTED DISCLOSURES

All Protected Disclosures made under this policy will be investigated as soon as practicable after the matter has been disclosed. Where disclosure is made anonymously, SUA will still conduct an investigation based on the information provided. However, anonymity may prevent SUA from taking the issue further if unable to obtain further information from the source of the disclosure.

On receipt of a disclosure, the Whistleblowing Officer will make initial inquiries to establish whether the disclosure is a Protected Disclosure and the best practicable and confidential approach to take, including whether a formal investigation is required. With the Whistleblower's consent, the Whistleblowing Officer may seek advice and guidance from the Group Manager, People Services as required.

The Whistleblowing Officer will ensure that the disclosure is investigated in a manner compliant with the protection obligations outlined in this policy. It may be necessary for the Whistleblower to consent to limited disclosure of their identity (e.g. To the Investigator) to enable the Protected Disclosure to be effectively investigated.

Subject to these limitations, the Whistleblowing Officer may:

- appoint an appropriately qualified and impartial person/entity (internal to SUA or external) to investigate the disclosure; or
- refer the disclosure directly to the Australian Securities & Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA), or the Australian Federal Police (AFP).

Whilst every investigation process will differ according to the relevant circumstances, the Whistleblowing Officer will ensure that appropriate enquiries are made to:

- Either substantiate or reject the allegations;
- Determine whether reactive action is required to address any established misconduct or other improper state of affairs;
- Determine the nature of the reactive action is appropriate if required.

Any persons implicated by the Protected Disclosure are entitled to be afforded natural justice and procedural fairness during the course of the investigation of the alleged conduct. This shall include:

- Being informed of the substance of the allegations;
- Having the opportunity to respond to the investigator about the substance of the allegations; and
- Being informed of the outcome of the investigation.

Where allegations raised by the Protected Disclosure are not substantiated by an investigator's report, any persons implicated in the allegations must be formally informed of the outcome of the investigation. Where it is determined by a Whistleblower Officer that a report is trivial, vexatious or baseless and no formal investigation is required, the Whistleblower Officer may determine whether or not (in their sole discretion) to inform the person against whom any allegations of Misconduct are made that a report has been received and dismissed.

Refer to Section 3 for information about the Investigator's duties.

Section 7: GOVERNANCE

This policy is governed by the SU Board of Australia, on the advice of the SUA Risk and Compliance Committee and will be reviewed annually to maintain alignment with SUA's values and any applicable legislative changes. Changes may be made independent of this timeframe if so required.

Section 8: ACCESS TO THIS POLICY

The primary source of this policy is the SUA external [website](#) where it is available to all persons coming within its scope.

This policy is also available to all full-time, part-time, fixed term, and casual employees on SUA's internal website.

This policy, its intent, and location is communicated to all new employees and volunteers during induction and training.

Changes to this policy are primarily communicated via:

- The SUA website and relevant external publications for persons outside the organisation;
- Internal communications (email) and publication on the intranet for persons inside the organisation.

POLICIES & PROCEDURES

Scripture Union Australia
ABN 53 681 642 927



Section 9: REFERENCES

[Corporations Act 2001](#)

[Australian Securities & Investments Commission Act 2001](#)

[Treasury Laws Amendment \(Enhancing Whistleblower Protections\) Act 2019](#)

[Treasury Laws Amendment \(Strengthening Corporate and Financial Sector Penalties\) Act 2019 \(Cth\)](#)

[Conduct and Behaviour Standards](#)

Section 10: DEFINITIONS

Protected disclosure: As defined by section 4.1

Whistleblower: as defined by section 3.1.

Whistleblower laws: Refers to the protections contained in Part 9.4AAA of the Corporations Act 2001.

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Appendix A - Minimum Requirements of an Investigation

1. Steps to support each person being investigated:

1.1 The investigator must ensure that each person being investigated:

- (a) is informed of the substance of the claims made by the Whistleblower;
- (b) is given reasonable opportunity to address the claims;
- (c) is informed of any adverse findings about them that the investigator may make.

1.2 The investigator must also ensure that their final report contains the relevant responses to the claims which have been provided by each person who has been investigated.

2. Steps to safeguard the confidentiality and privacy of the Whistleblower, each person being investigated and any person participating in the investigation:

The investigator must:

(a) keep confidential and only disclose on a need-to-know basis (particularly where the investigation results in a claim not being substantiated):

- (i) the fact that the investigation is or has been carried out;
- (ii) the findings of the investigation; and
- (iii) any information which may identify the Whistleblower, each person being investigated or each person who participates in the investigation (this means ensuring that the investigator's report does not contain such information);

(b) take legal advice if the suspected Protected Misconduct relates to a breach of laws.

3. Steps to safeguard the confidentiality of the information comprised in the report that the Whistleblower has made, and which are gathered in the course of the investigation:

The investigator must ensure that all documents and other media that contains information provided by the Whistleblower and others, will be stored securely. Secure storage is essential both throughout the investigation process and after its conclusion. Secure storage means storage in a confidential electronic or paper filing system (clearly marked confidential "protected disclosure" information) which is appropriately secured and restricted to be accessed only:

(a) by the investigator or others on a strict need-to-know basis for the purposes of the investigation; and

(b) if required by law or for the purposes of obtaining legal advice.