



Eligible Whistleblower

- an individual who is a current or former:
 - officer, employee, director or volunteer of TLMA;
 - supplier of services or goods to TLMA (whether paid or unpaid), including their employees (e.g. contractors, consultants, service providers and business partners); or
- a relative, dependant or spouse of any of the above.

Discloses Reportable Conduct

- If you have reasonable grounds to suspect that any person has engaged, will engage in or is engaging in **Reportable Conduct** (this is defined in Section 2 below and includes misconduct, offences under commonwealth law, illegal conduct, fraud, money laundering, offering or accepting bribes, not complying with legal or regulatory requirements and financial irregularities) in relation to TLMA.

To an Eligible Recipient

- **Eligible Recipients** are listed in **Appendix B** and include certain TLMA employees, TLMA directors and TLMA's external independent whistleblower provider.
- You can raise the matter internally with an **Eligible Recipient** if you are comfortable to do so, or externally with an **Other Recipient** if that is your preference.

Receives Protections

- Provided you follow the process set out in this **Policy**, under relevant laws you will be entitled to certain protections (listed in Section 7 below). This includes protections in relation to your identity and in relation to retaliatory action.

BACKGROUND

1. Introduction

TLMA is committed to maintaining the highest standard of conduct and ethical behaviour in all areas of operation. TLMA strives to uphold a culture of openness and transparency in which concerns and complaints are:

- addressed appropriately
- handled respectfully and fairly
- dealt with in a manner that is consistent with TLMA's values of compassion, justice, integrity, inclusion and humility

2. Policy

- a) This Policy provides a framework in which individuals can report certain types of misconduct or suspected misconduct and receive protection under the Whistleblower Legislation.
- b) The purpose of this Policy is to:
 - set out the principles, guidelines and procedures governing TLMA's approach to the protection of whistleblowers and the management of Disclosures.
 - ensure individuals who make a Disclosure can do so safely, securely and with the confidence that they will be protected and supported.
 - ensure Disclosures are dealt with appropriately and in a timely manner.
 - provide transparency around TLMA's procedure for receiving, handling, and investigating Disclosures.

3. Definitions

Defined terms used in this Policy are capitalised and have the meaning given in **Appendix A**.

4. Scope and Application

- a) This Policy should be read, understood by, and made available to all board members, officers, employees, contractors, volunteers and service providers of TLMA.
- b) The Policy applies to Eligible Whistleblowers that qualify for protection and Eligible Recipients or Other Recipients who are eligible to receive Disclosures.
- c) This Policy applies only in relation to Disclosures.
- d) Personal Work-Related Grievances are not covered by this Policy and disclosures made in relation to Personal Work-Related Grievances will only qualify for protection under the Whistleblower Legislation in circumstances where they:
 - include information about Reportable Conduct, or form part of a disclosure which concerns Reportable Conduct;
 - concern an Eligible Whistleblower who has suffered, or been threatened with, detrimental treatment for making a Disclosure; or
 - are made to a legal practitioner for the purposes of obtaining legal advice about the operation of the Whistleblower Legislation.

5. Responsibilities

Roles	Responsibilities
TLMA directors	<ul style="list-style-type: none"> • Be aware of this Policy and understand your obligations as a potential Eligible Whistleblower and potential Eligible Recipient. • Initiate investigation procedures upon receipt of a Disclosure.
TLMA employees	<ul style="list-style-type: none"> • Be aware of this Policy and understand your obligations as a potential Eligible Whistleblower and potential Eligible Recipient (if appropriate). • Initiate investigation procedures upon receipt of a Disclosure.
TLMA Designated Safeguarding Lead (See Appendix B)	<ul style="list-style-type: none"> • Act as TLMA’s primary contact for Disclosures. • Assist with whistleblowing investigations.

POLICY

6. Reporting Reportable Conduct

- a) If you are a TLMA Person and have reasonable grounds to suspect that any person to whom this Policy applies has engaged, will engage in or is engaging in Reportable Conduct, you must report your claims to a relevant Eligible Recipient or Other Recipient.
- b) If you are a Non-TLMA Person and have reasonable grounds to suspect that any person to whom this Policy applies has engaged, will engage in or is engaging in Reportable Conduct, you are encouraged to report your claims to a relevant Eligible Recipient or Other Recipient.
- c) TLMA seeks to identify and address wrongdoing as early as possible. We encourage Eligible Whistleblowers to make a Disclosure to an Eligible Recipient. While it is TLMA’s preference that you do so in the order set out in **Appendix B**, it is your right to make a Disclosure to any Eligible Recipient or Other Recipient.
- d) You will qualify for protection as an Eligible Whistleblower under Whistleblower Legislation in relation to TLMA if you do any of the following:
 - make a Disclosure to an Eligible Recipient or Other Recipient;
 - disclose information to a legal practitioner for the purposes of obtaining legal advice about the operation of the Whistleblower Legislation; or
 - make an Emergency Disclosure or Public Interest Disclosure.
- e) A disclosure about matters other than Reportable Conduct suspected on reasonable grounds does not qualify for protection under Whistleblower Legislation but may be protected under other legislation.
- f) Making a disclosure where you do not have reasonable grounds to suspect that there has been Reportable Conduct or knowingly making a false disclosure may constitute serious misconduct.
- g) Any person who engages in serious misconduct or uses this Policy inappropriately may be subject to disciplinary action, up to and including termination of employment.
- h) If you wish to obtain additional information before making a Disclosure (including to ascertain whether you would be entitled to the protections listed in section 7 below), please contact the Chief Executive Officer of TLMA or an independent legal advisor.

7. Protections

7.1. Protection of informant's identity and anonymity

- a) TLMA is committed to protecting, and is obligated by the Whistleblower Legislation to protect, the confidentiality or anonymity of your identity or information which might identify you, where you make a Disclosure in the manner set out in section 6(d) above. If you make a Disclosure in accordance with this Policy, you may be entitled to statutory protections as a whistleblower under the Whistleblower Legislation.
- b) Anonymous Disclosures will still be protected under the Whistleblower Legislation and the statutory protections apply to you even in instances where a claim of Reportable Conduct in your Disclosure can not be substantiated.
- c) You are not required to disclose your name when making a Disclosure. You can choose to remain anonymous during the course of any investigation into the claim of Reportable Conduct and after it is finalised.
- d) Anonymous Disclosures can be made to:
 - Safecall (details of which are set out in **Appendix B**), which is TLMA's external independent whistleblower provider and TLMA's preferred recipient of anonymous Disclosures; or
 - any Eligible Recipient listed in **Appendix B**.
- e) If you make an anonymous Disclosure, you may wish to maintain ongoing communication with the recipient so they can ask follow-up questions or provide feedback in relation to your Disclosure. To help protect your anonymity:
 - communications can be made through anonymous telephone hotlines and anonymised email addresses; and
 - you may adopt a pseudonym when communicating with us.
- f) If you make an anonymous Disclosure, you may refuse to answer questions that you feel could reveal your identity at any time, including during any follow-up conversations with us.
- g) If you make an anonymous Disclosure, TLMA may not be able to undertake a comprehensive investigation if you have not provided all relevant information that supports your claim or if you have not provided enough information to allow us to continue communicating with you.
- h) You may decline to pass on your identity to any Eligible Recipient, in which case:
 - the information you disclose (but not your identity) may be disclosed to an investigator for the purposes of investigating any Reportable Conduct you have disclosed; and
 - all reasonable steps will be taken to ensure that any information you have disclosed which might identify you remains confidential.
- i) MA will treat all Disclosures confidentially and information about any Disclosure you make will not be shared unless:
 - you have provided us with prior consent to do so;
 - we are legally obligated to do so;
 - it is reasonably necessary to do so in order to investigate the claim of Reportable Conduct (for example, to prevent a serious threat to an individual's health or safety); or
 - we consider it appropriate to make a disclosure to a regulator in accordance with the Whistleblower Legislation.

- j) It is illegal for TLMA or an Eligible Recipient to disclose information that may lead to the identification of an Eligible Whistleblower, outside of the exceptions listed in clause 7.1(h) above. Individuals and/or TLMA may be exposed to disciplinary action by TLMA, or criminal or civil liability under the Whistleblower Legislation, for breaches of confidentiality or disclosure of the identity of an Eligible Whistleblower.
- k) You may lodge a complaint in relation to any breach of confidentiality to:
- any of the Eligible Recipients; and/or
 - a regulator, such as ASIC, APRA or the Australian Taxation Office.

7.2. Protection of informant and support

- a) TLMA is committed to protecting you if you make a Disclosure under section 6.
- b) Any investigator appointed to investigate a claim of Reportable Conduct disclosed by you will take all reasonable steps to ensure that you are treated fairly while the Reportable Conduct is investigated and following the conclusion of any investigation.
- c) If you disclose Reportable Conduct, any retaliatory action or threats of retaliatory action against you will not be tolerated by TLMA and will constitute serious misconduct by the individual(s) concerned (irrespective of whether you are implicated in the Reportable Conduct you have disclosed). At law, you must not be personally subject to any actual detriment or threats to cause detriment or disadvantage as a result of having made a Disclosure including (without limitation):
- dismissal;
 - demotion;
 - any form of harassment;
 - discrimination; or
 - current or future bias.
- d) For the avoidance of doubt, actions that are not detrimental conduct may include:
- administrative action that is reasonable for the purpose of protecting you from detriment; and
 - management of unsatisfactory work performance.
- e) If you are implicated in Reportable Conduct you have disclosed, while no retaliatory action may be taken or threatened against you, you may nevertheless be held accountable for your involvement in the Reportable Conduct. Your involvement as an Eligible Whistleblower may be a mitigating factor when disciplinary or other action against you is considered.
- f) If you believe retaliatory action has been taken or been threatened against you, you may report this to the TLMA Board Chair. If you are not confident that this can be dealt with through TLMA's processes, then you may report this to TLMA's external independent whistleblower provider as per **Appendix B**.
- g) Under Whistleblower Legislation, you:
- may be entitled to seek compensation and other remedies through the courts if:
 - you suffer loss, damage or injury due to any Disclosure you have made; and
 - TLMA has failed to take reasonable precautions and exercise due diligence to prevent detrimental conduct; and
 - are protected, in respect of any Disclosure you have made, from civil, criminal and administrative liability (unless you have engaged in the Reportable Conduct).

These protections apply irrespective of whether you made the report to an Eligible Recipient or Other Recipient, or whether you made a Public Interest Disclosure or an Emergency Disclosure. You should seek independent legal advice if you believe that you are entitled to compensation or any other remedy under this Policy.

- h) All TLMA Persons and their immediate family members have access to free and confidential support. Whilst TLMA cannot always provide the same level of practical support to other Eligible Whistleblowers, TLMA will endeavour to provide support to the extent reasonably possible.

8. Support for individuals against whom a claim of Reportable Conduct is made

- a) TLMA will support individuals against whom a claim of Reportable Conduct is made (and whose Reportable Conduct may be investigated) (**Respondents**). Any investigator appointed to investigate a claim of Reportable Conduct will take reasonable steps to ensure that Respondents are treated fairly while their Reportable Conduct is investigated and following the conclusion of any investigation. Respondents who are TLMA Persons and their immediate family members will have access to TLMA's free and confidential support.
- b) In addition to the other measures set out in this Policy, TLMA will provide support to Respondents being investigated in circumstances where the allegations against them are not substantiated.

9. Investigations and Reports

- a) If you make a Disclosure in accordance with this Policy, you will receive formal acknowledgement within three business days (provided that you have provided sufficient contact details to enable us to communicate with you).
- b) Your Disclosure may trigger an investigation into the claim of Reportable Conduct. The investigation process may vary depending on the nature of the Disclosure. However, for a claim to be comprehensively investigated, the Disclosure must include sufficient information about the claim of Reportable Conduct.
- c) TLMA may at its sole absolute discretion:
 - appoint internal or external investigators to investigate claims of Reportable Conduct;
 - appoint legal counsel to assist with investigations; and
 - review and update this Policy, and any procedures and processes under this Policy, as and when required.
- d) Each Disclosure will be assessed by TLMA to determine whether:
 - it qualifies for protection; and
 - a formal, in-depth investigation is required, in which case an internal or external investigator will be appointed.
- e) The objective of an investigation is to determine whether there is enough evidence to substantiate or refute the claim of Reportable Conduct.
- f) The investigator will, within a reasonable period of time after appointment, decide if an investigation is required after properly investigating the claim with the objective of locating and verifying evidence of the claim of Reportable Conduct.
- g) During any investigation, the investigator must:
 - act fairly and independently in investigating any claim of Reportable Conduct. This means that their decisions and actions must be independent from TLMA management, the relevant TLMA department, you, each person being

investigated and any other person participating in the investigation (such as a witness);

- utilise an investigation method which is flexible and fit for purpose, taking into account the claim and any information available;
- determine the resources to be allocated to the investigation and may seek independent financial, legal or operational advice as necessary;
- conduct the investigation in as timely a manner as the circumstances allow;
- as appropriate in the circumstances, provide you with updates and feedback on the expected timeframes of the investigation;
- communicate with you, each person being investigated and any other person participating in the investigation clearly and unambiguously;
- take all appropriate procedural steps, maintain an audit trail relating to investigation activities and document evidence found and critical decisions made during the course of the investigation; and
- where relevant and appropriate, keep the TLMA Board Chair informed of the progress of the investigation.

- h) The investigator must take all reasonable steps to safeguard the confidentiality and privacy of you, each person being investigated and any other person participating in the investigation.
- i) The investigator must take all reasonable steps to safeguard the confidentiality of any Disclosure you have made and any information which they have gathered in the course of the investigation.
- j) The TLMA Board Chair will, to the extent that it is relevant and appropriate to do so (taking into account confidentiality and privacy considerations), keep you and each person being investigated informed of the outcomes of the investigation.
- k) If a claim of Reportable Conduct relating to a Disclosure you make is not substantiated, you will be given an explanation of why the claim was not substantiated, subject to relevant privacy and confidentiality considerations.

10. Access to and Training in relation to this Policy

- a) This Policy will remain accessible on TLMA's website.
- b) Training on this Policy will be given to new employees upon induction, to all current employees following material updates to this Policy, and on a regular basis thereafter.
- c) Training will be provided to all Eligible Recipients on the identification and treatment of Disclosures:
 - upon appointment to that role, and
 - thereafter upon this Policy being updated.

11. Reporting

Information about Disclosures on material or significant matters, the outcomes of those investigations, as well as reporting trends on all Disclosures, will be provided to the Board. Unless consent is provided by the Eligible Whistleblower, reporting will be in a way which preserves the anonymity of the Eligible Whistleblower.

12. Consequences of a breach of this Policy

TLMA emphasises the need to comply with the requirements of this Policy. Breaches of this Policy and its procedures may result in suspension of access to TLMA's information resources.

Any TLMA Persons found to be in breach of the requirements of this Policy may be subject to disciplinary action, up to and including termination of employment.

13. Related Documents

- Risk Management Policy
- Child and Vulnerable Adult Protection Policy
- Safeguarding Policy
- Safeguarding Code of Conduct
- Complaints Policy
- Privacy Policy
- TLMA Code of Conduct

14. Policy Review

The Board will review this Policy at least once every two years to ensure that it is operating effectively and compliant with the Whistleblower Legislation.

15. Contact

For questions about this Policy, please contact the Chief Executive Officer.

Revision History

Version	Date	Author	Summary
6.0	5 July 2021	Nerida Collard	New draft created for next revision
6.1	4 August 2023	Nerida Collard	Revised in line with TLMI
6.2	25 August 2023	Moore's	Policy revised by Moore's line with ASIC requirements
6.3	5 September 2023	IPC	Reference to TLMA directors made clear

Document Approval History

Version	Date	Approved by
1.0	12 December 2016	TLMA Board
2.1	2 September 2017	TLMA Board
3.4	4 March 2019	TLMA Board
4.4	2 December 2019	TLMA Board
5.2	28 June 2021	TLMA Board
6.3	25 September 2023	TLMA Board

Appendix A: Definitions

In this Policy:

APRA	means the Australian Prudential Regulatory Authority.
ASIC	means the Australian Securities and Investments Commission.
Disclosure	means a disclosure by an Eligible Whistleblower of information that they have reasonable grounds to suspect concerns Reportable Conduct.
Eligible Recipient	means any of the Eligible Recipients listed in Appendix B .
Eligible Whistleblower	means an individual who is a current or former: <ul style="list-style-type: none"> (a) officer, employee or volunteer of TLMA; (b) supplier of services or goods to TLMA (whether paid or unpaid), including their employees (e.g. contractors, consultants, service providers and business partners); or (c) a relative, dependant or spouse of any of the above.
Emergency Disclosure	means a Disclosure to a journalist or parliamentarian in the following emergency circumstances: <ul style="list-style-type: none"> (d) you have previously made a Disclosure of the information to ASIC or APRA or a prescribed Commonwealth authority; and (e) 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; and (f) before making the Emergency Disclosure, you have given written notice to the entity to whom you made the disclosure under this clause that: <ul style="list-style-type: none"> • includes sufficient information to identify the Disclosure you previously made to that authority; and • states that you intend to make an Emergency Disclosure; and • the extent of the information disclosed in the Emergency Disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.
Non-TLMA Persons	means any Eligible Whistleblower other than TLMA Persons.
Other Recipient	means any of the Other Recipients listed in Appendix B .
Personal Work-Related Grievance	means any matter related to your current or former employment with TLMA which has implications for you personally, but does not have significant implications for TLMA or relate to Reportable Conduct. <p>Examples of Personal Work-Related Grievances include, but are not limited to:</p> <ul style="list-style-type: none"> (a) an interpersonal conflict between you and another employee; (b) a decision relating to your engagement, transfer or promotion; (c) a decision relating to the terms and conditions of your engagement; and (d) a decision to suspend or terminate your engagement, or otherwise discipline you.
Public Interest Disclosure	means a Disclosure to a journalist or parliamentarian if the following circumstances apply:

	<p>(e) at least 90 days have passed since the time you made the Disclosure to ASIC, APRA or another prescribed Commonwealth authority; and</p> <p>(f) you do not have reasonable grounds to believe that action is being, or has been taken, in relation to your Disclosure; and</p> <p>(g) you have reasonable grounds to believe that making a further Disclosure of the information is in the public interest; and</p> <p>(h) before making the Public Interest Disclosure, you have given written notice to the authority in paragraph (a) above to whom you made the Disclosure that:</p> <ul style="list-style-type: none"> • includes sufficient information to identify the Disclosure you previously made to that authority; and • states that you intend to make a Public Interest Disclosure.
Reportable Conduct	<p>in relation to TLMA, its officers or employees, includes conduct which:</p> <p>(a) is illegal, dishonest, fraudulent or corrupt;</p> <p>(b) is negligent, a default, a breach of trust or a breach of duty;</p> <p>(c) is unethical, such as dishonestly altering TLMA’s organisational records, engaging in questionable accounting practices, receiving money or gifts in return for favourable treatment or wilfully breaching our Code of Conduct (including by engaging in bullying and harassment);</p> <p>(d) is a significant or considerable misuse or mismanagement of TLMA’s resources;</p> <p>(e) is potentially damaging to TLMA or our personnel, such as unsafe work practices;</p> <p>(f) may cause financial loss to TLMA, damage our reputation or be otherwise detrimental to our interests;</p> <p>(g) constitutes a breach of relevant legislation;</p> <p>(h) constitutes “misconduct” in relation to a relevant entity;</p> <p>(i) constitutes serious misconduct or impropriety of any other kind;</p> <p>(j) constitutes an offence against, or a contravention of, a provision in any of the <i>Corporations Act 2001</i> (Cth), <i>Australian Securities and Investments Commission Act 2001</i> (Cth), <i>Banking Act 1959</i> (Cth), <i>Financial Sector (Collection of Data) Act 2001</i> (Cth), <i>Insurance Act 1973</i> (Cth), <i>Life Insurance Act 1995</i> (Cth), <i>National Consumer Credit Protection Act 2009</i> (Cth), <i>Superannuation Industry (Supervision) Act 1993</i> (Cth), <i>Taxation Administration Act 1953</i> (Cth) or an instrument made under any of these Acts;</p> <p>(k) constitutes an offence under any Commonwealth law, punishable by at least 12 months of imprisonment;</p> <p>(l) represents a danger to the public or the financial system;</p> <p>(m) is prescribed by the <i>Corporations Regulations 2001</i> (Cth);</p> <p>(n) is an improper state of affairs or circumstances; or</p> <p>(o) constitutes concealing or attempting to conceal Reportable Conduct.</p>
TLMA	means The Leprosy Mission Australia (ACN 067 616 193) (ABN 52 354 004 543).
TLMA Persons	means any current TLMA board members, officers, employees or volunteers.
we	means TLMA.
Whistleblower Legislation	means the <i>Corporations Act 2001</i> (Cth) or <i>Taxation Administration Act 1953</i> (Cth).
you	means any Eligible Whistleblower.

Appendix B: Recipients

If you have reasonable grounds to suspect that an individual has engaged in Reportable Conduct, it is your right to make a Disclosure to any Eligible Recipient or Other Recipient.

ELIGIBLE RECIPIENTS

By law, a Disclosure may be made to:

- any officer or senior manager of TLMA or any related body corporate;
- the internal or external auditor or actuary of TLMA or any related body corporate;
- any person authorised by TLMA to receive Disclosures that may qualify for protection.

Reporting Internally	If you are comfortable to report the matter internally, it is TLMA's preference that you make a Disclosure following the instructions on our website at https://www.leprosymission.org.au/safeguarding
Reporting Externally	If you are uncomfortable with making or unable to make an internal report, you may make a report to TLMA's external independent Whistleblower provider, Safecall . While any Eligible Recipient can receive an anonymous Disclosure, Safecall is TLMA's preferred recipient for anonymous Disclosures. Reports can be made by telephone on 1800 312 928 or by lodging a report online at www.safecall.co.uk/report .

OTHER RECIPIENTS

Reporting to Other Recipients	If you do not wish to raise your concern via any of the above methods, Eligible Whistleblowers may still qualify for protection under Whistleblower Legislation if they make a: <ul style="list-style-type: none">• Disclosure to any of the Australian Federal Police, the Commissioner of Taxation (if your report concerns taxation matters), ASIC or APRA (if your report does not concern taxation matters), or a person or body prescribed by regulations; or• disclosure of information to an external legal practitioner for the purposes of obtaining legal advice or representation about making a disclosure under this Policy (even if the external legal practitioner concludes that a disclosure does not concern Reportable Conduct).
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