

MTS WHISTLEBLOWER POLICY

1. Purpose

The purpose of this policy is to help ensure MTS maintains the highest standards of ethical behaviour and integrity, by encouraging the reporting of matters that may cause harm to individuals, or damage to the finances or reputation of Ministry Training Strategy (MTS).

The policy covers how MTS deals with Whistleblower disclosure reports in such a way so to meet the requirements of subsection 1317AI (1) of the Corporations Act 2001 (Cth) and with any consequential provision Acts that may come into effect, with note that MTS is a Company Limited by Guarantee and an eligible public company under the ASIC Corporations (Whistleblower Policies) Instrument 2019/1146.

2. Introduction

Ministry Training Strategy (MTS) is committed to operating ethically and in compliance with all applicable legislation.

MTS encourages good communications and fosters a culture of both informal and formal communications channels through which staff, volunteers and others can speak their mind. Formal channels include internal grievance procedures and external complaints procedures.

It is recognised that circumstances could arise where someone associated with the organisation feels that they have exhausted all normal channels to raise concerns, and so this Whistleblower Policy provides for such circumstances. Accordingly, whistleblowing plays a part in MTS managing risk and cultivating an ethical culture.

Definitions

- **Whistleblower:** A person associated with the organisation – a board member, manager, employee, contractor or volunteer – who reports known or reasonably suspected misconduct within the organisation.

- **Whistleblower protection:**
Refers to protecting a Whistleblower against reprisals following reporting. Whistleblower protection is afforded when a person with an applicable association with MTS makes a disclosure report in good faith about an applicable matter of misconduct which is disclosed in accordance with this Policy. (Protection is not applicable under this Policy for disclosure of other matters, including employee grievances.)

- **Misconduct:** Covers breaches of general law in the areas of fraud, negligence, breach of trust, breach of duty; offence against a Commonwealth law for which the penalty would be imprisonment for twelve months or more; or contravention of the Corporations Act 2001 (Cth); or a serious, systemic moral failing of someone in a leadership or other prominent public position.

- **Reprisal:** An action that is in retaliation to a Whistleblower having made a disclosure that is intended to harm, cause hardship or disadvantage to the Whistleblower. Actions independent of the disclosure, such as ongoing performance management or performance counselling, are not reprisal.

Making a Whistleblower Disclosure

A person associated with MTS (in a manner as defined) who becomes aware of a matter of misconduct (of a type as defined) is encouraged to disclose the matter to the applicable person so that the matter can be investigated, and appropriate action taken.

Such a disclosure must be made in writing, clearly stating:

- a. That the disclosure is under this Policy;
- b. The nature of misconduct;
- c. The facts known to the Whistleblower including the name of the person(s) involved, along with the reasons why they believe misconduct has occurred; and
- d. Details of any evidence, dates, and/or other witnesses to the misconduct, if applicable.

A disclosure may be made anonymously however anonymity may limit the effectiveness of investigation.

Disclosure is made to the National Director/CEO, unless they are the subject of the disclosure, whereupon disclosure is made to the Board Chair. If both are subject of the disclosure then the disclosure is made to any other member of the Executive or Board of the Whistleblower's choosing. The person receiving the report is responsible for initial actions in accordance with this Policy.

In exceptional circumstances the Whistleblower may believe that their disclosure ought to be made to a party external to the organisation. Should the Whistleblower believe such circumstances exist it is recommended that the Whistleblower first seek independent legal advice.

Protection Afforded to the Whistleblower

The Whistleblower making a disclosure in good faith in accordance with the above will be afforded Whistleblower Protection. Protection under this Policy will not be applicable for other disclosures (although other protections may be available under applicable Policy and laws).

MTS will take reasonable steps to protect the Whistleblower from reprisal. This includes keeping the name of the Whistleblower confidential, to the extent possible. The identity of the Whistleblower will however be made known to Board and/or management who need the information to act on the disclosure, including (but not limited to) commissioning any investigation; to MTS legal counsel; to those whom the law requires it be made known, such as the Police; and to anyone else that the Whistleblower gives permission for their identity to be made known to.

MTS will assign someone responsibility for the pastoral care of the Whistleblower, to regularly check on the Whistleblower's well-being.

If the Whistleblower believes that they have been subject to reprisal contrary to this Policy they may raise this with MTS's nominated human resources professional, and/or may seek their own independent legal advice.

Whistleblower Protection does not extend to the provision of immunity from disciplinary action for misconduct in which the Whistleblower has themselves participated in relation to a matter disclosed.

Handling a Disclosure

On receipt of a disclosure MTS will:

- a. Assess the disclosure to establish that it qualifies under this Policy (or if not this Policy the Policy that is applicable).
- b. Provide acknowledgement to the Whistleblower including outcome of the assessment in a).
- c. Determine appropriate response to the Disclosure, in consultation with MTS legal counsel, ensuring that rule of law, principles of natural justice and fair process are maintained throughout, particularly in respect to those against whom allegations are made.
- d. Inform the Board Chair of the disclosure, and if the Chair deems warranted, the full Board.
- e. Commission investigation as applicable. Allegations of a criminal nature will be referred to the Police for investigation.
- f. Provide the Whistleblower, within 30 days of b), appropriate assurance that action is being taken and/or has been taken.
- g. Respond as per c) and report the outcome to the Board.

Ordinarily it is expected that a Disclosure would be acted upon, and resolved within one month, however MTS will prioritise fair process over meeting a time constraint, as some complex matters may take a longer period to resolve.

MTS will assign someone with responsibility for the pastoral care of the person against whom allegation is made, and they will regularly check on that person's well-being. Throughout the response period the person against whom allegation is made will be presumed innocent and not be unreasonably excluded from work duties to the extent that such would prejudice their ongoing role if cleared of wrong-doing.

The Executive and/or the Board will review both internal and external implications of any findings, and will determine what, if any, communications are necessary to internal and external stakeholders, especially in relation to matters of misconduct that pose high risk to the organisation.

Documentation relating to disclosures including (but not limited to) the Whistleblower's disclosure, investigation reports and outcome reports, will be retained in electronic form in restricted access folders and where in paper form, in locked cabinets.

Communicating this Policy

This Policy is made available internally on the MTS Policy site, and externally on the MTS website. It will also be made available to MTS legal counsel and financial auditors.

Employee induction includes reference to this, and other, policies related to formal methods of seeking resolution of employment related issues.

Approval

Approved by the MTS Board on 19th August 2021.