

## PURPOSE

The purpose of this policy is to:

- a) encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to CMS or damage to its reputation;
- b) assist CMS to deal with disclosure reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for the secure storage of the information provided;
- c) establish the policies for protecting whistleblowers against reprisal by any person internal or external to the entity; and
- d) help to ensure CMS maintains the highest standards of ethical behaviour and integrity.

## INTRODUCTION

The Church Missionary Society of Australia (CMS<sup>1</sup>) is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles).

## WHO THE POLICY APPLIES TO

This policy applies to present and past employees, cross-cultural workers, volunteers, contractors or suppliers of goods and services to CMS or any associates or a relative, dependent or spouse of such individuals (Eligible Whistleblower).

For the purpose of this policy, an Eligible Whistleblower that makes a disclosure under this policy is referred to as a Discloser.

## MATTER THE POLICY APPLIES TO

If an Eligible Whistleblower believes in good faith and has reasonable grounds to suspect that misconduct has occurred or an improper state of affairs or circumstances exists in relation to CMS's business operations or practices, then he or she may qualify for protection under the Corporations Act 2001 (Cth) (Corporations Act) or the Taxation Administration Act 1953 (Cth) (Taxation Act) (Whistleblower Protection Regime) if they make a disclosure.

Only certain types of misconduct are subject to the Whistleblower Regime and provide the Discloser with protection. The types of wrongdoing that can be reported under the Whistleblower Regime are:

- fraud, negligence, breach of trust or breach of duty;

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<sup>1</sup> Church Missionary Society comprises of the following entities: CMS-Australia, CMS-NSW&ACT, CMS-QNNSW, CMS-SANT, CMS-TAS, CMS-VIC and CMS-WA.



- an offence against any Commonwealth law that is punishable by imprisonment for a period of 12 months or more;
- a contravention or breach of certain commonwealth legislation, such as the Corporations Act 2001 (Cth); or
- represents a danger to the public or the financial system.

Disclosures which relate to personal work-related grievances do not provide the Discloser with protection under the Whistleblower Regime and may give rise to disciplinary action.

A personal work-related grievance may include:

- an interpersonal conflict between the discloser and another employee;
- a decision that does not involve a breach of workplace laws; or
- a decision about the engagement, transfer or promotion of the discloser.

A personal work-related grievance may give rise to protections under legislation, such as the Fair Work Act 2009 (Cth).

If an Eligible Whistleblower is unsure whether the type of misconduct is covered by the Whistleblower Regime, they should seek independent legal advice.

## WHO CAN RECEIVE DISCLOSURE

To qualify for protection, an Eligible Whistleblower may report their concern either personally, or anonymously to

- the CEO or other senior manager of the respective CMS entity;
- the respective CMS entity's nominated Whistleblower Protection Officer;
- Creating Safer Communities, as the independent organisation contracted by CMS to receive such information (contact details on website);
- the respective CMS entity's external auditor;
- a legal practitioner; or
- the Australian Securities and Investments Commission, the Australian Prudential Regulation Authority, the Commissioner of Taxation or another commonwealth authority prescribed by legislation.

In limited circumstances, an Eligible Whistleblower may report their concern to a journalist or a parliamentarian and still qualify for protection. We recommend the Discloser contact an independent legal adviser before making a disclosure in such circumstances.

## LEGAL PROTECTION FOR DISCLOSURES

The Discloser may remain anonymous or use a pseudonym when making the disclosure, during the course of investigation and after the investigation is finalised.

The Discloser may refuse to answer questions that could reveal their identity.

CMS is prohibited from disclosing the identity of the Discloser (or any information which may identify the Discloser) unless:

- The Discloser consents;



- The disclosure is to a recipient permitted by law, such as the Commissioner of Taxation or the Australian Federal Police; or
- The disclosure is otherwise allowed or required by law (for example to CMS's lawyers to receive legal advice).

If a Discloser believes that they have suffered detriment as a consequence of the Disclosure, they may seek independent legal advice.

The Discloser is protected from civil, criminal and administrative liability arising from the disclosure if it is made in accordance with the Whistleblower Regime.

The Discloser should be aware that the protections granted under the Whistleblower Regime do not include immunity from any misconduct in which the Discloser has participated that forms the subject matter of the disclosure.

## **SUPPORT AND PRACTICAL PROTECTIONS FOR DISCLOSERS**

CMS will take such steps as is necessary to ensure that the name of the Discloser is not revealed without the Discloser's consent, including by way of redacting documents containing the name of the Discloser.

The Discloser should be aware that if the identity of the Discloser is not disclosed to CMS then it may be difficult for CMS to investigate and assess the information provided by the Discloser (e.g. if CMS is unable to contact the Discloser for more information or has not been provided with a means of contacting the Discloser).

CMS will take reasonable measures to ensure that a Discloser is protected from detriment arising from the Disclosure.

## **HANDLING AND INVESTIGATING A DISCLOSURE**

If the disclosure is made to CMS, then:

- CMS will assess the disclosure to determine whether it qualifies for protection and a formal investigation is required.
- If CMS determines that an investigation is required, it will initiate an investigation following the rules of natural justice and fair procedure.
- CMS will endeavour to finalise the investigation within 30 days of notification to it.
- CMS will update the Discloser on the progress of the investigation and provide the Discloser with a report at the conclusion of the investigation.

The objective of the investigation is to determine whether there is enough evidence to substantiate or refute the matters reported.



## ENSURING FAIR TREATMENT OF INDIVIDUALS MENTIONED IN A DISCLOSURE

CMS wishes to foster a culture of transparency that encourages reporting of misconduct and improper circumstances the subject of the Whistleblower Regime whilst balancing the interests and rights of individuals the subject of the disclosure.

All investigations will be handled confidentially and in accordance with the rules of natural justice and procedural fairness.

## ENSURING THE POLICY IS EASILY ACCESSIBLE

CMS will communicate this policy to all employees and cross-cultural workers, and put it on CMS' website.

### Approval

This is a CMS Fellowship Policy  
Approved 9 October 2020

### Review

This policy is due for revision five years from the date of approval.  
Review Date October 2025

## PREVIOUS VERSIONS

Version	Approved By	Date of Approval
1.0	Directors Consultation	9 October 2020