



# The Thin Green Line Foundation Whistleblower Policy and Procedure

|                         |                   |
|-------------------------|-------------------|
| <b>OWNER</b>            | Company Secretary |
| <b>APPROVER</b>         | BOARD             |
| <b>Approval Date</b>    | 22 June 2021      |
| <b>Next Review Date</b> | June 2023         |

## Policy

The Thin Green Line Foundation is committed to the highest standards of conduct and ethical behaviour in all its activities. The organisation promotes and supports a culture of honest and ethical behaviour, corporate compliance and good corporate governance.

As part of this commitment, The Thin Green Line Foundation encourages the reporting of any instances of suspected unethical, illegal or fraudulent conduct involving the Thin Green Line Foundation's activities and provides protections and measures so that those persons who choose to make a report under this Whistleblower Policy and Procedure may do so confidentially and without fear of victimisation, reprisal or discriminatory treatment.

The Thin Green Line Foundation is equally committed to complying with relevant legislation, including the specific whistleblower protection provisions contained in the Corporations Act 2001 (Cth). The Corporations Act provides specific legal protections to Whistleblowers, provided certain conditions are met.

To the extent of any inconsistency between this document and the Corporations Act, the Corporations Act prevails except to the extent this document provides additional protections to the Corporations Act.

This policy and procedure is available on the internal online portal and the external website of The Thin Green Line Foundation.

**In contemplating the use of this policy and procedure, a person should firstly consider whether the matter may be more appropriately raised via:**

- **less formal direct discussion with their supervisor or manager; or**
- **another formal channel through relevant The Thin Green Line Foundation's policy and procedures**

**The Thin Green Line Foundation believes that many concerns that may be raised in relation to its business activities could be effectively resolved through routine channels of communication with appropriate supervisors and managers.**

**However The Thin Green Line Foundation also recognises that in certain situations, due to the seriousness of the concerns being raised or other personal or specific circumstances, a person may prefer to avail themselves of the formal and independent processes, anonymity provisions and other Whistleblower protections afforded by making a report as a Whistleblower under this Whistleblower Policy and Procedure.**

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## Definitions

|                                  |  |
|----------------------------------|--|
| The Thin Green Line Foundation   | The Thin Green Line Foundation (TTGLF, a company limited by guarantee incorporated under the <i>Corporations Act 2001 (Cth)</i> and a registered (ACNC) charity advancing the natural environment.   |
| Worker                           | Any person conducting work on behalf of The Thin Green Line Foundation. Including, but not limited to; employees, volunteers, contractors, subcontractors, and students.   |
| Whistleblower                    | A person who, whether anonymously or not, makes a report of a concern about actual or suspected misconduct in accordance with this policy and procedure.   |
| Whistleblower Protection Officer | A Thin Green Line Foundation employee who has been authorised by The Thin Green Line Foundation Board as a person to whom a Whistleblower can make a report.<br><br>Subject to confidentiality obligations, the Whistleblower Protection Officer has been allocated authority to communicate with the TGLF Board through its Governance Risk and Finance Committee should the circumstances of a Whistleblower report require that to occur. |

## **1 Purpose**

This document describes the policy on whistleblowing and how this is implemented. Its purpose is to:

- Support the reporting of concerns about actual or suspected misconduct
- Describe how a Whistleblower should report their concern, including their right to remain anonymous, and what happens when they report their concerns
- Describe how The Thin Green Line Foundation receives, assesses and investigates reports from Whistleblowers in a way that protects the identity of the Whistleblower and provides confidentiality and secure storage of the information provided
- State The Thin Green Line Foundation's commitment to the safety of Whistleblowers and to their protection against reprisal, retaliation or victimisation by anyone whether they be internal or external to The Thin Green Line Foundation

## **2 Scope**

### **2.1 Who may be a Whistleblower?**

Any individual may make a report as a Whistleblower under this policy and procedure if, in relation to The Thin Green Line Foundation, they are a current or former:

- director, officer, employee or volunteer;
- contractor or subcontractor;
- employee of contractor, subcontractor, project partners; or
- a relative or dependant of the individuals listed above.

### **2.2 What Types of Matters should be reported?**

A Whistleblower may make a report under this policy and procedure if they have reasonable grounds to suspect that someone has engaged in misconduct involving The Thin Green Line Foundation's activities. Misconduct may include conduct which:

- is illegal (such as theft, violence, harassment, discrimination, bullying or intimidation, criminal damage to property or other breaches of applicable state or federal law);
- is improper according to The Thin Green Line Foundation's constitution and policies;
- is unethical according to The Thin Green Line Foundation's values and recognised ethical principles across the sector (such as maladministration, dishonestly altering company records or adopting questionable accounting practices);
- is dishonest, fraudulent or corrupt (such as falsifying scientific data or its interpretation or publishing or promoting false scientific information);
- is negligent or reckless and which places The Thin Green Line Foundation, a Thin Green Line Foundation employee, a third party or the environment at high risk (such as unsafe work practices, environmental damage, animal welfare risks or health risks);
- is detrimental to The Thin Green Line Foundation (such as misconduct which may cause significant financial loss to The Thin Green Line Foundation, including serious wastage of resources, or significantly damage its reputation);
- relates to the tax affairs of The Thin Green Line Foundation (tax matters); and

- relates to any other kind of misconduct or an improper state of affairs or circumstances in relation to The Thin Green Line Foundation.

An Individual can still qualify for protection under the whistleblower laws if their disclosure turns out to be incorrect, so long as the disclosure has a reasonable basis.

This policy and procedure does not apply to a personal work-related grievance as defined in the Corporations Act. Subject to the Corporations Act, examples of a personal work-related grievance include:

- an interpersonal conflict between one worker and another worker or manager;
- a decision relating to a worker's engagement, employment, transfer or promotion;
- a decision to suspend or terminate the engagement of a worker; or
- a disciplinary decision in relation to a worker.

### **3 Responsibilities**

#### **3.1 Board**

The Board is responsible for:

- approving this policy and procedure; and
- authorising The Thin Green Line Foundation's Whistleblower Protection Officer (s).

#### **3.2 General Manager**

**The General Manager (GM)** is responsible for:

- Communicating support of the policy and procedure, including bypassing the General Manager (GM) should the GM be potentially implicated. The GM will not always be made aware of confidential details of reports made; and
- ensuring that investigations into reports by Whistleblowers are adequately resourced and conducted as soon as reasonably practicable.

NOTE: The General Manager is not responsible for the actions of the Founder of The Thin Green Line who reports directly to the Board Chair. Any Whistleblower reporting related to the Founder is to be investigated confidentially by the Board Chair in consultation with the Whistleblower Protection Officer (s).

#### **3.3 Any eligible recipient receiving a Whistleblower's report**

Eligible recipients who receive a whistleblower report are responsible for:

- undertaking the applicable actions set out in sections 4.2 and 4.5 of this policy and procedure and (if they retain carriage of the matter) the applicable actions set out in sections 4.3 and 4.4 of this policy and procedure; and
- maintaining the confidentiality of the Whistleblower's identity, unless and until the Whistleblower consents to their identity being provided to others.

#### **3.4 Whistleblower Protection Officers**

The Whistleblower Protection Officers (listed at Appendix A of this policy) are responsible for:

- undertaking the applicable actions set out in sections 4.2 and 4.5 of this policy and procedure and (if they are directed to assume carriage of the matter) the applicable actions set out in sections 4.3 and 4.4 of this policy and procedure; and
- maintaining the confidentiality of the Whistleblower's identity, unless and until the Whistleblower consents to their identity being provided to others.

### 3.5 Workers

All persons who work for The Thin Green Line Foundation are responsible for:

- making a report if they become aware of actual cases, or suspect on reasonable grounds potential cases, of any conduct that is reportable under this policy and procedure and which cannot or is not being resolved through other reporting mechanisms;
- ensuring that reports are made on reasonable grounds. Anyone who knowingly makes a false report under this policy and procedure may be subject to disciplinary action.

## 4 Whistleblower Procedures

### 4.1 To Whom can a Report be Made?

If you are seeking legal protection under the whistleblower laws, and to ensure appropriate escalation and timely investigation, Whistleblowers are encouraged to make any reports under this policy and procedure, either in writing or orally, to a Thin Green Line Foundation Whistleblower Protection Officer (refer Appendix A), who are authorised eligible recipients for the purposes of Part 9.4AAA of the *Corporations Act 2001* (Cth).

If a Whistleblower would prefer to raise the matter with someone other than a Thin Green Line Foundation Whistleblower Protection Officer, they can make a report, either in writing or orally, to the Chair of the Board, any Director, the Founder, the General Manager or the Auditor of The Thin Green Line Foundation, or (for tax matters) to a tax agent or BAS Agent of The Thin Green Line Foundation.

Whilst internal reporting is always encouraged, a worker may be of the view that there is an exceptionally serious issue which warrants reporting to an external body such as the regulatory body responsible for the enforcement of a law. As such, Whistleblower reports may also be made to the Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA) or (for tax matters) to the Commissioner of Taxation.

Nothing in this policy prevents a person from making a Whistleblower report to an external and independent lawyer for the purposes of obtaining legal advice or representation on the operation of the whistleblower laws. Even where the lawyer advises that protections are not available, the Whistleblower will be protected under the whistleblower laws.

### Receiving a report

### 4.2 A flowchart for the whistleblowing process is provided in Appendix B.

Any eligible recipient to whom a report under this policy and procedure is made shall:

- make a file note of the disclosure (if it is not already in written form);
- redact the name of the person (if provided) from the written disclosure or file note; and
- in the case where the eligible recipient is not a Whistleblower Protection Officer, send the written disclosure or file note to a Whistleblower Protection Officer.

A Whistleblower Protection Officer who directly receives a report, or receives a written disclosure or file note from another eligible recipient, shall make an initial assessment as to whether the report should be treated as a whistleblower report under the whistleblower laws and whether it warrants further investigation:

- if they believe that the nature of the report is more appropriately handled under a different The Thin Green Line Foundation procedure, advise the Whistleblower and support them to initiate the alternative process;

- if they believe the report has no reasonable basis (ie, trivial or fanciful with no supporting evidence):
  - dismiss the allegation and advise the person making the report of their decision;
  - advise the Chair of the Board's Governance, Risk & Finance Committee (or the Chair of the Board if any member of the Governance ,Risk & Finance Committee may be complicit in the concern) of the report and their assessment;
  - prepare records of same and store them securely; and
  - be accountable for the dismissed allegation if the person raising the report chooses to escalate their concerns.
- If they believe the report is protected under the whistleblower laws and should be investigated:
  - inform the eligible recipient to whom the report was made of this decision; and
  - draft a request for consent of Whistleblower to disclose their identity and ask the eligible recipient (or where appropriate, their EA) to seek this consent.

If the eligible recipient is informed that the report is protected under the whistleblower laws and should be investigated, they must decide whether they or the Whistleblower Protection Officer should take carriage of the matter and communicate that decision to the Whistleblower Protection Officer.

The person who then has carriage of the matter must advise the Chair of the Board's Governance, Risk & Finance Committee (or the Chair of the Board if any member of the Governance , Risk & Finance Committee may be complicit in the concern) of the Whistleblower report and that it will be investigated (but will not disclose the Whistleblower's identity without their consent).

### **4.3 Undertaking an investigation of a Whistleblower's report**

Unless handled under a different Thin Green Line Foundation procedure or dismissed in accordance with section 4.2 of this policy and procedure, all matters reported under this policy and procedure will be investigated as soon as practicable after the matter has been reported. The investigation process may vary depending on the nature of the report.

Where appropriate, feedback is provided to the Whistleblower from time to time throughout the investigation regarding the investigation's progress and/or outcome (subject to considerations of the privacy of those against whom allegations are made and witnesses).

The person who has carriage of the matter as determined in accordance with section 4.2 of this policy and procedure (either the eligible recipient to whom the report was made or the Whistleblower Protection Officer who received the written disclosure or file note) may appoint someone else to assist with the investigation where appropriate.

The person who has carriage of the matter must:

- as soon as practicable, if the report is not anonymous, contact the Whistleblower to discuss the investigation process including who may be contacted and such other matters as are relevant to the investigation;
- be responsible for the investigation being conducted in an objective and fair manner, supportive of the rights, including to procedural fairness, of both the Whistleblower and all persons implicated in relation to the reported conduct;
- prepare the terms of reference for the investigation, in consultation with the Chair of the Governance, Risk & Finance Committee (or the Chair of the Board if any member

of the Governance, Risk & Finance Committee may be complicit in the concern), to clarify the key issues to be investigated;

- develop an investigation plan to ensure all relevant witnesses are interviewed, all relevant questions are addressed, all relevant documents are assessed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated;
- source internal or external support if required or deemed appropriate;
- conduct the investigation in a manner that is reasonable and appropriate having regard to the nature of the reported conduct and the circumstances;
- ensure strict security and confidentiality are maintained during the investigative process by all parties involved;
- ensure records of all discussions, phone calls and interviews are made, with interviews recorded where possible;
- ensure all information obtained is properly secured to prevent unauthorised access; and
- produce a report of the findings as soon as reasonably practicable.

The person or persons undertaking the investigation must ensure the principles of procedural fairness (natural justice) are observed. In particular, where adverse comment/s about any person are likely to be included in an investigation or findings report, the person affected will be given an opportunity to comment on the reported concerns during the investigation and any comments will be considered before the findings report is finalised.

#### **4.4 Reporting findings from an investigation arising from a Whistleblower's report**

Subject to the preservation of the anonymity of the Whistleblower and the privacy considerations of those people involved in any way in the investigation, the report of the findings prepared by the person or persons undertaking the investigation shall include:

- the allegation/s;
- all relevant facts and the evidence relied upon in reaching any conclusions;
- conclusions reached and their basis; and
- recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation such as any lessons to be learnt or ways to prevent a recurrence of the situation.

The findings report will be stored securely.

Copies of the findings report will be provided to the Chair of the Board's Governance, Risk and Finance Committee (or the Chair of the Board if any member of the Governance, Risk & Finance Committee may be complicit in the concern).

#### **4.5 Protecting the Whistleblower**

##### **Protection of Identity and Confidentiality**

A Whistleblower can make a disclosure anonymously and maintain their anonymity throughout the investigation and after its conclusion. A Whistleblower may refuse to answer questions at any time if they feel the questions could reveal their identity. However, doing so may prevent an investigation from progressing where insufficient information in the initial report has been provided and the anonymous Whistleblower will not provide further information.

The Thin Green Line Foundation is required to protect the identity of an individual that makes a report. Upon receiving a report that is not anonymous, the Whistleblower's identity is only shared if:

- the Whistleblower consents;
- disclosure is made to a lawyer for the purposes of obtaining legal advice or representation; or
- disclosure is made to ASIC, APRA, the Commissioner of Taxation (for tax matters) or the Australian Federal Police.
- ordered by a court with relevant jurisdiction.

The Thin Green Line Foundation will also not disclose any information that is likely to lead to the identification of the Whistleblower (but that is not their identity, ie their name) unless one of the circumstances above apply, or disclosure is reasonably necessary to investigate the report and all reasonable steps have been taken to reduce the risk the Whistleblower will be identified.

If you believe your confidentiality has been breached by The Thin Green Line Foundation in relation to your disclosure, please contact the Whistleblower Protection Officers.

### **Protection Against Detrimental Conduct**

The Thin Green Line Foundation is committed to ensuring Whistleblowers are not victimised or adversely affected because they have made a report, may make a report, or could make a report under this policy and procedure.

It is a contravention of this policy and procedure and may be unlawful for anyone to engage in conduct that causes detriment to a Whistleblower in the belief or suspicion that they have made, may make, propose to make or could make a report under this policy and procedure or threaten such detriment. "Detriment" is defined very broadly to include dismissal, alteration to a person's position, harassment, intimidation, discrimination, injury in a person's employment, causing other harm or injury to a person, or causing or damage to a person's property, reputation or business or financial position.

In certain circumstances, under legislation, a Whistleblower may be entitled to seek an order from the Court for compensation from The Thin Green Line Foundation or the person who caused the detriment for any loss, damage or injury they suffer as a result of any detrimental conduct.

If a Whistleblower believes that Detrimental Conduct has occurred, they should report such behaviour to a Whistleblower Protection Officer.

### **Further Support and Protection of Files and Records**

Where the investigation has found that the Whistleblower made the allegation on reasonable grounds, the Whistleblower Protection Officer who receives the written disclosure or file note at section 4.2 above is responsible for ensuring that the Whistleblower suffers no employment-related disadvantage on account of their report and actions relating to this matter. This person also facilitates additional arrangements to support the Whistleblower which may include internal mentoring / coaching or other external support.

The provision of support also applies to protecting any other person who has contributed to the investigation.

All files and records created from an investigation are retained securely.

Unauthorised release of information to someone not involved in the investigation (other than the General Manager, Founder, Directors or Members of the Governance, Risk and Finance Committee and/or Board, who need to know to take appropriate action, or for corporate governance purposes) without the Whistleblower's consent is a breach of this policy & procedure.

If the findings of an investigation are disclosed to the General Manager, Founder, Directors or Members of the Governance , Risk and Finance Committee or Board, the Whistleblower's identity and information that is likely to lead to their identification will not be disclosed without the Whistleblower's consent.

Whistleblowers are assured that a release of information in breach of this policy and procedure is regarded as a serious matter and is dealt with under TheThin Green Line Foundation's disciplinary procedures.

#### **When whistleblower protections may not apply**

If your matter relates to a personal work-related grievance (see section 2.2 of the Policy), it is not generally protected under Australian law. However, if your grievance arises as a result of making a disclosure or is a combination of personal work-related grievances and other misconduct, it may be protected.

You will not be given immunity from liability if you participated in the misconduct that is the subject of your disclosure.

#### **4.6 Public Interest and Emergency Disclosures**

In certain circumstances, as outlined in the Corporations Act, a public interest disclosure may also be made to a journalist or a member of parliament. There are a number of steps that must be taken before these disclosures can be made as follows:

|   | <b>Public interest disclosure</b>  | <b>Emergency disclosure</b>  |
|---|--|--|
| 1 | A previous report has been made to ASIC or APRA  |  |
| 2 | 90 days has passed since making the report   | (No wait period)   |
| 3 | An Individual has reasonable grounds to believe that making a further disclosure of the information would be in the public interest  | An Individual has 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 |
| 4 | An Individual gives the body to which the previous disclosure was made a written notification that includes sufficient information to identify the previous disclosure and states that you intend to make a public interest / emergency disclosure (as applicable) |  |
| 5 | An Individual then makes a disclosure to a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory or a professional journalist  |  |
| 6 | The extent of the information disclosed is no greater than is necessary to inform the recipient of the misconduct or improper state of affairs or circumstances  | The extent of the information disclosed is no greater than is necessary to inform the recipient of the substantial and imminent danger   |

It is strongly recommended that you seek independent legal advice before making such a disclosure.

#### **5 Relevant Legislative References**

- Corporations Act 2001 (Cth)
- Taxation Administration Act 1953 (Cth)

#### **6 Associated The Thin Green Line Foundation Policy & Procedures or Related Documents**

- To be confirmed following policy & procedure review (2021)

## 7 Document Version Log

| #   | Effective Date | Description of Change  |
|-----|----------------|--|
| 0.1 | May 2021       | Document created – 1st draft presented to Governance, Risk and Finance Committee |
| 0.2 | May 2021       | Draft to be present Board for comment / approval                                 |
| 1.0 | June 22 2021   | Board approved   |

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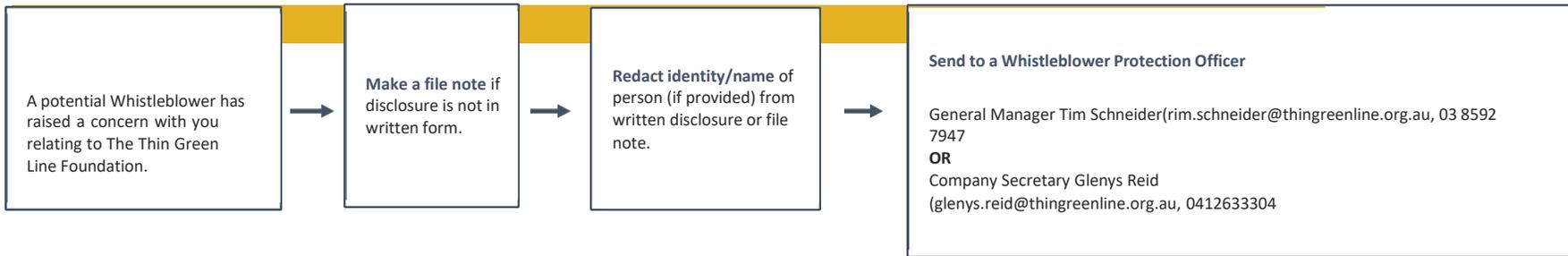
## **Appendix A - Whistleblower Protection Officers**

Title: General Manager  
Email: [tim.schneider@thingreenline.org.au](mailto:tim.schneider@thingreenline.org.au)  
Phone: 03 8592 7947  
Mobile: 0477551417

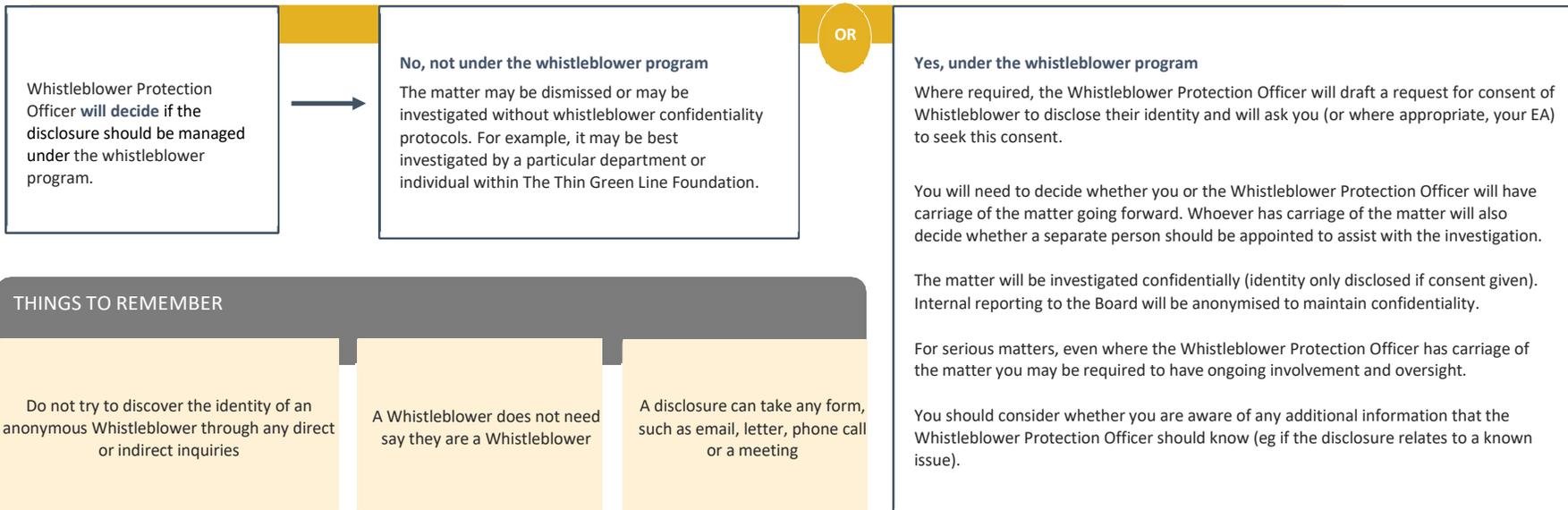
Title: Company Secretary  
Email: [glenys.reid@thingreenline.org.au](mailto:glenys.reid@thingreenline.org.au)  
Mobile: 0412633304

## Appendix B - Whistleblower Flowchart for Eligible Recipients

### START HERE



### WHAT WILL HAPPEN NEXT?



### THINGS TO REMEMBER

Do not try to discover the identity of an anonymous Whistleblower through any direct or indirect inquiries

A Whistleblower does not need say they are a Whistleblower

A disclosure can take any form, such as email, letter, phone call or a meeting