



Kew Baptist  
CHURCH

## **Whistleblower Protection Policy**

### **Background**

Kew Baptist Church (“the Church”) is required to protect Whistleblowers in accordance with the Corporations Act 2001 and related regulations (“the Legislation”). This Policy applies when the disclosure of Reportable Conduct is made in good faith, even if the disclosure is found to be false, mistaken or arising from a misunderstanding and whether or not the identity of the Whistleblower is known.

### **What is Whistleblowing?**

Whistleblowing is disclosure by a Whistleblower of Reportable Conduct occurring within the Church.

### **Who is a Whistleblower?**

A Whistleblower is someone who discloses Reportable Conduct and can be a current or former:

- employee or volunteer of the Church;
- officer including director or secretary of the Church;
- contractor, supplier, consultant or service provider to the Church;
- spouse, relative or dependant of any of the above; or
- an individual prescribed by the Legislation as being an eligible Whistleblower.

### **What is Reportable Conduct?**

Reportable Conduct includes:

- Misconduct or an improper state of affairs including in relation to tax affairs of the Church;
- Conduct that constitutes a contravention of the Corporations Act 2001, the Australian Securities and Investments Commission Act 2001 or any other Commonwealth laws that are punishable by imprisonment for a period of 12 months or more;
- Financial malpractice or fraud, such as engaging in questionable accounting practices, dishonestly altering organisational records, money laundering, misappropriation of funds, corruption, offering or accepting a bribe or any other serious wrongdoing;
- Illegal activity such as theft, illicit drug use, violence and damage to property;

- Conduct that involves significant risk or danger to the public or to the employees of the Church;
- Improper conduct or unethical behaviour that may cause serious financial or non-financial loss to the Church; and
- engaging in or threatening to engage in detrimental conduct against a Whistleblower or a person who is believed or suspected to have made, or be planning to make, a disclosure.

Reportable Conduct does not include personal work-related grievances.<sup>1</sup>

### **To Whom Should Disclosure be Made?**

At the first instance, the Whistleblower is encouraged to disclose to the Senior Pastor or Chairperson of the Leadership Team (“the Chairperson”).

Where the Whistleblower believes this is not appropriate they may disclose to any Leadership Team Member, Ministry Team Leader or, if appropriate, may ask the Baptist Union of Victoria (“BUV”) to act as an independent third party.

The Whistleblower is also entitled to report to:

- the Australian Securities and Investment Commission (“ASIC”);
- the Australian Prudential Regulatory Authority;
- a Commonwealth body nominated for this purpose in the Legislation<sup>2</sup>;
- a legal practitioner<sup>3</sup>; or
- under certain circumstances, a journalist or a parliamentarian<sup>4</sup>.

### **How Should Disclosure be Made?**

A disclosure should be made in writing giving as much detail as possible. If the disclosure is made to ASIC it should be made using the online form available at [asic.gov.au/report-misconduct](http://asic.gov.au/report-misconduct).

### **Confidentiality and Protection**

When a Whistleblower, in good faith, discloses an incident under this Policy:

- their details and the information they provide will be treated in strictest confidence unless otherwise required by law;

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<sup>1</sup> Personal work-related grievances are the jurisdiction of the Fair Work Act and have implications for the discloser personally but (a) do not have other significant implications for the Church or (b) do not relate to Reportable Conduct. Employees can raise issues via the Church Grievance Policy.

<sup>2</sup> This does not include the Australian Charities and Not-For-Profits Commission.

<sup>3</sup> If someone is seeking legal advice about whether the protections will apply to them.

<sup>4</sup> Public interest or emergency disclosure may be made to a journalist or parliamentarian in limited circumstances if strict criteria have been met s1317AAD Corporations Act 2001. It is recommended that legal advice be obtained before such disclosure.

- their details will only be shared on a need-to-know basis with those who have a role to play in looking into the matter, or under applicable law where the Church is required to share the Whistleblower's details as part of its legal obligations; and
- the Whistleblower will be protected from threats of retaliation, termination of employment, discrimination or any other action that can be perceived as retaliation for making disclosure.

If a Whistleblower feels that they have already been retaliated against, they should escalate this immediately to the Senior Pastor or Chairperson or BUV who will take the action they feel is appropriate as well as come up with recommendations for how the situation can be resolved.

In addition, a Whistleblower may not be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of State or Federal Law.

### **Anonymity**

Anonymous disclosure of Reportable Conduct is accepted under this Policy. Anonymous disclosure may have significant limitations that inhibit a proper and appropriate inquiry or investigation. These limitations may include the inability to provide feedback on the outcome and/or to gather additional particulars to assist the inquiry/investigation.

### **Process**

Once disclosure is made:

- The person who is informed or is aware of the alleged Reportable Conduct will take immediate and appropriate action. This may include reporting to the appropriate authorities or commencing an internal investigation where it is appropriate to do so.
- In cases where the Reportable Conduct does not represent a significant risk to safety or to the finance or reputation of the Church, the matter may be resolved by the person informed.
- If necessary, the person informed may escalate the matter to the Senior Pastor, Chairperson, a Leadership Team Member, a Ministry Team Leader or the BUV.
- The alleged Reportable Conduct will be thoroughly investigated and documented.
- The Church may engage outside legal, accounting, human resources or other consultants as appropriate, to conduct any investigation.
- When the investigation and report are finalised, the Leadership Team will be updated.
- Where appropriate and necessary, corrective and disciplinary actions may be taken which may include, alone or in combination, a warning or letter of reprimand, suspension without pay, or termination of employment. Any disciplinary action (including a decision to dismiss or to pursue criminal or civil penalties against the person who is the subject of the disclosure) must be reasonable and proportionate depending on the individual facts of the matter and in accordance with the relevant law.
- The Church is committed to providing feedback on the outcome to the Whistleblower.
- The Church will retain, as part of the records, any disclosures and related reports for a period of no less than two years.

**Publication of this Policy**

This policy must be included on the Church website. All employees of the Church must be made aware of it.

**Failure to Comply with this Policy**

Any breach of this Policy may result in disciplinary action, including dismissal from the Church.

**First Issued:** Approved at the Leadership Team meeting on 17<sup>th</sup> July 2023

**Last reviewed:** Reviewed and approved at Leadership Team meeting on 15<sup>th</sup> July 2024.

**Next review due:** July 2026