

Whistleblowing Policy and Procedure

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Table of contents

1. PURPOSE	3
2. SCOPE	3
2.1 People protected by this Policy	4
3. POLICY STATEMENT	4
3.1 When this Policy applies	4
4. WHISTLEBLOWER PROTECTION	5
4.1 How does this Policy protect Eligible Whistleblowers?	5
4.2 Support	6
4.3 When is protection not available?	6
5. MAKING A WHISTLEBLOWER REPORT	7
5.1 How and to whom to make a Whistleblower Report	7
5.2 What happens when a Whistleblower Report is made?	8
5.3 Disclosures to be kept confidential	8
5.4 False reports and discloser acting improperly	9
6. OTHER IMPORTANT INFORMATION	9
6.1 Support for people referred to in a Whistleblower Report	9
6.2 TIO confidentiality obligations	10
6.3 Eligible Whistleblowers involved in Reportable Conduct	11
7. CONDUCT OF WHISTLEBLOWER INVESTIGATIONS	11
7.1 Investigations must comply with principles of procedural fairness	11
7.2 Feedback during investigations	11
7.3 Reporting	12
8. REMEDIAL ACTION	12
9. PUBLIC INTEREST AND EMERGENCY DISCLOSURES	12
10. PRIVACY	13
11. POLICY ADMINISTRATION	13
11.1 Process Owner	13
11.2 Contact details	14
11.3 Communication	14
12. CONSEQUENCES OF BREACH THIS POLICY	14
13. STATUS OF THIS POLICY	14
14. ASSOCIATED POLICIES AND PROCEDURES	15
15. DEFINITIONS	15

Whistleblowing Policy and Procedure

OVERVIEW

This Policy outlines how Eligible Whistleblowers may make a specific report to the TIO about actual or suspected misconduct, or an improper state of affairs or circumstances as well as how the TIO investigates reports by Eligible Whistleblowers, maintains confidentiality and protects Eligible Whistleblowers from victimisation.

1. Purpose

- (1) TIO is committed to maintaining integrity, transparency and accountability in the workplace. To do so, TIO relies on individuals raising questions and concerns freely and promptly without fear of identification or victimisation, including where those concerns involve potential violation of TIO policies, misconduct or an improper state of affairs within the TIO. Importantly, early detection of potential issues also allows TIO to address concerns before they become larger problems, and to take corrective action if necessary.
- (2) This Policy documents TIO's commitment to maintaining the highest standards of ethical and moral behaviour by providing transparent and sound corporate governance and includes a framework for reporting and investigating Whistleblower Reports.
- (3) Above all, TIO is committed to maintaining a culture where all Workers are comfortable asking questions, speaking up and working toward solutions. Such a culture is supported where there is appropriate whistleblower protection. This Policy provides that protection.
- (4) TIO:
 - (a) Promotes a culture of integrity, transparency and accountability in the workplace.
 - (b) Encourages Workers to raise questions and report any misconduct promptly.
 - (c) Makes Workers aware of their rights and responsibilities under this Policy and provides training to Eligible Recipients.
 - (d) Protects those who lodge a Whistleblower Report from harassment, discrimination and victimisation.
 - (e) Conducts regular reviews of this Policy and amends the Policy and any related procedures as needed in light of any changes in legislation and standards, and as appropriate to improve the Policy in light of experience over time.

2. Scope

- (1) This Policy does not apply to concerns about Personal Work-Related Grievances. Workers wishing to raise concerns about Personal Work-Related Grievances are encouraged to use TIO's Personal Grievances and Complaints Policy and Procedure; Harassment and Sexual Harassment; Preventing Workplace Bullying; Misconduct and Serious Misconduct Policies in the first instance.
- (2) If any part of this Policy is inconsistent with applicable legislation, the applicable legislation will prevail to the extent of any inconsistency.

2.1 People protected by this Policy

- (1) This Policy applies to all current and former TIO directors, executives, managers, officers, employees, contractors, associates and suppliers (collectively referred to as **"Workers"** in this Policy). Relatives, spouses and dependants of Workers are also protected by this Policy.
- (2) This Policy is made available to all Workers upon commencement with TIO during induction and will be available on an ongoing basis on TIO's intranet.
- (3) Outside of this Policy, complaints from the public or TIO Scheme members or other stakeholders regarding the TIO may be lodged using the TIO Scheme's Compliments and Complaints Policy. Generally, complaints under the Compliments and Complaints Policy are not regarded as Whistleblower Reports.

3. Policy statement

3.1 When this Policy applies

- (1) This Policy applies to all Workers who report Reportable Conduct. Such a report is referred to in this Policy as a Whistleblower Report.
- (2) To be the subject of a Whistleblower Report under this Policy all of the following pre-conditions must be satisfied:
 - (a) the discloser must be an Eligible Whistleblower;
 - (b) the Eligible Whistleblower must have reasonable grounds to suspect the information concerns Reportable Conduct in relation to the TIO; and
 - (c) the disclosure of Reportable Conduct must be made to an Eligible Recipient.
- (3) The Ombudsman (or if the Ombudsman is implicated in a disclosure, the Chair of the TIO Board) must determine whether the pre-conditions are satisfied. The pre-conditions are fundamental threshold issues to be determined under this Policy.

In determining whether all the pre-conditions are satisfied, the Ombudsman, or the Chair of the Board (if applicable), may consider:

- (a) whether the alleged conduct involves a crime or an offence that carries a significant penalty;
 - (b) whether the alleged conduct might merit serious disciplinary or other consequences, if proven;
 - (c) whether details provided are sufficiently specific to be investigated and to be responded to by Workers who are the subject of a disclosure;
 - (d) when the alleged conduct took place.
- (4) If you are unsure about whether your suspicions or concerns relate to Reportable Conduct covered by this Policy, or you have concerns in relation to other misconduct or inappropriate workplace behaviours which are not considered Reportable Conduct, you may report your concerns to the Whistleblower Protection Officer, who will advise you on the appropriate next steps.

- (5) Despite a disclosure not satisfying all of the pre-conditions, if it is considered that the best interests of the organisation would be served by accepting the disclosure under another policy or procedure of the TIO, there is an overarching discretion to accept the disclosure as follows:
- (a) If the Ombudsman is not implicated in the disclosure, by the Ombudsman.
 - (b) If the Ombudsman is implicated in the disclosure, by the Chair of the Board.
- The TIO will ensure that any report accepted under this clause 3.1 under another policy of the TIO is dealt with in accordance with that policy.
- (6) If any of the pre-conditions are determined not to have been satisfied, the report is not a Whistleblower Report within the meaning of this Policy.

4. Whistleblower protection

4.1 How does this Policy protect Eligible Whistleblowers?

- (1) TIO is committed to protecting and respecting the rights of Eligible Whistleblowers who have reported or disclosed Reportable Conduct. As such, TIO will not tolerate any victimisation (actual or threatened) against an Eligible Whistleblower, or any person involved in the investigation process.
- (2) Eligible Whistleblowers may be entitled to legal remedies (including financial compensation, apologies, reinstatement and orders to prevent, stop and/or remedy the effects of the detrimental conduct) under applicable legislation including without limitation the *Corporations Act 2001* (Cth) if they are subject to victimisation (actual or threatened), because they made a Whistleblower Report.
- (3) The Whistleblower Protection Officer is responsible for protecting Eligible Whistleblowers who make a disclosure of Reportable Conduct from detriment, including:
 - (a) any form of harassment or intimidation;
 - (b) discrimination;
 - (c) harm or injury, including psychological harm;
 - (d) damage to their property, reputation, business or financial position;
 - (e) demotion; or
 - (f) dismissal.
- (4) If you believe that you are being harassed, discriminated against or victimised from making a Whistleblower Report, you should contact the Whistleblower Protection Officer immediately. Workers who engage in this behaviour will be disciplined and may have their employment or engagement terminated.
- (5) Victimisation is an offence and Workers who engage in this behaviour may be subject to civil penalty or criminal prosecution.

- (6) TIO will take appropriate action to protect the Eligible Whistleblower and maintain their ability to fulfil the functions of their role during and after the course of the investigation, which may include (where possible and if necessary):
 - (a) physical relocation within the office, such as relocation to another section of the office structure;
 - (b) relocation to another team or manager;
 - (c) implementing working from home arrangements; or
 - (d) arranging a paid leave of absence.
- (7) Those steps may be taken as reasonably necessary to offer appropriate protection, and may involve the Eligible Whistleblower or others, as needed. The steps taken will be designed to minimise disruption and avoid penalising the Eligible Whistleblower.

4.2 Support

- (1) TIO understands this is a difficult situation for employees involved in the whistleblowing process. Employees and their immediate families can use TIO's Employee Assistance Program (**EAP**) to speak to a counsellor about the stress they may be feeling due to making a disclosure or being the subject of a Whistleblower Report. Information discussed with a counsellor is confidential and TIO does not seek to access information disclosed to a EAP counsellor.
- (2) EAP contact details can be found on Switchboard.

4.3 When is protection not available?

- (1) Not all disclosures to an Eligible Recipient are protected at law. Protection is not available where the disclosure is:
 - (a) a Personal Work-Related Grievance or does not relate to Reportable Conduct;
 - (b) trivial or vexatious in nature with no substance; or
 - (c) an unsubstantiated allegation which is found to have been made maliciously or is knowingly false.
- (2) Reports that fall under paragraphs (b) or (c) above will be viewed seriously and may constitute serious misconduct and be subject to appropriate disciplinary action, which may include termination of employment or engagement (see paragraph 5.4).
- (3) For the avoidance of any uncertainty, detrimental conduct for the purpose of clause 4.1(2) and 4.1(3) of this Policy does not include administrative action that is reasonable for the purpose of protecting an Eligible Whistleblower who has made a disclosure of Reportable Conduct from detriment and/or managing an Eligible Whistleblower's unsatisfactory performance at work in line with the TIO's performance management processes.

5. Making a Whistleblower Report

5.1 How and to whom to make a Whistleblower Report

- (1) Before making a report under this Policy, you may consider if the matter can be appropriately handled by:
 - (a) Using reporting procedures or processes particular to other TIO policies.
 - (b) Raising the issue with your manager or their manager directly, or with the Head of People and Capability, or a member of the Executive Leadership Team.
- (2) If you remain seriously concerned that the matter has not been appropriately addressed as set out above, or you consider it appropriate to make a disclosure under this Policy, you may do so by using one of the following options:
 - (a) Reporting the matter directly to TIO's Whistleblower Protection Officer using the contact details on Switchboard (see "Quick Links" section on the homepage).
 - (b) Making a report via the TIO external Whistleblower Report service:

Your Call

Telephone: 1300 790 228

(9am to midnight Melbourne time, Monday to Friday except national public holidays)

Online: www.yourcall.com.au/report

When making reports to Your Call, please quote our organisation ID: TIO1993

These details are also provided on Switchboard (see "Quick Links" section on the homepage). TIO's external whistleblower service will pass on the details of your Whistleblower Report to the Whistleblower Protection Officer.
 - (c) Reporting the matter to a member of the Executive Leadership Team or other Eligible Recipient (see Part 13).
- (3) The Whistleblower Report should be specific in nature and clearly state:
 - (a) the issue or concern;
 - (b) the individual/s involved;
 - (c) the reasons for believing that the Reportable Conduct has occurred; and
 - (d) the nature and whereabouts of any further evidence that would substantiate the allegation, if known.
- (4) This is to ensure that the Eligible Recipient has sufficient information to take appropriate action without delay. Disclosures can be made verbally or in writing and can be anonymous. However, disclosers are encouraged to make such reports in writing, with the date and their signature. All reports are subject to the confidentiality provisions of this Policy, (see Part 6.2).

- (5) Eligible Whistleblowers should ensure their Whistleblower Report is:
- factually accurate;
 - complete from first-hand knowledge;
 - objectively based on reasonable grounds; and
 - without material omission.
- (6) To ensure due process, TIO requires that the Eligible Whistleblower not discuss the details of the Whistleblower Report with any person, except with authorised whistleblower investigators, an Eligible Recipient, the Whistleblower Protection Officer or relevant external agencies, or as required by law.

5.2 What happens when a Whistleblower Report is made?

- (1) TIO will conduct an appropriate and fair investigation of the matter.
- (2) The Ombudsman (or if the Ombudsman is implicated in a report, the Chair of the TIO Board) will appoint appropriate people to investigate the report, who may include:
- (a) TIO staff who are not connected to the report; or
 - (b) Suitably qualified external advisors or agents of TIO.

5.3 Disclosures to be kept confidential

- (1) If you wish to remain anonymous when making your disclosure of Reportable Conduct, you may choose not to disclose your identity.
- (2) Anonymous reports may have limitations that inhibit a proper and appropriate investigation. These limitations include the inability to provide feedback on the outcome and to gather additional particulars to assist the investigation.
- (3) However, if you choose to make an anonymous disclosure of Reportable Conduct, you should note that:
- (a) The Whistleblower Protection Officer will not release the identity or any information that may lead to identification of the Eligible Whistleblower who makes a disclosure of Reportable Conduct.
 - (b) The disclosure of Reportable Conduct will still be protected under the Act despite being made anonymously.
 - (c) Any person who is the subject of the disclosure of Reportable Conduct will be given the opportunity to respond.
 - (d) Should a disclosure be made anonymously, it remains the professional judgement of the Ombudsman (or if the Ombudsman is implicated in a report the Chair of the TIO Board) whether to progress with a full investigation given limited ability to interview the Eligible Whistleblower to confirm details or seek further information. This decision will be made after an internal preliminary investigation of the information has been conducted.
 - (e) In some situations, the TIO may not be able to investigate the disclosure without further details from you including your role and other background information. If

you wish to remain anonymous, you should ensure you maintain ongoing communication with the Whistleblower Protection Officer or the Eligible Recipient to whom the disclosure was made so that the TIO can ask any follow up questions or request additional information.

- (f) TIO will ensure that measures and/or mechanisms are put in place to protect anonymity.
 - (g) In certain circumstances, the law may require that your identity be disclosed (such as in making a disclosure to ASIC, APRA or a member of the Australian Federal Police).
 - (h) If you choose to remain anonymous you may not be provided with any feedback or progress reports on the investigation.
- (4) Whether or not your disclosure is made anonymously, you are required to maintain confidentiality regarding the issue on your own account and to refrain from discussing the matter with any unauthorised persons. Failure to maintain confidentiality is a serious issue and may result in disciplinary action.

Part 6.2 contains more information about how the confidentiality of Whistleblower Reports is respected.

5.4 False reports and discloser acting improperly

- (1) Where it is substantiated that the discloser has made a false report (including where the report is trivial, vexatious, or has been made maliciously, or without basis), this is considered serious misconduct and may result in disciplinary action being taken up to and including termination of employment or engagement. Abusing the process outlined in this Policy and acting improperly in making a disclosure undermines the effectiveness of this Policy and may adversely impact on genuine disclosures.
- (2) While not discouraging people from reporting matters of genuine concern, people raising concerns or reporting must ensure as far as possible their disclosures comply with this Policy.

6. Other important information

6.1 Support for people referred to in a Whistleblower Report

- (1) TIO recognises that Workers who are involved in matters the subject of a disclosure may also need support. TIO and the Whistleblower Protection Officer will not disclose the identity of any individual who may be involved in the subject matter of a Whistleblower Report, except as required by the assessment and investigation process and except as set out in this Policy.
- (2) The TIO will take steps so that at the appropriate time individuals who are involved in or directly affected by the Whistleblower Report are:
 - (a) informed of the substance of the allegation(s);
 - (b) given a fair and reasonable opportunity to answer the allegation(s) before a final decision is made;

- (c) informed as to the substance of any adverse comment that may be included in a report arising from the investigation;
- (d) able to include their response in the investigator's report.
- (3) If the matter has been publicly disclosed, TIO may also consider a request by any affected individual that TIO issue a statement regarding the outcome of the investigation.
- (4) Where adverse conclusions are made in an investigator's report about an individual, that individual may respond to those conclusions prior to any disciplinary action up to and including termination of employment or engagement being taken by TIO against them.
- (5) TIO will give its full support to an individual who is the subject of a Whistleblower Report that is found to be false.

6.2 TIO confidentiality obligations

- (1) As far as reasonably practicable the TIO will maintain the confidentiality of Whistleblower Reports and resulting investigations.
- (2) Except in limited circumstances outlined in the Act (and summarised below), it is unlawful for a person to identify an Eligible Whistleblower or to disclose information that is likely to lead to the identification of an Eligible Whistleblower.
- (3) The TIO may request that an Eligible Whistleblower consent to a limited disclosure, such as disclosure of the Whistleblower's identity to the appointed investigator, to facilitate the conduct of the investigation.
- (4) Where it is reasonably necessary to disclose information received from an Eligible Whistleblower for the purposes of investigating a matter, TIO will take all reasonable steps to ensure that the Eligible Whistleblower will not be identified.
- (5) TIO will not disclose information received from an Eligible Whistleblower to a person not connected with the investigation except for reporting purposes set out in Part 7.3 or where at least one of the following circumstances exist:
 - (a) the Eligible Whistleblower has been consulted and consents in writing to the disclosure;
 - (b) TIO or the Whistleblower Protection Officer is compelled or authorised by law to do so;
 - (c) the disclosure is necessary to protect or enforce TIO legal rights or interests, or to defend itself against any claims; or
 - (d) due to the serious nature of the allegation, the Ombudsman (or if the Ombudsman is implicated in a Whistleblower Report or is otherwise unavailable, the Chair of the TIO Board) decides that the allegations should be reported to law enforcement authorities.
- (6) TIO will take reasonable steps to keep all files and records relating to Reportable Conduct secure.
- (7) TIO respects the courage of any Eligible Whistleblower to disclose Reportable Conduct. To demonstrate how seriously TIO will regard any breach of this confidentiality or our protection obligations, the following unauthorised disclosures, whether accidental,

unintentional or purposeful, will be regarded as a serious disciplinary matter and may lead to disciplinary action, up to and including termination of employment or engagement:

- unauthorised disclosure of the Eligible Whistleblower's identity; or
- unauthorised disclosure of information from which the identity of the Eligible Whistleblower could be inferred.

For more information about making an anonymous report and confidentiality limitations, please see Part 5.3.

6.3 Eligible Whistleblowers involved in Reportable Conduct

- (1) TIO is not able to offer any person immunity against prosecution in criminal proceedings.
- (2) Where an Eligible Whistleblower has not engaged in serious misconduct or illegal conduct, TIO may in its absolute and sole discretion consider granting the Eligible Whistleblower immunity from TIO's own disciplinary action, and may impose conditions for doing so.

7. Conduct of whistleblower investigations

7.1 Investigations must comply with principles of procedural fairness

- (1) A Whistleblower Report may be the subject of an investigation by an appointed investigator.
- (2) The appointed investigator may:
 - (a) Take all reasonable steps to ensure that the investigation is fair and unbiased and that the rules of procedural fairness are applied;
 - (b) Carry out the investigation consistently with this Policy and any other requirements of TIO;
 - (c) Carry out the investigation as soon as practical;
 - (d) Prepare a report of the investigation which summarises the conduct of the investigation and the evidence collected, draws conclusions about the occurrence and extent of any serious misconduct and recommends any action to remedy the serious misconduct to prevent it recurring;
 - (e) Provide a report to the Whistleblower Protection Officer.

7.2 Feedback during investigations

- (1) The Whistleblower Protection Officer will provide regular and timely feedback on the status of an investigation and the outcome of the investigation to the Eligible Whistleblower. However, there may be circumstances where it is not appropriate to provide details of the findings/outcome of an investigation to the Eligible Whistleblower.
- (2) The investigator will provide regular and timely feedback to Workers directly affected by a Whistleblower Report, where this is reasonably appropriate.

- (3) An investigator may recommend to the TIO that an investigation not continue if the Eligible Whistleblower or person(s) subject of the Reportable Conduct is not co- operating with the investigation and is causing undue and prejudicial delay in the investigation.

7.3 Reporting

- (1) The Ombudsman will be advised of the nature of all Whistleblower Reports, except where the Ombudsman is implicated in the Reportable Conduct.
- (2) Where the Ombudsman is implicated in a disclosure of Reportable Conduct, the Board of TIO will be informed of the nature of the allegations. In all other circumstances the Ombudsman will decide if the Board should be informed of the nature of the allegations.
- (3) The means of documenting and reporting the investigation findings will depend on the nature of the Reportable Conduct.

8. Remedial action

- (1) TIO will undertake any remedial action required by the findings of a whistleblower investigation such as:
 - (a) Changing policies and procedures.
 - (b) Introducing new policies and procedures.
 - (c) Reporting to relevant regulatory or investigating authorities.
 - (d) Taking appropriate disciplinary or other action against Workers.
- (2) Remedial action will be taken as soon as appropriate after or during the investigation.
- (3) In the event of a breach of confidentiality and/or victimisation , an Eligible Whistleblower (or another Worker) may seek compensation or other remedies if they suffer loss or injury because of the breach. Any Worker who considers there has been a breach of this Policy, or thinks they have been victimised or suffered a loss, is encouraged to report this to the Whistleblower Protection Officer, an Eligible Recipient and/or to seek independent advice (including from ASIC, APRA or the ATO).

9. Public interest and emergency disclosures

- (1) If an Eligible Whistleblower makes a disclosure of Reportable Conduct in circumstances in which each of the following criteria is satisfied:
 - (a) at least 90 days have passed since the disclosure of Reportable Conduct was made;
 - (b) the Eligible Whistleblower does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the previous disclosure of Reportable Conduct related;
 - (c) the Eligible Whistleblower has reasonable grounds to believe that making a further disclosure of Reportable Conduct would be in the public interest;

- (d) after 90 days has passed, the Eligible Whistleblower gives written notice to the TIO that includes sufficient information to identify the initial disclosure of Reportable Conduct, and states the Eligible Whistleblower's intention to make a public interest disclosure to either a member of Parliament or a journalist (as defined in the Act); and
- (e) the extent of the information disclosed in the public interest is no greater than necessary to inform the member of Parliament or the journalist of the Reportable Conduct as defined in this Policy,

then the disclosure to the member of Parliament or the journalist will qualify as a protected disclosure (known as a public interest disclosure).

- (2) The Act also provides additional protections in relation to Reportable Conduct concerning a substantial and imminent danger to the health or safety of one or more persons or to the natural environment (known as an emergency disclosure) to be made to a member of Parliament or a journalist. An Eligible Whistleblower who believes this to be the case should notify the Eligible Recipient of its intention to make an emergency disclosure.
- (3) TIO recommends you seek independent advice before making a public interest disclosure or an emergency disclosure.

10. Privacy

- (1) If you provide your personal information to the Whistleblower Protection Officer or any other person in accordance with this Policy, that personal information will be used for the purposes of investigating any disclosure made in accordance with this Policy. If an individual improperly makes a disclosure under this Policy, their personal information may be used or disclosed in connection with disciplinary action against them. An individual's personal information may also be used or disclosed where:
 - (a) the use or disclosure is required or authorised by or under an Australian law or a court/tribunal order, or otherwise permitted under privacy laws; or
 - (b) the use or disclosure is made with the individual's express or implied consent.
- (2) An individual's personal information may be disclosed to TIO's professional advisers (e.g., legal advisers) for purposes relating to this Policy. (See TIO's Privacy Policy for more information about TIO's privacy practices, including how an individual may seek to access or correct personal information TIO holds about him/her, how an individual may complain about a privacy breach and how TIO will deal with such a complaint. Note that certain Workers are unlikely to have substantive privacy rights in relation to TIO under the Privacy Act, because of the "employee records exemption" under the Act.)

11. Policy administration

11.1 Process Owner

- (1) The Company Secretary is the Process Owner of this Policy and is authorised to make administrative amendments to this Policy (for example to amend the Policy if the name of an associated policy or procedure is changed). Substantive changes to this Policy require Board approval.

- (2) The Company Secretary of TIO is the designated Whistleblower Protection Officer under this Policy. If the Company Secretary is implicated in the Reportable Conduct or is for any other reason unavailable to act as the Whistleblower Protection Officer, the Ombudsman (or a member of the Executive Leadership Team or another senior manager not involved in the Reportable Conduct appointed by the Ombudsman) will act as the Whistleblower Protection Officer.
- (3) The Company Secretary reports regularly to the Board of TIO about whether any Whistleblower Reports have been made and training about this policy provided to TIO employees.

11.2 Contact details

Contact details for the Whistleblower Protection Officer are available via the [Quick Links](#) section on Switchboard ([Switchboard - Home \(sharepoint.com\)](#))

TIO's external Whistleblower Report service can be contacted as follows:

These details are also available on Switchboard

External Whistleblower Report Line (Your Call)

Telephone: 1300 790 228

9am to midnight Melbourne time, Monday to Friday except national public holidays Online: www.yourcall.com.au/report

When making reports to Your Call, please quote our organisation ID: TIO1993

11.3 Communication

This Policy will be made widely available to TIO staff by the Process Owner. It will be:

- (a) available on the intranet; and
- (b) made available during onboarding processes.

12. Consequences of breach this Policy

Breaches of this Policy or the whistleblower protection regime under the Act may result in disciplinary or other appropriate action up to and including termination of employment or engagement (as applicable).

13. Status of this Policy

TIO reserves the right to change this Policy from time to time.

This Policy is not intended to create any contractually binding obligations on TIO and is not incorporated into any contract of employment or engagement.

14. Associated policies and procedures

The following are relevant to this Policy and should be referred to in detail as appropriate:

- TIO Code of Conduct;
- Positive Conduct Policy;
- Misconduct and Serious Misconduct Policy.

15. Definitions

In this Policy:

Act means the Corporations Act 2001 (Cth).

APRA means the Australian Prudential Regulation Authority.

ASIC means the Australian Securities and Investments Commission.

Board means the Board of Directors of TIO from time to time.

Eligible Recipient is an eligible and trained individual with whom the Eligible Whistleblower can discuss and make Whistleblower Reports.

At the TIO an Eligible Recipient is:

- (a) a Board Director;
- (b) a member of the Executive Leadership Team;
- (c) TIO's auditor; and
- (d) TIO's Whistleblower Protection Officer.

Outside the TIO an Eligible Recipients:

- (a) ASIC;
- (b) APRA;
- (c) an auditor of the TIO;
- (d) the Australian Taxation Commissioner or a registered tax agent or BAS agent (in the case of tax related matters only);
- (e) the Australian Federal Police; or
- (f) a legal practitioner (where the disclosure is made for the purpose of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Act).

Eligible Whistleblower is any:

- (a) current or former Worker of TIO; or
- (b) relative, spouse or dependent (including a parent, child, grandchild or sibling) of a current or former Worker of TIO,

who, anonymously or not, discloses or attempts to disclose Reportable Conduct that is currently occurring or has occurred within TIO in accordance with this Policy.

Eligible Whistleblowers who make disclosures about Reportable Conduct are protected from any civil, criminal or administrative liability (including disciplinary action, subject to the obligation under Part 5.3 to maintain the confidentiality of the disclosures) for making the disclosure (this is different to liability for involvement in the Reportable Conduct).

Officer has the definition given to it in the Act.

Ombudsman means the Telecommunications Industry Ombudsman.

Personal Work-Related Grievances means any information concerning a grievance about any matter in relation to the discloser's employment, or former employment, having (or tending to have) implications for the discloser personally but which does not have significant implications for TIO or relate to conduct (or alleged conduct) that is Reportable Conduct. Examples of grievances that may be personal work-related grievances include, but are not limited to, an interpersonal conflict between the discloser and another Worker; a decision relating to the engagement, transfer or promotion of the discloser; a decision relating to the terms and conditions of engagement of the discloser; a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

Policy means this Policy.

Reportable Conduct is conduct of a sufficiently serious nature by a person or persons connected with the TIO that constitutes:

- (1) an offence against, or a contravention of, a provision of any of the following: the Act; the Australian Securities and Investments Commission Act 2001; the Banking Act 1959; the Financial Accountability Regime Act 2023, the Financial Sector (Collection of Data) Act 2001; the Insurance Act 1973; the Life Insurance Act 1995; the National Consumer Credit Protection Act 2009; the Superannuation Industry (Supervision) Act 1993;
- (2) an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 or more months;
- (3) misconduct, systemic or widespread wrongdoing, or an improper state of affairs or circumstances in relation to the TIO or the tax affairs of the TIO; or
- (4) a danger to the public or financial systems.

Examples of such conduct may include:

- offences of dishonesty;
- financial irregularity, including fraud;
- corrupt conduct;
- criminal conduct;

- offering or accepting a bribe;
- failure to comply with any legal or regulatory obligation;
- unethical or other serious improper conduct that could warrant serious disciplinary or other consequences if proven, including breaches of TIO policies (other than Personal Work-Related Grievances).

NB 1: Reportable Conduct does not include any Personal Work-Related Grievances.

NB 2: The process for determining whether conduct is of **a sufficiently serious nature** to be regarded as **Reportable Conduct** is set out in Part 3.1(4).

TIO means the Telecommunications Industry Ombudsman Limited.

TIO Scheme means the Telecommunications Industry Ombudsman scheme.

Whistleblower Protection Officer means the person designated in that role under Part 11.1(2).

Whistleblower Report means a report of **Reportable Conduct** that satisfies the pre-conditions set out in Part 3.1(2).

Worker(s) refers to TIO directors, executives, managers, officers, employees, contractors and suppliers.