

## **BACKGROUND**

Transparent whistleblower policies are essential to good risk management and corporate governance. They help uncover misconduct that may not otherwise be detected. Often, such wrongdoing only comes to light because of individuals (acting alone or together) who are prepared to disclose it, sometimes at great personal and financial risk.

The Board to TWA is committed to encouraging individuals to raise concerns over any misconduct which could be a potential risk to the reputation of TWA. This includes providing certain protections for people who make serious wrongdoing disclosures.

## **PURPOSE**

1. Document the protections for individuals who disclose wrongdoing (Complainants)
2. Increase transparency in how TWA handles disclosures of wrongdoing
3. Encourage a whistleblowing culture and more disclosures of wrongdoing; and
4. Deter wrongdoing and promote better compliance with policies and the law

## **RELATED POLICIES**

This policy supplements the Triathlon Australia Conduct and Disciplinary Policy (the 'TACDP') which has been adopted by TWA. The TACDP sets out how disputes arising from a breach of policy (outside of those breaches covered by the National Integrity Framework) should be handled.

Capitalised terms in this policy have the same definition as those terms in the TACDP. TWA has adopted the following revised definitions to give clarity to the TACDP and align it with this policy:

- **Complaints Manager** means the Executive Director of TWA
- **Decision Maker** means the President of TWA
- The **Eligible Policy** definition is expanded to include any laws, standards or practices that govern ethical business dealings if non-compliance with these could be a potential risk to the reputation of TWA.

## **WHO ARE COMPLAINANTS?**

Per TACDP clause 2.5, a Complainant can be any person or organisation who has information that an Alleged Breach of an Eligible Policy has occurred.

## **HOW TO MAKE A COMPLAINT**

Follow the process described in TACDP clause 3. For clause 3.1(a), the complaint should be submitted by email to the TWA Complaints Manager at [executive@wa.triathlon.org.au](mailto:executive@wa.triathlon.org.au)

If the TWA Complaints Manager is implicated in the complaint, the complaint should be submitted by email to the TWA President at [president@wa.triathlon.org.au](mailto:president@wa.triathlon.org.au) who will delegate the task of Complaints Manager to another member of the Board.

If the TWA President is implicated in the complaint, the complaint should be submitted by email to the Triathlon Australia CEO at [tim.harradine@triathlon.org.au](mailto:tim.harradine@triathlon.org.au) who will determine the most appropriate individuals to act in the roles of Complaints Manager and Decision Maker.

**PROTECTIONS AND SUPPORT AVAILABLE TO COMPLAINANTS**

TWA may not be classified as a Regulated Entity under the whistleblower provisions of the Corporations Act, hence, Complainants may not be able to rely on the legal protections provided under the Act for Protected Disclosures. Despite this, TWA's intent is to provide all other protections, within its control, that are required under the act, including:

- If requested, TWA will keep the Complainant's identity, or information that is likely to lead to their identification, confidential. The Complainant's identity may only be disclosed with the consent of the Complainant or if required by law. The Complaints Manager is responsible for removing any identifying evidence from the complaint before sharing it to initiate an investigation. Any other staff or Board member who becomes aware of the Complainant's identity should advise the Complaints Officer and maintain confidentiality.
- If requested, the TWA Vice President (or another Board member appointed as their delegate) can act as a Whistleblower Protection Officer (WPO) to ensure the Complainant receives appropriate support and protection under this policy and to keep the Complainant apprised of progress and outcomes of any investigation (subject to consideration being given to the privacy of the person against whom the disclosure has been made).
- A Complainant will not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy. Any reports of such actions to the Complaints Manager will be fully investigated and disciplinary action may result.
- A Complainant can choose to remain anonymous throughout the process. They can refuse to answer questions that they feel could reveal their identity at any time.

TWA recognises that individuals against whom a report is made must also be supported during the handling and investigation of the wrongdoing report and will take all reasonable steps to treat fairly any person who is the subject of a report.

**HANDLING AND INVESTIGATING A COMPLAINT**

Complaints will be handled and investigated using the processes described in the TACDP

**POLICY REVIEW**

TWA reserves the right to amend this policy from time to time subject to organisational needs or changes in the law. Any amendments will be approved by the Board, updated in the TWA Policy Register and updated on the TWA website.

**VERSION CONTROL**

Version	Date	Revised By	Comments
1.0	May 2023	John McCann	New Policy Created