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CR 000 770 WHISTLE-BLOWER POLICY

1. PURPOSE AND SCOPE

ADRA Australia is committed to maintaining high ethical standards and legitimate business practices and wishes to encourage the identification and prevention of any Serious Wrongdoing (as defined in this policy) that may affect this commitment.

The purpose of this policy is, therefore to:

- a) provide ADRA Australia Personnel and their relatives with a system whereby they can disclose any Serious Wrongdoing; and
- b) confirm that persons who provide such disclosure should not be victimised (including by retaliation or by a threat of retaliation) or subject to any other adverse action or detriment of any kind if they make such a disclosure.

This policy applies to all ADRA Australia Personnel and their relatives, in this policy referred to as a ‘person’ or ‘you’.

This policy does not apply to matters which concern a ‘personal work-related grievance’. Examples of matters that concern a personal work-related grievance include:

- a) an interpersonal conflict with another employee;
- b) a decision relating to the terms of engagement or employment, or transfer or promotion;
- c) a decision relating to the terms and conditions of engagement or employment; and
- d) a decision to suspend or terminate an individual’s engagement or employment.


Personal work-related grievances can still be reported and may be investigated under the Complaints Policy and Procedures - General (CR 000 611) or the Workplace Relations Policy (CR 000 715). This policy must not be used to provide a platform for dishonest, vexatious or frivolous allegations.

2. DEFINITIONS

ADRA Australia Personnel includes ADRA Australia’s current and former employees (including Conference ADRA Directors), volunteers, contractors (or employees of contractors) and Company Directors.

Complaints Officer refers to an appointed ADRA employee. Their contact details are: complaints.officer@adra.org.au (emails and correspondence sent to this inbox will be treated in confidence).

Eligible Recipient means: (i) an officer; (ii) an employee with the title “Senior Manager”; (iii)

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Directors of Departments; (iv) the Complaints Officer; or (v) the Chief Executive, of ADRA.

Relevant Legislation means the *Corporations Act 2001*, the *Australian Securities and Investments Commission (ASIC) Act 2001*, the *Banking Act 1959*, the *Financial Sector (Data Collection) Act 2001*, the *Insurance Act 1973*, the *Life Insurance Act 1995*, the *National Consumer Credit Protection Act 2009* and the *Superannuation Industry (Supervision) Act 1993*.

Serious Wrongdoing means anything that you have reasonable grounds to suspect indicates the following:

- a) any misconduct or an improper state of affairs or circumstances, in relation to ADRA Australia (or any ‘related body corporate’, as that term is defined in the *Corporations Act 2001*, of ADRA Australia). This would include, for example, any suspicious financial management, or other accountability concerns;
- b) an offence against, or a contravention of, any Relevant Legislation by ADRA Australia or any related body corporate of ADRA Australia, or any of its or their officers or employees;
- c) an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more by ADRA Australia or any related body corporate of ADRA Australia, or any of its or their officers or employees; or
- d) conduct by ADRA Australia or any related body corporate of ADRA Australia, or any of its or their officers or employees, that represents a danger to the public or to the financial system.

3. POLICY STATEMENT


A. Where a person, on the basis of reasonable belief, becomes aware of actual, suspected or intended Serious Wrongdoing (as defined in this policy) he or she should report such Serious Wrongdoing, as soon as learning of it, to an Eligible Recipient.

B. A person may also report Serious Wrongdoing to:

- i) the Australian Securities and Investments Commission (**ASIC**) or the Australian Prudential Regulation Authority (**APRA**), or the Tax Commissioner in relation to disclosures regarding tax affairs;
- ii) any officer, auditor or actuary of ADRA Australia; or
- iii) a lawyer for the purposes of obtaining legal advice or representation.

C. In addition, and subject to Section 1317AAD of the *Corporations Act 2001*, if a person has previously made a report of Serious Wrongdoing to ASIC or APRA and either:

- i) the person has reasonable grounds to believe that the information they have reported concerns a substantial and imminent danger to the health and safety of one or more other persons or to the natural environment; or
- ii) after a period of 90 days have elapsed, the person does not have reasonable grounds to

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believe that action has been taken or is being taken to address the report and it is in the public interest to do so,

the person may be able to report the Serious Misconduct to a Member of Parliament or a journalist.

- D. Employees and volunteers are expected to co-operate fully with ADRA Australia (and/or any other authorities investigating a report of Serious Wrongdoing) during any investigation process or proceedings related to reports of Serious Wrongdoing under this policy.
- E. Where reports of Serious Wrongdoing are covered by Section 1317AA of the *Corporations Act 2001*, there are statutory protections afforded to the person making a protected disclosure.
- F. Nothing in this policy is meant to take precedence over a person's duties under federal or state law, or common law.
- G. Anonymous reports are permissible and will be afforded the same protection as non-anonymous reports.
- H. Complaints or reports of Serious Wrongdoing made to an Eligible Recipient will be investigated, and any person found to have participated in actions of Serious Wrongdoing will be subject to disciplinary action up to and including summary termination or termination of engagement.
- I. No person shall be subject to discipline, termination, demotion, or any form of retaliation, including but not limited to, intimidation, harassment, financial penalty or other threats by reason that the person takes any of the action set out at paragraphs 3.A. to C..
- J. Subject to paragraph 3.K. of this policy, any and all information collected under this policy or through the investigative process shall be held in confidence, except where disclosure may be necessary to further the investigation, address or respond to the issue or as required by law. Any person who breaches this confidentiality requirement may be subject to disciplinary action up to and including summary termination or termination of engagement.
- K. Where a report made under this policy is not anonymous (or otherwise contains information that may lead to a person's identity), an Eligible Recipient must ensure that the identity of (or identifying information relating to) the person making the report is kept confidential by the Eligible Recipient and not disclosed (unless permitted or required under section 1317AE of the *Corporations Act 2001*).
- L. All persons are required to co-operate with the investigation of incidents under this policy and, if necessary, shall be granted paid time off to do so.

4. EXPECTATIONS

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A. Persons

- Any person to which this policy applies should report actual, suspected or potential incidents of Serious Wrongdoing to an Eligible Recipient.
- A person reporting any actual, suspected or potential incidents of Serious Wrongdoing should not attempt to investigate any Serious Wrongdoing themselves.
- A person reporting any actual, suspected or potential incidents of Serious Wrongdoing is responsible for adhering to ADRA Australia’s Code of Conduct in relation to confidentiality, except where required or permitted by law (for example, a disclosure in accordance with paragraph 3.B. or C. of this policy).


B. Eligible Recipients

- All information disclosed in a person’s report of actual, suspected or potential incidents of Serious Wrongdoing, including that person’s identity, must be kept confidential by an Eligible Recipient to the extent required by law.
- The person’s identity may only be disclosed in accordance with Section 1317AE of the *Corporations Act 2001*, including:
 - a. to ASIC, APRA or the Australian Federal Police, or the Australian Taxation Office in relation to tax disclosures; and/or
 - b. to a lawyer for the purpose of obtaining legal advice or representation.
- In some circumstances, information that might lead to the identification of the person making a report may be disclosed where it is reasonably necessary for the purposes of assessing or investigating the report. However reasonable steps must be taken by the Eligible Recipient to reduce the risk of identification.
- An Eligible Recipient must also:
 - (subject to the above requirements regarding the confidentiality of a person’s identity) immediately forward such reports to the Complaints Officer or the Chief Executive Officer (where the Eligible Recipient is someone other than the Complaints Officer or the Chief Executive Officer);
 - co-operate with any investigations into Serious Wrongdoing; and
 - foster a work environment which encourages open communication, ethical behaviour, adherence to laws and adherence to ADRA’s policies.

C. Complaints Officer and the Chief Executive Officer

The Chief Executive Officer and the Complaints Officer are expected, after receiving reports of actual, suspected or potential incidents of Serious Wrongdoing, to:

- assess the situation in order to make a determination of the process of investigation to be followed;
- determine whether external authorities should be notified;
- lead the internal investigation process;
- report any matters disclosed (subject to any obligations to keep a person’s identity confidential) to the Chair of the Board of Directors and provide appropriate updates as the

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matter proceeds;

- implement actions to resolve the issue and ensure any procedural or policy changes that may be necessary in order to prevent a recurrence;
- develop and prepare, in consultation with the most appropriate senior authority, a communications strategy for internal and external use regarding the Serious Wrongdoing and/or investigation; and
- provide any information or follow-up reports as required by executive management, external authorities or agencies.

The Chief Executive Officer, the ADRA Board of Directors, and the Complaints Officer, reserve the right to involve legal counsel and/or independent auditor representatives throughout the process.

5. PROTECTIONS

A. What protections will a person reporting Serious Wrongdoing receive?


ADRA Australia is committed to protecting and supporting persons who report any suspicion of Serious Wrongdoing on reasonable grounds in accordance with this Policy (**Report**).

Therefore, the following protections are in place to protect any person who makes a Report:

- such person will not be subject to disciplinary action or detriment of any kind as a result of a Report, including where we are unable to find any evidence to support the conduct reported;
- such person's position and duty within our business will not be altered to his or her disadvantage as a result of making a Report;
- such person will not be otherwise dismissed, demoted, harassed, discriminated against or subject to bias as a result of making a Report;
- to the extent reasonable, ADRA Australia will monitor and manage the behaviour of people involved in a Report, if necessary, to ensure the person is not subject to any detriment as a result of having made a Report.
- ADRA Australia will take reasonable precautions to ensure that persons are not harmed, injured, intimidated, harassed, bullied or victimised by any of our employees, officers, contractors, consultants and directors;
- ADRA Australia will consider any reasonable requests for additional protections that persons may make (for example, leave of absence during any investigation); and
- in some circumstances, certain protections may also apply at law to protect you against civil or criminal litigation or disciplinary proceedings. For more information you should seek legal advice prior to making a Report.

B. What protections will employees mentioned in a Report or investigation into a Report receive?

ADRA Australia will take reasonable steps to provide an employee mentioned in a Report covered by

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this policy or to whom such a Report relates with an opportunity to respond to any allegations which may have a material impact on their employment as part of any investigation or other process under this policy. However this Policy will not protect any employee if they are found to be involved in or connected to any Serious Wrongdoing under this policy.