

Whistleblower Policy

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Policy Owner: General Counsel



1. Policy

Australian Wildlife Conservancy (**AWC**) is committed to ensuring that everyone working with AWC:

- complies with AWC's Code of Conduct (see Appendix 1);
- is empowered and encouraged to make a complaint about suspected or actual misconduct, illegal, dangerous or improper activity relating to AWC; and
- may elect to make a complaint anonymously.

A person making a complaint under this policy is known as a "whistleblower".

Together with AWC's Code of Conduct, and AWC's Grievance Handling Procedure this policy aims to promote and facilitate a culture of honesty, fairness and integrity where everyone working with AWC feels confident, comfortable and protected in reporting wrongdoing.

The AWC Board and the Audit & Risk Committee (**Committee**) have responsibility for AWC's whistleblower policy and systems.

2. Key Elements of this Policy

The key elements of this policy are:

- **Options for reporting** – complaints can be made to any one or more of the 'eligible recipients' listed in below.
- **Fair and independent** – where a complaint is made which is a 'disclosable matter' (see definition below), the complaint will be investigated in a manner that is thorough, objective, fair and independent.
- **Protections and support** – victimisation, retaliation or other detrimental conduct by anyone working with AWC is not tolerated. Whistleblowers are entitled to various protections under law and all those involved in investigations are entitled to support and fair treatment.
- **Confidentiality and anonymity** – complaints will be treated confidentially, subject to any reporting permitted by law or with the consent of the whistleblower, and the whistleblower may choose to remain anonymous.

In this policy, any reference to 'ensure' means to ensure so far as is reasonably practicable.

DECISION POINT: an alternative to making a complaint under this policy is for a person to utilise AWC's Harassment Bullying and Discrimination Policy.

3. Procedure

The following is a summary of the process and requirements for a whistleblower complaint to be dealt with under this policy.

Does the policy apply to the **'whistleblower'** wanting to make a complaint?

Is the complaint a **'disclosable matter'**? If not, refer to Grievance Handling Procedure

The complaint is to be made to an **'eligible recipient'**, or others authorised by law

'Eligible recipient' reviews complaint and sets up processes, subject to confidentiality restrictions

'Coordinator' oversees investigation

'Investigator' runs investigation

'Support person' supports those involved

Risk assessment undertaken and protections and support implemented

Reporting to the whistleblower and others involved in the investigation (as applicable), subject to confidentiality

Reporting to the Board, Committee, managers and regulators (as applicable)

Options for review of decision

The coordinator shall consider engaging the Committee or the Board in relation to any complaints which relate to AWC wide issues or major/catastrophic risks to AWC.

4. Eligible Whistleblowers

4.1 'Eligible whistleblowers'

The following people are 'eligible whistleblowers':

- current and former AWC personnel, including directors, officers, employees (including permanent, part-time, fixed term and casual employees), interns, volunteers, students and other researchers, supporters, contractors and other suppliers and their employees and sub-contractors, and other associates of AWC;
- a spouse, relative or dependant of any current or former AWC personnel, or a dependant of a spouse of any current or former AWC personnel; and
- anyone else that is entitled to whistleblower protection under laws applicable to AWC.

Whistleblower complaints must be made in accordance with this policy or applicable laws for the protections under this policy to apply.

5. Types of Whistleblower Complaints

5.1 'Disclosable matters'

A whistleblower may make a complaint in relation to any suspected or actual activities that AWC, or anyone working with AWC is involved in, where the whistleblower has reasonable grounds to suspect the activities may:

- constitute misconduct, or an improper state of affairs or circumstances; or
- constitute an offence or a breach under the Corporations Act 2001 (Cth) (**Corporations Act**), Taxation Administration Act 1953 (Cth) (**Taxation Act**), or other applicable corporations, banking, insurance, credit, or superannuation law; or
- constitute an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
- represent a danger to people, the environment, or the financial system.
- be required by law to be able to be the subject of a whistleblower complaint.

A person making a complaint is encouraged to initially raise a disclosable matter with any of the AWC 'eligible recipients' identified below.

The circumstances outlined above are 'disclosable matters' that may attract protections under the Corporations Act or the Taxation Act (as applicable) if the whistleblower has reasonable grounds to suspect that AWC, or its employees or officers have engaged in that conduct. Conduct does not need to be a breach of law to be a 'disclosable matter'.

Having 'reasonable grounds' to suspect that activities may fall within the above categories means that a reasonable person in the same circumstances would consider there was a reasonable basis for the suspicion.

Examples of 'disclosable matters' include without limitation:

- unethical conduct, or other conduct that may damage the reputation of AWC;
- unlawful harassment, bullying, discrimination, victimisation, or any other suspected or actual breaches of AWC's Code of Conduct, Harassment, Bullying and Discrimination Policy, or Equal Employment Opportunity Policy;
- fraud, theft, violence or threatened violence, bribery, drug trafficking or use, and other illegal activities;
- misuse or appropriation of AWC funds, property or data, and other financial irregularities;
- fabrication, fraudulent reporting or unethical representation of data;
- unsafe work practices, or conduct that may result in environmental damage.
- victimisation or retributive acts including after a whistleblower makes a complaint under this policy; or
- mistreatment or actions that display a serious level of disrespect towards others.

Disclosures that are not about 'disclosable matters' are not covered by the policy and do not qualify for protection under the Corporations Act or Taxation Act. Such disclosures may be protected under other laws, such as Fair Work Act 2009 (Cth).

Personal work-related grievances that do not relate to detriment or the threat of detriment to AWC personnel are not covered under the policy, and do not qualify for protection under the Corporations Act or Taxation Act. These matters should be dealt with under the Grievance Handling Procedure.

AWC personnel may wish to seek legal advice and other forms of support about their rights and protections under employment and contract laws.

The exclusion of protections for personal work-related grievances does not prevent the protections under the policy applying to conduct that:

- constitutes victimisation under the policy; or
- would have significant implications for AWC, not just personal implications for the person making the complaint; or
- constitutes an offence or a breach under law which is reportable under the policy; or
- represents a danger to people, the environment, or the financial system.

The approach to mixed complaints (being those which contain a personal work-related grievance, in addition to a potentially protected disclosure) is that each complaint will be assessed on its own merits within the relevant framework e.g. one complaint under this policy and the additional complaint under the Grievance Handling Procedure, to

ensure a protected complaint is not inadvertently moved out of the whistleblowing system and its protections.

6. Whistleblower Hotline

AWC has an arrangement with Stopline to provide an external hotline for whistleblower complaints (**Whistleblower Hotline**).

Stopline can be contacted by:

- Phone – 1300 304 550 between the hours of 8am and 8pm Monday to Friday AEST
- Email – awc@stopline.com.au
- Post – c/- Stopline, PO Box 403, Diamond Creek, VIC 3089, Australia
- On-line - <http://awc.stoplinereport.com/>

Stopline will establish a secure and confidential file which records the preliminary details of the complaint and will notify the complaint to both AWC’s General Counsel and Chief People Officer who will decide who is appointed ‘coordinator’ in relation to the complaint under this policy. If the complaint implicates either AWC’s General Counsel or Chief People Officer, Stopline will refer the complaint to the Chair of the Committee.

Making a Complaint

7.1 How to make a complaint

Whistleblower complaints may be made to any one or more of the following ‘eligible recipients’:

- AWC’s Chief People Officer (preferred):

Meaghan Tarrant
Office (08) 9380 9633
Mobile 0409 338 741
Email meaghan.tarrant@australianwildlife.org

- AWC’s Chief Executive Officer (preferred):

Tim Allard
Office (08) 9380 9633
Mobile 0419 952 590
Email tim.allard@australianwildlife.org

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- the Chair of the Committee (preferred):
Guy Fergusson
fergussonguy@gmail.com
- the Whistleblower Hotline (preferred) – see contact details above.
- the Chair of the Board:
Nick Butcher
Nick.Butcher@australianwildlife.org

7.2 Complaints may be made anonymously

A whistleblower may decide to make a complaint anonymously e.g. via the Hotline or an anonymised email address.

7.3 Disclosure to external parties

Whistleblowers may also make a disclosure directly to certain external parties without making a prior disclosure to AWC and receive protection from the Corporations Act, in the following circumstances:

- ASIC, APRA, the Commissioner of Taxation (if the Misconduct or Improper State of Affairs or Circumstances is information that may assist the Commissioner of Taxation to perform his or her duties under a taxation law in relation to AWC) or other Commonwealth bodies prescribed by regulation (as applicable). More detail on how whistleblower reports are handled by these bodies is available on their websites; or
- to a journalist or parliamentarian in relation to certain public interest disclosures, provided:
 - the whistleblower has already made a complaint under this policy to an authorised regulatory body;
 - at least 90 days have passed since the disclosure;
 - the whistleblower does not have reasonable grounds to believe that action is being, or has been, taken to address the matters raised in the disclosure;
 - the whistleblower has reasonable grounds to believe that making a further disclosure is in the public interest; and
 - the whistleblower has notified the regulatory body that they intend to make a public interest disclosure and the extent of the information disclosed is no greater than necessary to inform of the concern;
- to a journalist or parliamentarians in relation to certain emergency disclosures, however whistleblowers will only be given Corporations Act protection for these disclosures provided:
 - the whistleblower has already made a complaint under this policy to an authorised regulatory body;

- the whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health and safety of one or more persons or to the natural environment;
- the whistleblower does not have reasonable grounds to believe that action is being, or has been, taken to address the matters raised in the disclosure; and
- the disclosure must be no greater than is necessary to inform of the substantial and imminent danger.

Whistleblowers may make a disclosure directly to a legal practitioner for the purposes of obtaining legal advice or representation in relation to the operation of the whistleblower provisions of the Corporations Act or the Taxation Act (as applicable), and legal protections apply to these types of disclosure.

It is recommended that whistleblowers seek legal advice prior to making a public interest or emergency disclosure.

AWC strongly discourages complaints made on no reasonable grounds. AWC is not required to investigate these complaints, and may take disciplinary action against the person that made the complaint, particularly where the complaint is vexatious. The protections available to whistleblowers under the Corporations Act, other applicable State and Federal anti-discrimination legislation, and under this policy will not be applicable.

8. Protection & Support for Whistleblowers

8.1 Prohibition against victimisation, retaliation and other detrimental conduct

Victimisation, retaliation and other forms of detrimental conduct by anyone working with or for AWC will not be tolerated. AWC is required to provide protection for whistleblowers under the Corporations Act, Taxation Act and other laws. The protections generally apply to a person making a complaint on behalf of AWC personnel.

Any person who is found to have subjected any other person to victimisation, retaliation or any other detrimental conduct in connection with their work with AWC will be subject to disciplinary action, which may include termination of their employment, contractor or other agreement, and removal from site (as applicable).

8.2 Compensation and protections from legal action

Compensation and legal protections from some legal actions are available to 'eligible whistleblowers' who make complaints in relation to 'disclosable matters' to 'eligible recipients' under the Corporations Act, Taxation Act and other laws, in accordance with, and subject to those laws. Eligible whistleblowers may wish to discuss compensation and legal protections with an eligible recipient, coordinator, AWC's General Counsel or an independent legal adviser engaged by the eligible whistleblower.

A whistleblower does not necessarily have immunity for their own misconduct that may be revealed by their disclosure.

8.3 Support person

The coordinator, or another person nominated by the coordinator to be a support person (**support person**) will provide support to the whistleblower and those implicated in the complaint through the investigation and implementation of any recommendations following the investigation. Where appropriate, different support people may be nominated for different people involved in the investigation.

9. Confidentiality & Reporting

Whistleblower reports are serious matters. Accordingly, complaints must be dealt with in the utmost professional and confidential manner.

Utilizing the Whistleblower Policy Guidelines, the investigator will determine who is to be involved in the investigation, in consultation with the whistleblower, where appropriate.

All witnesses interviewed in connection with an investigation will be notified to keep the matter strictly confidential. Any person attempting to reveal any information about the investigation (including its existence) to any other person outside the scope of the investigation may be subject to disciplinary action.

High level reporting of the number and type of whistleblower complaints will be made to the Committee and the AWC Board, on a "no names" basis. Certain information may also be required to be disclosed to auditors, advisers and insurers of AWC, subject to confidentiality and legal restrictions.

A whistleblower may seek independent legal advice, contact regulators including ASIC and the ATO (as applicable) or lodge a further complaint under this policy for investigation if the whistleblower has reasonable grounds to suspect there has been a breach of confidentiality, contrary to this section.

10. Procedures for Dealing with Disclosure Required by Law

Some forms of conduct that may be reported under this policy may constitute criminal conduct or require investigation by regulatory authorities. While AWC is committed to dealing with most complaints at an organisational level so far as reasonably possible, this type of conduct is not usually suited to an internal process. Often, such complaints should be referred to the police or regulatory bodies, and this option may be discussed with the person making the complaint. In some cases, AWC may be obliged by law to report matters to the police or other regulatory bodies.

11. Responsibilities of Managers

Those in supervisory and management roles may become involved in a whistleblower investigation. Managers have a responsibility to:

- ensure their teams are aware of the policy, and the options for reporting under it;
- maintain confidentiality when involved in any whistleblower complaint investigations; and
- monitor the workplace so they become aware of any intimidation or victimisation that may occur following a whistleblower complaint.

12. Queries & Review

12.1 Queries in relation to the policy

AWC's Chief People Officer or General Counsel can be contacted to discuss any queries in relation to this policy, or independent legal advice may be obtained by anyone who is considering making a complaint under this policy.

12.2 Policy review

The Committee will work with AWC's Company Secretary, Chief People Officer and General Counsel to ensure this policy is reviewed at least every 2 years.

13. Other Relevant Policies

- Code of Conduct
- Harassment, Bullying and Discrimination Policy
- Equal Employment Opportunity Policy

Whistleblower Policy



- Workplace Health and Safety Policy

Additional contact details

All contacts by mail: Australian Wildlife Conservancy
PO Box 8070
Subiaco East WA 6008
*Address to relevant person, and
mark correspondence as **Private and Confidential***
Phone: (08) 9380 9633

General Counsel Mark Davies
Office (08) 9380 9633
Mobile 0400 165 058
Email mark.davies@australianwildlife.org

Revision History (show last 3 revisions only)

Rev:	Date:	Pages affected:	Description:	Prepared By:	Reviewed by:	Approved by:
6	Jan 2023	4	Stopline change of address	M Davies	T Allard	T Allard
7	Mar 2024		Change Conduct Standards Committee to Audit & Risk Committee	M Davies	T Allard	Board (Feb 2024)
8	May 2024		Two year review	M Davies	T Allard	Board (May 2024)