

1. Scope

Anglicare NT is committed to fostering a culture of ethical behaviour and good corporate governance, and will not tolerate any corrupt, illegal or other undesirable conduct. This Policy details the framework for receiving, investigating and addressing allegations of Misconduct or an Improper State of Affairs or Circumstances which may relate to Anglicare NT itself, current or former directors, officers, employees, volunteers and contractors of Anglicare NT.

In addition, where Anglicare NT relies on an external organisation to manage aspects of the Whistleblower process on Anglicare NT's behalf, Anglicare NT will use its best endeavours to ensure that the external organisation complies with the requirements of this Policy and the governing legislation.

To the extent of any inconsistency, the legislative requirements will override the provisions of this Policy.

The Board will endeavour to review this Policy every two years.

2. Definitions

In this Policy:

Acacia Connection means a third-party provider, Acacia Connection ABN: 76 156 081 426 engaged by Anglicare NT to provide an avenue for Eligible Whistleblowers to make Whistleblower Disclosures, where the Eligible Whistleblowers may not want to make an internal disclosure or a disclosure to a regulatory body.

Anglicare NT means Anglicare N.T. Ltd. ACN 605 552 494 and its related bodies corporate within the meaning of section 50 of the Corporations Act.

Corporations Act means the *Corporations Act 2001* (Cth).

Detrimental Conduct includes:

- dismissal of an employee;
- injury of an employee in their employment;
- alteration of an employee's position or duties to their disadvantage;
- discrimination between an employee and other employees of the same employer;
- harassment or intimidation of a person;
- harm or injury to a person, including psychological harm;
- damage to a person's property;
- damage to a person's reputation;
- damage to a person's business or financial position; or
- any other damage to a person; but

excludes:

- an administrative action that is reasonable for the purpose of protecting an Eligible Discloser; and
- managing an Eligible Whistleblower's unsatisfactory work performance.

Eligible Whistleblower means a person who is currently, or was previously:

- an officer of Anglicare NT (within the meaning of the Corporations Act);
- an employee of Anglicare NT;
- a volunteer of Anglicare NT;

- an individual who supplies services or goods to Anglicare NT (whether paid or unpaid) or that individual's employee;
- an individual who is an associate of Anglicare NT;
- a relative or a dependant of any individual referred to in the preceding dot points of this definition; or
- any other individual prescribed by law.

Eligible Recipient means any one of the following:

- an officer or senior manager Anglicare NT;
- the Whistleblower Protection Officer;
- an auditor, or member of an audit team conducting an audit, of Anglicare NT or a related body corporate;
- an actuary of Anglicare NT;
- the individual employed by Anglicare NT in the position of Legal Counsel from time to time;
- Acacia Connection; or
- any other individual prescribed by the law.

Misconduct or an Improper State of Affairs or Circumstances means information which an Eligible Whistleblower has reasonable grounds to suspect concerning misconduct or an improper state of affairs or circumstances in relation to Anglicare NT concerning conduct which:

- constitutes an offence against, or in contravention of, a provision of any of the following:
 - the Corporations Act;
 - the Australian Securities and Investment Act 2001 (Cth);
 - the Banking Act 1959 (Cth);
 - the Financial Sector (Collection of Data) Act 2001 (Cth);
 - the Insurance Act 1973 (Cth);
 - the Life Insurance Act 1995 (Cth);
 - the National Consumer Credit Protection Act 2009 (Cth);
 - the Superannuation Industry (Supervision) Act 1993 (Cth);
 - the Taxation Administration Act; or
 - an instrument made under any of the laws set out in the preceding bullet points;
- constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- constitutes tax-related misconduct and the information may assist an Anglicare NT team member or officer, or the Commissioner of Taxation, to perform their functions or duties under Commonwealth taxation law in relation to the tax affairs of Anglicare NT;
- represents a danger to public safety or the stability of, or confidence in the financial system (even if it does not involve a breach of a particular law); or
- is prescribed by the law.

This may include:

- fraud or fraudulent activity, or corrupt or unlawful behaviour;
- misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting or financial reporting practices;
- anti-competitive behaviour;
- insider trading;
- serious and mismanaged conflicts of interest;

- endangering the health and safety of any person, which has been reported to management but not acted upon; and/or
- creating a significant danger to the environment.

Taxation Administration Act means the *Taxation Administration Act 1953* (Cth).

Victimisation means engaging in, or threatening to engage in, Detrimental Conduct against a person because the perpetrator of the Detrimental Conduct believes or suspects the person or any other person made, may have made, proposes to make or could make a Whistleblower Disclosure and the belief or suspicion is the reason or part of the reason for the conduct. "Threaten" may be express, implied, conditional or unconditional and it is not necessary to prove that the person actually feared the threat would be carried out, but the perpetrator must have intended the other person to fear that the threat would be carried out or been reckless as to causing that fear.

Victimise has a corresponding meaning to Victimisation.

Whistleblower Investigation Officer means the person identified in clause 14 of this Policy.

Whistleblower Protection Officer means the person specified in clause 14 of this Policy.

3. Policy Statement

The purpose of this Policy is to:

- foster a culture of ethical behaviour and good corporate governance;
- establish reporting mechanisms whereby Eligible Whistleblowers can report their concerns freely and without fear of reprisal or intimidation;
- ensure a safe, supportive and confidential environment where Eligible Whistleblowers will feel secure when reporting a wrongdoing;
- instil the idea that making of a Whistleblower Disclosure is not an act of disloyalty, but a service to Anglicare NT, its stakeholders and the wider community;
- improve the whistleblowing culture at Anglicare NT and increase transparency in how Anglicare NT handles Whistleblower Disclosures; and
- encourage Eligible Whistleblowers to make Whistleblower Disclosures without being subject to Victimisation and providing assurance that their concerns will be taken seriously; and
- deter wrongdoing and unethical behaviour.

4. Training on this Policy

Anglicare NT will build awareness of this Policy by providing appropriate training to employees. The training will cover details on what may or may not amount to misconduct and how to raise it. Specialist training will be provided to the Whistleblower Protection Officer as well as the senior employees and officers of Anglicare NT who are responsible for ensuring the implementation of key elements of this Policy.

Each incoming officer of Anglicare NT must be provided with a copy of this Policy as part of their induction process.

5. Access to this Policy

This Policy is available to officers and employees of Anglicare NT via Anglicare NT's Intranet. This Policy with any appropriate deletions is available to external persons via Anglicare NT's website.

6. Objectives

The objectives of this Policy are:

- facilitate an environment that allows Eligible Whistleblowers the opportunity to speak up with the confidence that they will remain anonymous;
- provide any person making a report with an understanding of what will be a Whistleblower Disclosure under the Corporations Act and protected under this Policy;

- provide employees with a clear understanding of how reports will be handled;
- protect Eligible Whistleblowers from Detrimental Conduct;
- provide support to Eligible Whistleblowers throughout the reporting process;
- provide a system of fair treatment for employees of Anglicare NT who are mentioned in Whistleblower Disclosures or to whom such a disclosure relates; and
- ensure that any reports of Misconduct or Improper State of Affairs or Circumstances are taken seriously and dealt with appropriately.

7. Values

This Policy is also underpinned by Anglicare NT's values of:

- Hope
- Kindness
- Respect
- Fairness
- Integrity

8. Whistleblower Disclosures

What is a Whistleblower Disclosure?

A "Whistleblower Disclosure":

- is a report of Misconduct or an Improper State of Affairs or Circumstances made by an Eligible Whistleblower to an Eligible Recipient; and
- includes a Public Interest Disclosure and an Emergency Disclosure.

Duties of Employees in Relation to Misconduct or Improper State of Affairs or Circumstances

It is expected that employees of Anglicare NT who become aware of Misconduct or an Improper State of Affairs or Circumstances will make a report to an Eligible Recipient.

A report should not be made with the intention of damaging the career prospects and reputation of people who are the subject of the Misconduct or an Improper State of Affairs or Circumstances.

Personal Work-Related Grievances

This Policy (and protections under the Corporations Act) do not apply to reports of a Personal Work-Related Grievance, which means a grievance:

- about any matter in relation to the Eligible Whistleblower's employment or former employment having or tending to have personal implications for the Eligible Whistleblower;
- that does not have significant implications for Anglicare NT except that it relates to the Eligible Whistleblower; and
- that does not concern Misconduct or Improper State of Affairs or Circumstances.

Examples of Personal Work-related Grievances may include:

- an interpersonal conflict between the Eligible Whistleblower and another employee; and
- decisions relating to engagement, transfer or promotion of employment.

A Personal Work-Related Grievance may still qualify for protection if it includes information about Misconduct or an Improper State of Affairs or Circumstances or information about Misconduct or an Improper State of Affairs or Circumstances is accompanied by a Personal Work-Related Grievance.

Disclosures Not Protected

An Eligible Whistleblower who makes a Whistleblower disclosure but does not have reasonable grounds to suspect the information the subject of the Whistleblower disclosure concerned Misconduct or an Improper State of Affairs or Circumstances, against Anglicare NT or another Eligible Whistleblower:

- is not entitled to the protections available for Eligible Whistleblowers under the Corporations Act, the Taxation Administration Act or other applicable anti-discrimination legislation;
- is not afforded any protection under this Policy;
- may be subject to disciplinary action, including up to termination of their engagement or employment; and
- may be guilty of an offence.

The making of a Whistleblower Disclosure will not prevent Anglicare NT from commencing or continuing with any investigation into allegations of misconduct against the Eligible Whistleblower or any management of the Eligible Whistleblower's performance that do not relate to the Eligible Whistleblower making a Whistleblower Disclosure.

Anglicare NT will take appropriate disciplinary action against an employee, up to and including termination of their engagement or employment, if they engage in substantiated Misconduct or an Improper State of Affairs or Circumstances, if they Victimise a person or if they unreasonably fail to comply with this Policy.

9. Complaint Procedures

Who Should I Tell?

Whistleblower Disclosure

It is Anglicare NT's preference that any suspected Misconduct or an Improper State of Affairs or Circumstances be reported internally in the first instance. However, Anglicare NT recognises that it will not always be appropriate to make an internal report of suspected Misconduct or an Improper State of Affairs or Circumstances.

An Eligible Whistleblower is entitled to seek additional information from the Whistleblower Protection Officer about the process for making a Whistleblower Disclosure or seek independent legal advice about making a disclosure.

Whistleblower Disclosures may be made anonymously and/or confidentially and may also be made outside of business hours. If a Whistleblower Disclosure is made in an email from which the person's identity cannot be determined, it will be treated as an anonymous Whistleblower Disclosure.

To qualify for a protection under the Corporations Act, an Eligible Whistleblower must make a report of Misconduct or an Improper State of Affairs or Circumstances:

- verbally or in writing to an Eligible Recipient (which includes Acacia Connection); or
- verbally or in writing to Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA) or a prescribed Commonwealth authority such as the Australian Federal Police; or
- to a legal practitioner (for the purposes of obtaining legal advice or representation in relation to the operation of the Whistleblower provisions in the Corporations Act).

Public Interest Disclosure

An Eligible Whistleblower may make a "**Public Interest Disclosure**" being the disclosure of a report of Misconduct or an Improper State of Affairs or Circumstances to a member of Commonwealth, State or Territory Parliament, or a journalist (other than a disclosure about conduct relating to the Taxation Administration Act or tax-related misconduct) if:

- at least 90 days has passed since the Eligible Whistleblower made an initial report to ASIC, APRA or the Australian Federal Police;
- the Eligible Whistleblower does not believe, on reasonable grounds, that action is being taken, or has been taken, to address the Misconduct or an Improper State of Affairs or Circumstances;
- the Eligible Whistleblower has reasonable grounds to believe that making a further disclosure of the information would be in the public interest;

- after the end of that 90 day period, the Eligible Whistleblower gave to the body they had given their previous disclosure a written notification which included sufficient information to identify the previous report of Misconduct or an Improper State of Affairs or Circumstances, and stated that the Eligible Whistleblower intended to make a Public Interest Disclosure;
- the extent of the information disclosed is no greater than necessary to inform of the Misconduct or an Improper State of Affairs or Circumstances; and
- the Eligible Whistleblower has sought independent legal advice before making the Public Interest Disclosure.

Emergency Disclosure

An Eligible Whistleblower may make an "Emergency Disclosure" being an emergency report of Misconduct or an Improper State of Affairs or Circumstances to a member of the Commonwealth, State or Territory Parliament, or a journalist (other than a disclosure about conduct relating to the Taxation Administration Act or tax-related misconduct) if:

- the Eligible Whistleblower made an initial report of Misconduct or an Improper State of Affairs to ASIC, APRA or the Australian Federal Police;
- the Eligible Whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
- after the Eligible Whistleblower's initial report, the Eligible Whistleblower then gave written notification to the body who received the initial report (which written notification includes sufficient information to identify the previous report of Misconduct or an Improper State of Affairs or Circumstances and states that the Eligible Whistleblower intends to make an Emergency Disclosure);
- the extent of the information disclosed is no greater than necessary to inform of the substantial and imminent danger associated with the Misconduct or an Improper State of Affairs or Circumstances; and
- the Eligible Whistleblower has sought independent legal advice before making the Emergency Disclosure.

What If the Disclosure Relates to an Eligible Recipient?

If a Whistleblower Disclosure relates to an individual who qualifies as an Eligible Recipient, the Eligible Whistleblower may report the Whistleblower Disclosure to another Eligible Recipient, ASIC, APRA, the Australian Federal Police and cooperate with such entities (including in an investigation if necessary) so far as is lawfully required.

Duties of an Eligible Recipient Who Receives a Whistleblower Disclosure

An Eligible Recipient who receives a Whistleblower Disclosure must:

- promptly review the disclosure;
- either:
 - ensure the disclosure is investigated (where appropriate) by a Whistleblower Investigation Officer as set out in this Policy; or
 - report the alleged Misconduct or an Improper State of Affairs or Circumstances to ASIC, APRA, the Australian Federal Police or State/Territory police (where appropriate) and cooperate with such entities so far as is lawfully required;
- not disclose information obtained directly or indirectly because of the Whistleblower Disclosure if it would identify the Eligible Whistleblower or any information that is likely to lead to the identification of the Eligible Whistleblower unless the disclosure is made:
 - with the Eligible Whistleblower's consent;
 - in accordance with the preceding dot point;
 - to a legal practitioner for the purposes of obtaining legal advice or representation in relation to a Whistleblower Disclosure; or
 - to a person prescribed by law; and
- must not Victimise an Eligible Whistleblower because of a Whistleblower Disclosure.

10. Investigations

Who Investigates a Whistleblower Disclosure if it is Made to an Eligible Recipient?

Eligible Recipients must ensure a Whistleblower Disclosure is investigated (where appropriate) by a Whistleblower Investigation Officer. The Whistleblower Investigation Officer may undertake an investigation themselves or engage an independent investigator to do so. It is at the Whistleblower Investigation Officer's discretion to determine whether the report is investigated and whether that investigation is conducted internally or externally.

If a Whistleblower Disclosure relates to the Whistleblower Investigation Officer, the Eligible Recipient must instead make the report to Acacia Connection which will then act as a Whistleblower investigation officer for that investigation.

Who Investigates a Whistleblower Disclosure if it is Made to Acacia Connection?

Where a Whistleblower Disclosure is made to Acacia Connection, it will investigate the Whistleblower Disclosure by adopting the investigation process prescribed by this Policy.

Anglicare NT's CEO (where the disclosure relates to the Whistleblower Protection Officer) will be the point of contact for Acacia Connection.

What is the Investigation Process when an Eligible Whistleblower Makes a Report Under This Policy?

All Whistleblower Disclosures will be treated seriously and sensitively and assessed and considered by Anglicare NT (or Acacia Connection where appropriate) in determining whether the Whistleblower Disclosure should be investigated. The investigation process will vary depending on the nature of the report.

Any investigations commenced will be conducted in a timely manner. All employees and contractors must cooperate with any investigations.

Roles and Responsibilities of the Whistleblower Investigation Officer (and Acacia Connection where appropriate)

The Whistleblower Investigation Officer (and/or Acacia Connection where appropriate) will:

- provide assistance to the Eligible Whistleblower in relation to the process and this Policy;
- consider whether the conduct raised constitutes a Whistleblower Disclosure and where it does not, notify the discloser (if their identity is known) of any other processes outside of the Whistleblower process that can be taken to address the allegations;
- enable the investigation into the Misconduct or an Improper State of Affairs or Circumstances in a timely manner, and will use reasonable endeavours to finalise this process within 3 months, noting that the timeframes for investigation will vary depending on the nature of a Whistleblower Disclosure and the timeframes for delivery of advice by external advisers (if any);
- ensure appropriate records and documentation are maintained during the investigation process; and
- maintain the Eligible Whistleblower's confidentiality, privacy and anonymity (as required).

Communication with the Whistleblower

If appropriate, the Eligible Whistleblower will be informed of the progress, and/or the outcome, of the investigation in a timely manner. If this occurs, the Eligible Whistleblower must maintain confidentiality of such information and not disclose any information provided to them to any person.

What Happens After an Investigation?

At the conclusion of the investigation, the Whistleblower Investigation Officer (or Acacia Connection where appropriate) will report their findings to Anglicare NT's Board which will determine the appropriate response in accordance with this Policy, any other applicable Anglicare NT's policies and procedures and any applicable legislation. The findings of the investigation should be documented.

The response will aim to rectify any Misconduct or an Improper State of Affairs or Circumstances and take the action necessary to prevent any future occurrences of the same or similar conduct.

Where issues of discipline arise, the response by Anglicare NT will be made in accordance with any relevant legislation.

11. Confidentiality and Privacy

Anonymity of the Eligible Whistleblower's Identity

Whistleblower Disclosures can be made confidentially, securely, anonymously and outside of core business hours should it be required.

The person the Eligible Whistleblower makes their report to will not reveal the Eligible Whistleblower's identity, or any information that is likely to lead to the identification of their identity, unless:

- the Eligible Whistleblower consents to the disclosure of their identity;
- disclosure of the Eligible Whistleblower's identity is required or permitted under any applicable legislation; or
- if it is reasonably necessary to investigate the report of Misconduct or an Improper State of Affairs or Circumstances and the discloser takes all reasonable steps to reduce the risk of identifying the Eligible Whistleblower.

If it is reasonably necessary to disclose certain information about the report the Eligible Whistleblower has made, excluding the Eligible Whistleblower's identity, for the purposes of investigating the Misconduct or an Improper State of Affairs or Circumstances, Anglicare NT will take all reasonable steps to reduce the risk that the Eligible Whistleblower will be identified through this process.

It is possible that someone might deduce the Eligible Whistleblower's identity without there having been a breach of confidentiality as a consequence of the nature of the investigatory process.

To ensure the anonymity of a discloser, Anglicare NT may:

- redact all personal information or references to the discloser witnessing an event;
- refer to the discloser in a gender-neutral manner;
- remind each person who is involved in handling and investigating a Whistleblower Disclosure (and Acacia Connection) about their obligations to maintain confidentiality; or
- limit access to all information relating to a Whistleblower Disclosure to those directly involved in managing and investigating the Whistleblower Disclosure.

It is illegal for a person to identify an Eligible Whistleblower in circumstances other than outlined above. If an Eligible Whistleblower believes that the confidentiality of their Whistleblower Disclosure has been breached, they may raise a concern with the Whistleblower Protection Officer or Acacia Connection or a regulator (such as ASIC or APRA).

Unauthorised Disclosures

Unauthorised disclosures of:

- the identity of an Eligible Whistleblower who has made a report of Misconduct or an Improper State of Affairs or Circumstances; or
- information from which the identity of the Eligible Whistleblower could be inferred,

will be regarded as a disciplinary matter and will be dealt with in the appropriate manner by Anglicare NT. Such unauthorised disclosures may also constitute an offence under the Corporations Act and other laws and may attract penalties.

Privacy Issues

Personal information will be protected in accordance with Anglicare NT's Privacy Policy and any applicable legislation.

Not Actionable

An Eligible Whistleblower who makes a Whistleblower Disclosure will not be subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure. No contractual or other remedy may be enforced, and no contractual or other right may be exercised, against them based on the disclosure. However, this Policy does not grant an Eligible Discloser immunity for any misconduct they have engaged in that is revealed in their Whistleblower Disclosure.

12. Protection from Victimisation

Anglicare NT is committed to ensuring confidentiality in respect of all matters raised under this Policy.

Eligible Whistleblowers Will Not Be Victimised

Anglicare NT and its employees, officers and directors must not Victimise an Eligible Whistleblower because of a making, proposing to make or being able to make a Whistleblower Disclosure. Anglicare NT will promptly investigate allegations of Victimisation under this Policy.

Protections, Compensation and Other Remedies

Anglicare NT will take all reasonable steps to ensure that adequate and appropriate protection is being provided to those who make, propose to make, or could make, a Whistleblower Disclosure. The protection applies if the matter is proven or not and regardless of whether it is reported to an external authority. If an Eligible Whistleblower believes that they have suffered Victimisation as a result of raising a concern, they should inform the Whistleblower Protection Officer or Acacia Connection and may also seek independent legal advice or contact regulatory bodies (such as ASIC or APRA).

The protections offered will vary depending on the nature of the misconduct reported and the people involved. Protections may include:

- monitoring and managing the behaviour of other employees;
- offering a leave of absence or flexible workplace arrangements while a matter is investigated; and/or
- access to and support from Anglicare NT's Human Resources department.

Any Anglicare NT's employee that makes or is the subject of a Whistleblower Disclosure may also access counselling through Anglicare NT's Employee Assistance Program, details of which are available on Anglicare NT's Intranet and can also be obtained from the Whistleblower Protection Officer.

An Eligible Whistleblower may also seek compensation and other remedies through the courts if:

- they suffer loss, damage, or injury because of making of a Whistleblower Disclosure; and
- Anglicare NT failed to take reasonable precautions and exercise due diligence to prevent the Detrimental Conduct.

13. Treatment of Employees referred to in Reports

Anglicare NT will ensure that the investigation process will be thorough, objective, fair and independent of anyone, or any business unit of Anglicare NT, who is the subject of the Whistleblower Disclosure.

Handling the Identity of Accused Persons with Confidentiality

The identity of accused individuals will only be disclosed on a strict need to know basis and information containing the identity of the accused individual will only be available to individuals who are directly involved in an investigation, or those involved due to their role within Anglicare NT (for example, senior management).

Preserving a Presumption of Innocence During the Investigation Process

Any investigations will only be initiated if there are reasonable grounds to suspect wrongdoing disclosed by the Eligible Whistleblower. If there are such reasonable grounds and an investigation ensues, the presumption of innocence applies to the accused.

14. Contact Details

Whistleblower Protection Officer

The Whistleblower Protection Officer can be contacted at any time to discuss making of a Whistleblower Disclosure. All discussions will remain confidential and anonymity can be provided.

The current Whistleblower Protection / Investigation Officer is, and can be contacted on:

Executive Manager Shared Services

Email: wpo@anglicare-nt.org.au

Phone: 08 8985 0000

Should the Whistleblower Protection Officer take leave or be on a period of three days or more of unplanned absence, this role will be assigned to a person assuming the position of Executive Manager Shared Services at Anglicare NT or their delegation (for example, another Executive Manager within the Executive Team).

Whistleblower Investigation Officer

The current Whistleblower Investigation Officer is, and can be contacted on:

Director People & Learning

Email: wio@anglicare-nt.org.au

Phone: 08 8985 0000

Acacia Connection

The contact details for Acacia Connection are as follows:

Telephone: 1300 364 273

Anglicare NT's CEO

The contact details for Anglicare NT's CEO are as follows:

Telephone: 08 8985 0000

Email: ceo@anglicare-nt.org.au

Anglicare NT's Auditor/Actuary

Please seek contact details from the Whistleblower Protection Officer as this may vary from time to time.

Note: there may be guiding documents, procedures, guidelines, forms or templates that relate to this Policy. Prior to making any key decisions consider all related documents.