

12 December 2019

# **Whistleblower Policy**

for

## **Australian Meat Industry Superannuation Pty Ltd**

ABN 25 002 981 919

RSE Licence No. L0000895

AFS Licence No. 238829

as Trustee for

## **Australian Meat Industry Superannuation Trust**

ABN 28 342 064 803

RSE Registration No. R1001778

# Whistleblower Policy

<b>Trustee Name</b>	Australian Meat Industry Superannuation Pty Ltd, trustee of the Australian Meat Industry Superannuation Trust
<b>Policy Name</b>	Whistleblower Policy
<b>Number of Pages</b>	8 (plus covering pages and a contents page)
<b>Date Prepared</b>	Approved by the Trustee Board – 12 December 2019
<b>Special Status</b>	Commercial-in-Confidence

## Amendment History

The following history and amendments have been made to this document:

<b>Version</b>	<b>Prepared By</b>	<b>Reviewed By</b>	<b>Approved By</b>
Version 1.0	Professional Financial Solutions Pty Ltd	Head of Governance Risk and Compliance Committee 11 December 2019	Trustee Board 12 December 2019

# Contents

<b>1.</b>	<b>Introduction.....</b>	<b>1</b>
1.1	Overview.....	1
1.2	Definitions.....	1
<b>2.</b>	<b>Whistleblower protections .....</b>	<b>2</b>
2.1	Overview.....	2
2.2	Confidentiality of whistleblower’s identity.....	2
2.3	Protection from victimisation.....	2
2.4	Immunity from liability .....	3
<b>3.</b>	<b>Making disclosures that qualify for protection and how they may be made.....</b>	<b>4</b>
3.1	Recipient.....	4
3.2	Form .....	4
3.3	Public Interest Disclosure .....	4
3.4	Emergency Disclosure.....	5
<b>4.</b>	<b>How AMIST will investigate disclosures.....</b>	<b>6</b>
<b>5.</b>	<b>Policy availability and review .....</b>	<b>7</b>
5.1	Availability.....	7
5.2	Annual Review.....	7

# 1. Introduction

## 1.1 Overview

- 1.1.1 The Trustee is committed to ensuring that its Directors, Responsible Persons, Officers, Secretariat and service providers, act at all times in with compliance with relevant laws and in an ethical manner. Part of this commitment involves ensuring that whistleblowing can occur in a manner consistent with legislation, and with strong ethical and governance standards.
- 1.1.2 The Trustee is therefore committed to ensuring that all whistleblowing which qualifies for protection under the Corporations Act is protected in accordance with those provisions. The Trustee will protect eligible whistleblowers who have made a disclosure from detriment related to their whistleblowing.
- 1.1.3 An individual qualifies for protection if they are an eligible whistleblower and their disclosure is made to ASIC, APRA, a prescribed Commonwealth authority, eligible recipients, legal practitioner and the disclosure is falls within the definition of a 'disclosable matter'.
- 1.1.4 The Trustee will abide by the Whistleblower Protection Provisions as contained in the Corporations Act.

## 1.2 Definitions

- 1.2.1 An **eligible whistleblower** is any individual who, in relation to the Trustee, is or has been any of the following: director, secretary, officer, current employee, former employee, unpaid worker, supplier, contractor, custodian, investment manager, associate of the Trustee, employee of a contractor of the Trustee as well as a relative, spouse or dependent of such an individual.
- 1.2.2 An **eligible recipient** in relation to the Trustee includes an officer of the fund, auditor (including a member of the audit team), actuary, director, a person authorised by the Trustee to receive disclosures that may qualify for protection.
- 1.2.3 A **disclosable matter** is a disclosure of information where the person disclosing (the eligible whistleblower) has reasonable grounds to suspect:
- that the information concerns misconduct, or an improper state of affairs or circumstances in relation to the Trustee
  - that the information indicates that the Trustee, its officers or employees, has engaged in conduct that constitutes an offence or is in contravention of financial services law (as applicable to the Trustee), any Commonwealth offence that is punishable by imprisonments for 12 months or more, represents a damage to the public or the financial system or is prescribed by regulations.
- 1.2.4 To the extent a disclosure relates to personal work-related grievances as defined in the Corporations Act, it is not a disclosable matter.

## **2. Whistleblower protections**

### **2.1 Overview**

- 2.1.1 The Trustee confirms that it will not constrain, impede, restrict or discourage, whether by confidentiality clauses, policies, or other means, any whistleblower from disclosing information or providing documents which constitute a disclosable matter.
- 2.1.2 Matters which do not fall under the definition of a disclosable matter do not qualify for protection.
- 2.1.3 All reasonable steps will be taken to ensure that a whistleblower making disclosures as outlined above, will not be subject to, or threatened with, a detriment. This includes where a disclosure is yet to be made and threatening to cause detriment.
- 2.1.4 Detriment is defined in the Corporations Act to include:
- a. dismissal of an employee;
  - b. injury of an employee in his or her employment;
  - c. alteration of an employee's position or duties to his or her disadvantage;
  - d. discrimination between an employee and other employees of the same employer;
  - e. harassment or intimidation of a person;
  - f. harm or injury to a person, including psychological harm;
  - g. damage to a person's property;
  - h. damage to a person's reputation;
  - i. damage to a person's business or financial position;
  - j. any other damage to a person.
- 2.1.5 The following protections are provided to whistleblowers:

### **2.2 Confidentiality of whistleblower's identity**

- 2.2.1 The Trustee will take all reasonable steps to reduce the risk that the identity of the eligible whistleblower, or information provided by them, leads to their identification. We will do this, for example, by limiting the number of people involved in the receipt, investigation and outcome of the report.
- 2.2.2 However, it is permissible to disclose this information to ASIC, APRA, a member of the Australian Federal Police, a legal practitioner (for the purpose of obtaining advice), someone prescribed by regulations, or with the consent of the discloser.
- 2.2.3 It is permissible to disclose information that does not include the identity of the whistleblower where it is reasonably necessary for the purpose of investigation provided all reasonable steps are taken to reduce the risk that the whistleblower will be identified as a result.

### **2.3 Protection from victimisation**

- 2.3.1 The Trustee will not cause any detriment to anyone who reports a disclosable matter, or as a result of investigating the report. Anyone who does anything, or threatens to do something, to cause detriment to the person who reports a disclosable matter, or as a result of the investigation of the report, may commit a criminal offence.

## **2.4 Immunity from liability**

- 2.4.1 Eligible whistleblowers will not be subject to any criminal, civil or administrative liability (including disciplinary action) for reporting a disclosable matter. This is the case even if, for example, an eligible whistleblower makes a protected disclosure that is in breach of a contract with the Trustee.
- 2.4.2 Information disclosed by eligible whistleblowers will not be admissible against them, other than proceedings in respect of the falsity of the information, or where the disclosure reveals civil, criminal or administrative liability of the whistleblower.

DRAFT

### **3. Making disclosures that qualify for protection and how they may be made**

#### **3.1 Recipient**

3.1.1 Disclosures may be made to:

- An officer/director/secretary or senior manager of AMIST (including AMIST's appointed Risk Manager)
- AMIST's auditor
- Legal practitioner (for the purpose of obtaining legal advice or legal representation regarding a disclosure)
- ASIC
- APRA
- Other prescribed Commonwealth authority.

#### **3.2 Form**

3.2.1 Can be made in any form although writing is preferred.

#### **3.3 Making disclosures anonymously**

3.3.1 Disclosure can be anonymously or under a pseudonym.

#### **3.4 Public Interest Disclosure**

3.4.1 A public interest disclosure qualifies for protection if:

- The discloser has previously made a disclosure of that information that qualifies for protection, and
- At least 90 days has pass since the previous disclosure was made, and
- The discloser does not have reasonable grounds to believe action is being, or has been taken, to address the matter to which the previous disclosure related, and
- The discloser has reasonable grounds to believe that making a further disclosure of the information would be in the public interest, and
- The discloser gives the body to which the previous disclosure was made written notification that includes sufficient information to identify the disclosure and that they intend to make a public interest, and
- The public interest disclosure is made to a member of Parliament or a journalist, and
- The extent of information disclosed in the public interest disclosure is no greater than necessary to inform the recipient of the misconduct or the improper state of affairs or circumstances, or conduct of the regulated entity (i.e. subject of the disclosure).

### 3.5 Emergency Disclosure

3.5.1 A emergency disclosure qualifies for protection if:

- The discloser has previously made a disclosure of that information that qualifies for protection, and
- The discloser has reasonable grounds to believe the information concerns a substantial and imminent danger to the health or safety of one or more persons or the natural environment, and:
- The discloser gives the body to which the previous disclosure was made a written notification that includes sufficient information to identify the previous disclosure and states that the discloser intends to make an emergency disclosure, and
- The emergency disclosure is made to a member of Parliament or a journalist, and
- The extent of the information in the disclosure is no greater than is necessary to inform the recipient of the substantial and imminent danger.

DRAFT



## 4. How AMIST will investigate disclosures

4.1.1 Following receipt of a whistleblower report, the recipient will inform the Board Chair and/or CEO and/or Head of Governance as appropriate. To reduce the risk of the whistleblower's confidentiality being breached, the disclosure will only be shared with parties as required to investigate the issues raised.

4.1.2 The Trustee will ensure that all investigations:

- Are conducted by someone independent and impartial (and never by the recipient of the report, or anyone implicated in its subject matter)
- Are conducted in strict confidence
- Are conducted as quickly as possible
- Are as thorough as possible
- Are appropriately resourced
- Protect the identity of the whistleblower
- Give anyone who is implicated in the subject matter of the report an opportunity to respond to any allegations made against them. Implicated individuals do not, however, have to respond.

4.1.3 At the end to the investigation, the investigator will provide the Chair of the Board and the Head of Governance with a written report that:

- Summarises the content of the whistleblower's report
- Describes the investigation in enough detail to allow the Chair of the Board and the Head of Governance to assess the adequacy of the investigation
- Sets out the conclusions that the investigator reached as a result of the investigation, and
- Annexes any relevant supporting material.

4.1.4 The Chair of the Board and Head of Governance will take appropriate action in relation to the investigator's report. This may, for example, include:

- Requiring further investigations
- Recommending disciplinary action
- Referring the matter to the Board
- Notifying regulatory bodies.

4.1.5 Each quarter the Head of Governance will provide the Risk & Compliance Committee with a summary report on:

- The number of whistleblower reports received
- The results of the investigations into those reports
- Any identified root causes of non-compliance and the steps taken to eliminate those root cause.
- How the company will ensure fair treatment of employees of the company who are mentioned in disclosures that qualify for protection

## **5. Policy availability and review**

### **5.1 Availability**

- 5.1.1 This Policy is available to all Directors, Officers and the Secretariat staff via the shared computer drive and the Diligent system.

### **5.2 Annual Review**

- 5.2.1 The Risk & Compliance Committee will ensure that an annual review of this policy is undertaken.
- 5.2.2 Prior to the commencement of this review, the Risk & Compliance Committee will determine whether the review will be undertaken internally, or outsourced to an appropriately qualified and experienced service provider who is operationally independent from those responsible for administering this policy, or a combination of both.
- 5.2.3 The results of the review will be reported to the Risk & Compliance Committee and the Board.