



# **WHISTLEBLOWER PROTECTION POLICY & PROCEDURE**

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## Contents

1. Scope .....	3
2. Objectives .....	3
3. Who can make a protected disclosure? .....	3
4. What is a protected disclosure? .....	4
<b>What is not a protected disclosure – personal work-related grievances</b> .....	4
5. Raising a protected disclosure.....	4
6. Anonymous disclosure .....	5
7. Detrimental conduct .....	5
8. Whistleblower Protections.....	5
9. Benefits of a Whistleblower Protection Program .....	6
10. Resources .....	6
11. Whistleblower Protection Officer .....	6
12. Whistleblower Investigations Officer .....	7
13. Communication .....	7
14. Investigation of a protected disclosure.....	7
15. Reporting .....	8
16. Education and Training.....	8
17. Review .....	8
18. Relationship with other RACT Policies and Procedures .....	8

## 1. Scope

This Policy applies to all directors, officers, representatives, former employees and employees of RACT, reference to whom is abbreviated throughout this document to 'officers and employees' and their associates and specified family members. To the maximum extent possible, this Policy also applies to agents, suppliers and contractors that act for or on behalf of RACT.

In this Policy, a reference to RACT means;

- RACT Pty Ltd; and
- RACT Destinations Pty Ltd; and
- RACT Travel Pty Ltd; and
- RACT AutoServe Pty Ltd; and
- RACT Insurance Pty Ltd

## 2. Objectives

The purpose of this Policy is to support the promotion of ethical behaviour by encouraging the reporting of all misconduct, by facilitating the ease of reporting and detailing the protection afforded to whistleblowers.

RACT will not tolerate any corrupt, illegal or other undesirable conduct nor condone victimisation of an individual who intends to report such conduct. RACT encourages and promotes the fact that undesirable conduct can be discussed with your supervisor, team leader, manager or People Services team at any time or you can choose to formally disclose as a whistleblower in accordance with the procedure below.

RACT's Whistleblower protection program has been designed to:

- encourage the reporting of fraud, corrupt, illegal or misconduct including financial or non-financial loss, damage to the reputation of RACT or harm to our employees or customers;
- enable RACT to effectively deal with reports from whistleblowers in a way that will protect the identity of the whistleblower;
- provide for the secure storage of any information provided by a whistleblower;
- protect whistleblowers against detriment or reprisals by any person, either internal or external to RACT; and
- provide an appropriate internal infrastructure for reporting matters as well as an alternative means of reporting which is external to RACT.

Regardless of how an undesirable act is reported either through the Whistleblower program or direct with management, RACT will protect your privacy.

## 3. Who can make a protected disclosure?

Whistleblower disclosures can be made by current and former:

- Employees (whether full time, part time, contract or consultancy) and officers;
- Contractors, suppliers and their employees;
- An individual who is an associate of RACT; and
- Spouses, dependants and relatives of any of the above.

A contractor or supplier includes an individual who supplies goods or services whether paid or unpaid.

#### **4. What is a protected disclosure?**

Whistleblower protection applies to a disclosure of information where the whistleblower has reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances in relation to RACT or a related body corporate of RACT OR reasonable grounds to suspect that the information indicates that RACT, or an officer or employee of RACT (or a related body corporate) has engaged in conduct that:

- constitutes an offence against the Corporations Act, ASIC Act, Insurance Act, and any other Commonwealth Act that is punishable by imprisonment for a period of 12 months or more.
- represents a danger to the public or the financial system

#### **What is not a protected disclosure – personal work-related grievances**

A disclosure of misconduct that is a personal work-related grievance of the whistleblower is only protected if the disclosure concerns alleged victimisation or the disclosure is made to a lawyer for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower.

A personal work-related grievance is a disclosure that concerns a grievance about any matter in relation to the individual's employment (or former employment) having (or tending to have) implications for the disclosure personally.

A disclosure is not a personal work-related grievance (ie can be a protected disclosure) if it has significant implications for RACT that does not relate to the whistleblower.

While personal work-related grievances do not fall under the whistleblowing protections, they are still treated very seriously. Please refer to section 18 for other relevant policies.

#### **5. Raising a protected disclosure**

A whistleblower seeking protection under the Corporations Act must disclose to:

- ASIC, APRA and other prescribed Commonwealth authorities; or
- **Eligible Recipients** (defined by the Corporations Act) who are:
  - Officers (which for RACT means Directors or Company Secretaries); or
  - Senior Managers (Executive General Managers or for RACT Insurance Pty Ltd, Managers);
  - Actuary's; or
  - Auditors, or member of an audit team conducting an audit (but this does not include internal audit); or
- Whistleblower protection officer (see section 11 below); or
- Whistleblower investigation officer (see section 12 below); or
- A legal practitioner for the purposes of obtaining legal advice or representation in relation to the whistleblowing disclosure; or
- Parliamentarians or journalists in limited circumstances (defined in the Corporations Act, s 1317AAD, as an "emergency disclosure" or "public interest disclosure").

## 6. Anonymous disclosure

RACT is committed to protecting whistleblowers at all times.

You can raise protected disclosures anonymously if you choose. This can be done through the Whistleblower Service (see contact details at the end of this policy) or directly to an eligible recipient, by advising you wish to remain anonymous.

Eligible recipients, or any other person who becomes aware of a disclosure, must not breach a whistleblowers anonymity. Substantial penalties apply and failure to comply is also a criminal offence, punishable by imprisonment and/or fines.

Eligible recipients, or any other person who becomes aware of a disclosure, must assume that a whistleblower wishes to remain anonymous UNLESS the whistleblower clearly consents that they are happy for their identity to be disclosed (and this consent should be confirmed in writing).

The eligible recipient will ensure that any notes taken during discussions with whistleblower does not identify the whistleblower by name, and takes reasonable care not to document anything that may inadvertently identify the whistleblower's identity.

## 7. Detrimental conduct

Eligible recipients, or any other person who becomes aware of a disclosure, must not engage in **detrimental conduct** towards a whistleblower or potential whistleblower. Substantial penalties apply and failure to comply is also a criminal offence, punishable by imprisonment and/or fines.

**Detrimental Conduct** is conduct that causes detriment to the whistleblower or constitutes the making of a threat of detriment. **Detriment** includes (without limitation) any of the following:

- Dismissal or injury of the whistleblower in his or her employment;
- Alteration of the whistleblower's position or duties to his or her disadvantage;
- Discrimination/harassment or intimidation;
- Harm or injury to the whistleblower (including psychological harm);
- Damage to the whistleblower's property/reputation/financial position; or
- Any other damage to the whistleblower.

If a whistleblower believes that someone has engaged in detrimental conduct or failed to protect their anonymity, in addition to seeking recourse through the courts and regulators, they can also raise the matter with an Eligible Recipient.

## 8. Whistleblower Protections

- Whistleblowers who make protected disclosures will be protected from any civil, criminal or administrative liability (including disciplinary action) for making the disclosure.
- No contractual or other remedies can be enforced against the whistleblower if they are exercised because of their disclosure.
- Any information that is part of a disclosure is not admissible in evidence against a whistleblower in criminal proceedings or proceedings involving a penalty, except in proceedings about the falsity of the information.
- Whistleblowers are protected from detriment as a result of making a disclosure (see section 7 for definition of detriment).

- Whistleblowers are protected from an award of costs against them where they seek compensation (with some limited exceptions).

The eligible recipient will discuss RACTs Whistleblowing Policy with the whistleblower to ensure that they understand the process and will inform the whistleblower of the protections that apply to them, provide or arrange appropriate support or assistance for the whistleblower, and if appropriate, refer them to the Employee Assistance Program.

Eligible recipients must advise a whistleblower that all protected disclosures made to the eligible recipient will be passed onto the Whistleblower Protection Officer who is the person authorised by RACT to receive disclosures and to conduct investigations.

A Whistleblower Protected Disclosure Form is available on Navigator.

## **9. Benefits of a Whistleblower Protection Program**

An effective whistleblower protection program will facilitate the reporting of all undesirable conduct, which in turn will result in:

- more effective compliance with relevant laws;
- more efficient fiscal management; through, for example, the reporting of waste or improper outsourcing practices;
- more effective management;
- improved morale; and
- an enhanced perception, and the reality, that corporate governance obligations are taken seriously.

## **10. Resources**

Adequate resources will be allocated to implement a whistleblower protection program, including the provision of:

- a Whistleblower Protection Officer;
- a Whistleblower Investigation Officer;
- an internal reporting line;
- an external reporting line;
- training for all staff and eligible recipients; and
- a mechanism for appeals.

## **11. Whistleblower Protection Officer**

The role of the Whistleblower Protection Officer is to safeguard the interests of the whistleblower in terms of this and other Policies and in respect of any applicable legislation.

As necessary, the Whistleblower Protection Officer will have to access independent financial, legal and operational advice.

An appropriately qualified and suitable person will be appointed to the position of Whistleblower Protection Officer. The appointee will have the qualities and experience to provide:

- knowledge of employment law;
- trustworthiness;
- an ability to relate to people and to reassure them;

- diplomacy and tact; and
- the ability to be objective.

The appointed Whistleblower Protection Officer for RACT is Sarah Sealy, of HWL Ebsworth solicitors in Hobart, or, should she be unavailable for an extended period of time, another suitably qualified solicitor of HWL Ebsworth instructed by her. RACT has no other dealings with Sarah Sealy other than in her role as Whistleblower Protection Officer (and the same would apply to any other solicitor appointed).

Initial contact with the Whistleblower Protection Officer can be made via the independently operated and dedicated Whistleblower Service (via telephone, facsimile, email or secure website). Only the Whistleblower Protection Officer has access to the reports made via the Whistleblower Service.

## **12. Whistleblower Investigations Officer**

The role of the Whistleblower Investigation Officer is to investigate the substance of a complaint to determine whether there is evidence to support the matters raised, or alternatively, to refute the report made by the whistleblower.

An appropriately qualified and suitable person will be appointed to the position of Whistleblower Investigations Officer for each matter investigated. The appointee will have the qualities of:

- sound judgement;
- investigation skills;
- integrity;
- communication skills;
- diplomacy; and
- objectivity.

A Whistleblower Investigations Officer will be appointed by the Whistleblower Protection Officer and may be the Whistleblower Protection Officer themselves, or an internal or external appointment, depending upon the circumstances involved. The appointment will be notified to the CEO or the Board (where relevant).

## **13. Communication**

A whistleblower will be kept updated regarding progress in the investigation of a matter to the extent that is practicable in the circumstance involved. The Whistleblower Protection Officer is to be responsible for communication with the whistleblower. All issues will be addressed promptly.

## **14. Investigation of a protected disclosure**

The initial investigation will be conducted by the Whistleblower Investigations Officer and will be totally independent of:

- the operational area concerned;
- the whistleblower; or
- any person who is the subject of the misconduct.

In line with the principles of natural justice, the investigation will be fair and conducted without bias. The person against whom the allegation has been made will have the right to

respond. In the case of serious allegations, consideration will be given to employing an external, arm's length investigator to undertake the investigation.

## **15. Reporting**

The Whistleblower Protection Officer and Whistleblower Investigations Officer make recommendations to the Chief Executive Officer (CEO), the Board or Regulators as appropriate. The details of the whistleblower will remain confidential or withheld depending on whether the whistleblower has requested anonymity.

At the conclusion of the investigation, if a whistleblower believes that appropriate action has not been taken, they may escalate the issue to the CEO, other appropriate person or a regulator.

If, at any stage of an investigation, it is decided that a matter needs to be reported to a regulator, the CEO will first report the matter (within the constraints of the law) to the Board (or the Board appointed Committee) .

### **False Reporting**

The making of an intentional false report is a serious matter and the person concerned will be subject to disciplinary proceedings or further sanction (depending on the nature of their relationship with RACT).

## **16. Education and Training**

Education and training will be provided on what is a whistleblower disclosure, who can make a protected disclosure, and include practical advice on how to avoid such situations.

The importance of reporting misconduct and the reasons such reporting is required are included in RACT's induction program and in ongoing training programs.

## **17. Review**

To ensure its ongoing effectiveness, this policy is reviewed annually.

## **18. Relationship with other RACT Policies and Procedures**

This policy should be read, construed and applied in conjunction with the following RACT policies and procedures.

Document Name	Description
Fraud Control Plan	Outlines the approach to be followed in controlling fraud and corruption.
Fraud Policies	Procedure for officers and employees who discover or suspect fraud, corruption or theft and mechanisms for reporting concerns.
Code of Conduct	Defines the ethical framework that governs the personal and professional behavior of RACT officers and employees.
Respectful Workplace Policy and Procedure	Defines bullying, harassment and discrimination and the internal procedures for dealing with incidents that occur or are reported.

**WHISTLEBLOWER SERVICE**

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