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AzP Australia

Whistleblowing Policy

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About this Policy

As of 1 July 2019, the Australian Whistleblowing Regime provides special protections to whistleblowers who make a 'protected disclosure', as defined by the Australian Whistleblowing Regime.

This Policy is to assist you in understanding how and to whom 'protected disclosures' must be made in order to qualify for the protections under the Australian Whistleblowing Regime.

The Policy sets out how 'protected disclosures' in accordance with the Australian Whistleblowing Regime can confidently and (if desired) anonymously be reported in a protected manner, without fear of discriminatory or recriminatory treatment.

While the focus of this Policy is on the obligations and protections set out in the Australian Whistleblowing Regime, AzP Australia encourages its employees to voice all concerns (whether or not those concerns are within the scope of this Policy). The AzP SpeakUp Program explains how employees can make disclosures and voice concerns.

The Allianz Code of Conduct and the Allianz Functional Rule 'Guideline on Whistleblowing (Speak-up)' ensures that illegal or improper conduct within AzP Australia can be addressed appropriately, even where the disclosure does not meet the requirements of this Policy.

At law, the protections are different for 'protected disclosures' (which are within the scope of this Policy and the Australian Whistleblowing Regime), and those which fall within the scope of the AzP SpeakUp Program (but do not also fall within the scope of this Policy).

AzP Australia discourages and will not tolerate any malicious or vexatious disclosures such as reports intentionally providing false information or made with the sole intent of harming AzP Australia, its related bodies corporate, AzP Personnel, or external parties.

A. Introduction

I. Purpose

AzP Australia's success and reputation is based upon the mutual trust which our clients, employees, and the general public have in the performance and integrity of AzP Australia. Such mutual trust depends on the personal conduct and capability of our employees, managers, and board members and their desire to jointly create value for our customers as well as for AzP Australia.

Along with mutual trust, AzP Australia values fairness, integrity, and clear and open communication. AzP Australia recognises that these characteristics are fundamental leadership values which form a basis for our success.

Sometimes, employees may be concerned that acts or omissions they observe are not in line with our values. AzP Australia appreciates that disclosures can help us prevent and detect corruption, non-compliance, and other misconduct.

The purpose of this Policy is to ensure that disclosures that may qualify for protection under the Australian Whistleblowing Regime are made in accordance with the requirements of the Australian Whistleblowing Regime. The policy seeks to enable and protect the individual to make a disclosure, and to demonstrate that the process is robust and protects the individual making the eligible disclosure, thus building confidence in individuals to make future disclosures. This in turns allows the organisation to identify issues and wrongdoings and ensure that they are effectively dealt with as soon as possible.

AzP Australia takes appropriate steps to make careful use of all information received and to apply the highest standards of confidentiality to the maximum extent possible, and to apply care and caution towards the interests of all involved persons.

This Policy applies to all current and former AzP Personnel and their relatives, spouses, and dependants. This Policy also applies to related bodies corporate of AzP Australia to the extent specified in the Australian Whistleblowing Regime.

If you breach this Policy you may face disciplinary action which may include termination of your employment or appointment. There can also be very serious consequences involved with breaches of the Australian Whistleblowing Regime, which this Policy is based upon.

II. Authorisation, content, and updates

Compliance is the owner of this Policy and is responsible for maintaining and updating this document.

This Policy will be reviewed by the owner at least once every year to ensure it complies with relevant laws and remains relevant and effective. All material changes will require the approval of the function holders outlined in the Authorisation Table on the front of this Policy.

This Policy is available on the local AzP Australia Intranet at <https://connect.allianz.com/community/awp/allianz-partners-au/allianz-partners-au-compliance/pages/compliance-framework> and via the internet at <https://www.allianzpartners.com.au/>.

This Policy remains valid until being superseded by an updated version.

AzP Australia is required to have and maintain this Policy, and to make this Policy available to AzP Personnel.

This Policy must at all times set out the information about:

1. the protections available to whistleblowers, including the protections applicable and available to them;
2. to whom disclosures that qualify as 'protected disclosures' may be made (and how);
3. how AzP Australia will support whistleblowers and protect them from detriment;
4. how AzP Australia will investigate disclosures that qualify for protection;
5. how AzP Australia will ensure fair treatment of employees of AzP Australia who are mentioned in protected disclosures (or to whom such disclosures relate); and
6. how this Policy is to be made available to officers and employees of AzP Australia.

III. Compliance with laws and AzP Australia policies

AzP Personnel must comply with all laws, rules, and regulations, including the Australian Whistleblowing Regime. In addition, all AzP Personnel must comply with AzP Australia internal directives and policies communicated to them, including this Policy. Failure to comply with laws and regulations may result in AzP Personnel facing criminal sanctions or other serious consequences. AzP Personnel who are unsure of the legal or regulatory obligations under the Australian Whistleblowing Regime should consult the Compliance or Legal Functions.

An AzP Australia whistleblower who wishes to make a disclosure but is unsure of whether that disclosure is within the scope of this Policy should review the supporting summary documents and then talk to the Head of Compliance. AzP Australia whistleblowers should note that disclosures that do not fall within the scope of this Policy may still be addressed by the AzP SpeakUp Program. The protections available to AzP Personnel who make disclosures under the AzP SpeakUp Program but not under this Policy are different at law.

B. Application and scope of this Policy

This section confirms who can make and receive disclosures that qualify for protection under the Australian Whistleblowing Regime, and how those protected disclosures may be made.

In summary, this Policy protects **AzP Australia whistleblowers** who make a **protected disclosure** either internally to an **eligible recipient** or externally to regulatory bodies (ASIC or APRA) or to a lawyer for the purpose of obtaining legal advice or legal representation in relation to the Australian Whistleblowing Regime.

This Policy explains below who qualifies as an AzP Australia whistleblower and an eligible recipient, and what qualifies as a protected disclosure.

Whistleblowing protections and disclosures under the Tax Act

The Australian Whistleblowing Regime is set out in both the Corporations Act and the Tax Act. While the Corporations Act provides for a broad corporate whistleblowing regime, the Tax Act provides for a specific whistleblowing regime that relates to tax-related disclosures.

Whether an AzP Australia whistleblower is making a disclosure that is protected under the Corporations Act or the Tax Act will depend on:

- a) the type of information disclosed; and
- b) who the disclosure is made to.

For example, if an AzP Australia whistleblower discloses to the Commissioner of Taxation information relating to an actual or suspected tax fraud, that is a disclosure protected under the Tax Act.

If you are an AzP Australia whistleblower and you wish to make a disclosure about a tax-related matter and you want the disclosure to be protected under the Australian Whistleblowing Regime, please contact the Head of Compliance for advice about whether you are making a disclosure that is protected under the Corporations Act or the Tax Act (or both).

I. Who can make a protected disclosure?

In short, an AzP Australia whistleblower (as defined in this section) is someone eligible to make a protected disclosure under this Policy and who is entitled to the protections under the Australian Whistleblowing Regime.

The definition of 'AzP Australia whistleblower' is important, because only people that meet the criteria of an AzP Australia whistleblower may make disclosures that qualify for protection under this Policy and under the Australian Whistleblowing Regime.

Definition of an AzP Australia whistleblower

An AzP Australia whistleblower is an individual who is any of the following:

1. a current or former officer or employee of AzP Australia;
2. an individual who does or used to supply services or goods to AzP Australia (whether paid or unpaid) (or an employee of that individual);
3. an individual who is an associate of AzP Australia;
4. a relative or dependant of an individual referred to at (1) - (3) above (including a spouse, parent, child, grandchild, or sibling); or
5. an individual prescribed by regulations for the purposes of the Corporations Act or the Tax Act.

An AzP Australia whistleblower can make a disclosure anonymously and still be protected under the Australian Whistleblowing Regime.

You can contact the Head of Compliance or the General Counsel to obtain additional information about the Australian Whistleblowing Regime before you make a disclosure, or at any time after a disclosure has been made.

II. Who can receive a protected disclosure?

An AzP Australia whistleblower will make a protected disclosure only if that disclosure is made to certain individuals or bodies. Who may receive a protected disclosure is set out in this section below.

An AzP Australia whistleblower will make a protected disclosure only if that disclosure is made:

1. internally to an **eligible recipient** within AzP Australia;
2. via AzP Australia's whistleblowing hotline;
3. externally to ASIC or APRA; or
4. externally to a lawyer for the purpose of obtaining legal advice or legal representation in relation to the operation of the Australian Whistleblowing Regime.

An AzP Australia whistleblower needs to make a disclosure directly to any one of the above eligible recipients to be able to qualify for protection as a whistleblower under the Australian Whistleblowing Regime.

1. Making a protected disclosure internally: who is an 'eligible recipient'?

If an AzP Australia whistleblower wishes to make a disclosure within AzP Australia, that disclosure must be made to an eligible recipient.

The Corporations Act provides that an **eligible recipient** is:

- a) an officer (including a director or company secretary) or senior manager of AzP Australia (i.e. a member of the Australian Executive) (or of a related body corporate);
- b) an auditor (or member of an audit team conducting an audit) of AzP Australia (or of a related body corporate);
- c) an actuary of AzP Australia (or of a related body corporate); or
- d) a person who is authorised by AzP Australia to receive disclosures that may qualify for protection under this Policy and the Australian Whistleblowing Regime – that person is the Head of Compliance. For whistleblower purposes, the Head of Compliance is designated the Whistleblower Protection and Investigation Officer for AzP Australia.

Eligible recipients of tax-related disclosures under the Tax Act

If you are an AzP Australia whistleblower who wishes to make a tax-related protected disclosure, that tax-related protected disclosure can be made:

- a) internally within AzP Australia to an eligible recipient of a tax-related protected disclosure, being:
 - i. an auditor (or member of an audit team conducting an audit);
 - ii. a registered tax agent or BAS agent who provides tax agent services or BAS services;
 - iii. a person authorised by AzP Australia to receive disclosures that may qualify for protection under the Tax Act (being the Head of Compliance); or
 - iv. a director, secretary or senior manager (i.e. member of the Australian Executive) of AzP Australia, or any other employee or officer of AzP Australia who has functions or duties that relate to the tax affairs of AzP Australia; and / or
- b) externally to the Commissioner of Taxation, if the AzP Australia whistleblower considers that the information may assist the Commissioner to perform his or her functions or duties under a taxation law in relation to AzP Australia; or
- c) externally to a lawyer for the purpose of obtaining legal advice or legal representation in relation to the operation of the Australian Whistleblowing Regime as it relates to tax-related protected disclosures.

Regardless of whether the disclosure is a Corporations Act or tax-related disclosure, all internal disclosures that are or may be a protected disclosure under this Policy should be made in the first instance to the Head of Compliance. This is because it is the Head of Compliance who will ordinarily action any internal or external investigation resulting from the disclosure. The Head of Compliance will be the AzP Australia whistleblower's point of contact throughout the investigation process.

You may also wish to make the disclosure on an anonymous basis via:

- AzP Australia's whistleblowing hotline at 1800 325 363; or
- email at contact@agaspeakup.net

2. Making a protected disclosure externally

An AzP Australia whistleblower can also make a protected disclosure externally, to:

- a) ASIC or APRA; or
- b) a lawyer for the purpose of obtaining legal advice or legal representation in relation to the Australian Whistleblowing Regime.

III. What does the disclosure have to be about for it to be a protected disclosure?

For a disclosure to be a protected disclosure under this Policy and the Australian Whistleblowing Regime, it must relate to certain conduct which the AzP Australia whistleblower has reasonable grounds to suspect has or will occur.

A protected disclosure is a disclosure by an AzP Australia whistleblower to an individual or body set out in Section B(II) of this Policy and the AzP Australia whistleblower has reasonable grounds to suspect that the information being disclosed concerns misconduct, or an improper state of affairs or circumstances, in relation to AzP Australia (or a related body corporate). It is important to note that a disclosure that is not about misconduct or an improper state of affairs in relation to AzP Australia does not qualify for protection under the Corporations Act or the Tax Administration Act. In such circumstances, protection may still be applicable under different legislation eg. Fair Work Act 2009 for personal grievance matters. While not eligible under the whistleblower policy, it is important that individuals wishing to disclose a matter seek to raise the matter via the most appropriate channel, and where appropriate, consider seeking independent legal advice about their rights and protections under employment and other relevant laws. A disclosure can still qualify for protection even if the disclosure turns out to be incorrect.

1. What is 'misconduct' and an 'improper state of affairs or circumstances'?

Misconduct is defined in the Corporations Act to include 'fraud, negligence, default, breach of trust and breach of duty'.

Without limiting what may constitute a protected disclosure, a protected disclosure will include a disclosure made by an AzP Australia whistleblower who has reasonable grounds to suspect that the information being disclosed indicates that AzP Australia (and / or a related body corporate, or an officer or an employee of

that related body corporate) and / or an employee or officer of AzP Australia has engaged in conduct:

- a) that constitutes an offence against, or a contravention of, a provision of any of the:
 - i. *Corporations Act*;
 - ii. *Australian Securities and Investments Commission Act 2001*;
 - iii. *Banking Act 1959*;
 - iv. *Financial Sector (Collection of Data) Act 2001*;
 - v. *Insurance Act 1973*;
 - vi. *Life Insurance Act 1995*;
 - vii. *National Consumer Credit Protection Act 2009*;
 - viii. *Superannuation Industry (Supervision) Act 1993*; or
 - ix. an instrument made under those laws; or
- b) that constitutes an offence against any other Commonwealth law that incurs a punishment of up to 12 months' imprisonment or more; or
- c) which represents a danger to the public or financial system; or
- d) is prescribed by regulations for the purposes of the Corporations Act.

AzP Australia's business is varied. It is, accordingly, conceivable that a range of concerns could be raised across its respective lines of business (e.g. travel insurance, international health insurance, assistance services, and health and lifecare) that attract the protections set out in this Policy and the Corporations Act.

An AzP whistleblower who has reasonable grounds to be concerned about, for example, suspected fraud, bribery, or corruption and reports those concerns to an eligible recipient, will qualify for the protections under this Policy and the Corporations Act. Other examples of misconduct include misappropriation of funds, financial irregularities, and engaging in detrimental conduct.

2. What are 'reasonable grounds'?

Whether a disclosure is a protected disclosure as defined above is based on an objective determination of whether the AzP Australia whistleblower had or has *reasonable grounds* to suspect that the information falls into that description.

3. Personal work-related grievances are not a 'protected disclosure'

A disclosure by an AzP Australia whistleblower that:

- a) relates to a 'personal work-related grievance' (defined below); and
- b) does not also concern a contravention or alleged contravention of the requirement not to cause detriment or to threaten to cause any detriment to an AzP Australia whistleblower,

is *not* a protected disclosure for the purposes of this Policy or the Corporations Act.

Note: a disclosure concerning a personal work-related grievance that is made to a lawyer for the purpose of obtaining legal advice or legal representation in relation to the operation of the Australian Whistleblowing Regime and/or protections under the Corporations Act may still qualify for protection.

What is a 'personal work-related grievance'?

A disclosure will relate to a personal work-related grievance if the information:

- a) concerns a grievance about any matter in relation to the AzP Australia whistleblower's employment (or former employment) that has or tends to have implications for the AzP Australia whistleblower personally (including, for example, relating to an interpersonal conflict between the AzP Australia whistleblower and another employee, or relating to a decision regarding the AzP Australia whistleblower's promotion or transfer, or a decision to suspend or terminate the AzP Australia whistleblower's contract or to discipline the AzP Australia whistleblower);
- b) does not have any significant implications for AzP Australia that do not relate to the AzP Australia whistleblower; and
- c) does not concern conduct or alleged conduct at Section B(III)(1)(a) – (d) of this Policy.

Although 'personal work-related grievances' are not protected under the Australian Whistleblowing Regime, such disclosures may be protected under the *Fair Work Act 2009* (Cth).

Note: if a disclosure involving a personal work-related grievance also concerns conduct outlined at Section B(III)(1)(a) - (d) of this Policy, the disclosure may still qualify for protection under the Australian Whistleblowing Regime. By way of example, a personal work-related grievance may still qualify for protection if it includes information about conduct that represents a danger to the public or financial system.

Note: if you have a concern or issue that you think might be a 'personal work-related grievance' (and therefore not a 'protected disclosure' under the Policy or the Corporations Act), this does not mean that AzP Australia does not value that disclosure. AzP Australia encourages all disclosures made by AzP Personnel. Even if a disclosure is found not to qualify as a 'protected disclosure', the disclosure should still be made under the AzP SpeakUp Program, and that disclosure will still be assessed and if necessary and / or appropriate, investigated and reported upon as outlined in the AzP SpeakUp Program. Even where a disclosure does not meet the requirements of a 'protected disclosure', AzP Australia will (should the discloser wish) keep the disclosure confidential to the maximum extent possible.

Tax-related protected disclosures under the Tax Act

If you are an AzP Australia whistleblower who wishes to make a tax-related protected disclosure under this Policy and the Tax Act, you must:

- a) (for a disclosure to the Commissioner of Taxation) consider that the information being disclosed may assist the Commissioner to perform their functions or duties under a taxation law in relation to AzP Australia or an associate of AzP Australia;
- b) (for a disclosure to an eligible recipient of a tax-related protected disclosure):
 - i. have *reasonable grounds* to suspect that the information being disclosed indicates *misconduct*, or an *improper state of affairs or circumstances*, in relation to the tax affairs of AzP Australia or an associate of AzP Australia; and
 - ii. consider that the information being disclosed may assist the eligible recipient to perform functions or duties in relation to the tax affairs of AzP Australia or an associate of AzP Australia.

For example, if an AzP Australia whistleblower reports actual or suspected tax evasion within AzP Australia to an eligible recipient and / or to the Commissioner of Taxation, that constitutes a protected disclosure under this Policy and the Tax Act.

C. Protections available to AzP Australia whistleblowers who make protected disclosures under this Policy

Whether under this Policy or under the AzP SpeakUp Program, all AzP Personnel who make a disclosure (regardless of whether they reveal their identity in making that disclosure) will be protected to the maximum extent possible against victimisation, discrimination, and recrimination.

AzP Australia will not tolerate any victimisation, discrimination, or recrimination of an AzP Australia whistleblower. Any allegations of victimisation, discrimination, or recrimination of an AzP Australia whistleblower will be taken seriously and AzP Australia will take appropriate action, including (potentially) disciplinary action, or dismissal or termination of employment, contract or consultancy. There are also separate and potentially serious consequences under the Australian Whistleblowing Regime for negative behaviour against someone who has made (or is perceived to have made) a protected disclosure.

The statutory protections for AzP Australia whistleblowers are set out in Part 9.4AAA of the Corporations Act and, for disclosures relating to tax avoidance behaviour and other tax related issues, Part IVD of the Tax Act.

I. Confidentiality – protecting an AzP Australia whistleblower’s identity

There is no requirement for an AzP Australia whistleblower to identify him or herself in order for that AzP Australia whistleblower to qualify for protection under this Policy and / or under the Australian Whistleblowing Regime. As such, an AzP Australia whistleblower may choose to remain anonymous in making a protected disclosure and throughout any resulting investigation and may still qualify for protection under the Australian

Whistleblowing Regime. An AzP Australia whistleblower can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations.

AzP Australia will take all reasonable steps to protect the identity of the AzP Australia whistleblower.

1. Confidentiality Obligation owed to the AzP Australia whistleblower

It is prohibited under this Policy and it is an offence under the Australian Whistleblowing Regime for a person to whom a protected disclosure is made to disclose the identity of an AzP Australia whistleblower (this is the **Confidentiality Obligation**, defined below).

The **Confidentiality Obligation** means that the following information must not be disclosed:

- a) the *actual identity* of an AzP Australia whistleblower who has made a protected disclosure; or
- b) *information that is likely to lead to the identification* of an AzP Australia whistleblower who has made a protected disclosure.

Without the whistleblower's consent, no information that is likely to lead to the identification of the discloser will occur as part of our investigation process unless:

- a) the information does not include the discloser's identity;
- b) information relating to the discloser's identity or other information that is likely to lead to the identification of the discloser (e.g. the discloser's name, position title and other identifying details) is removed; and
- c) it is reasonably necessary for investigating the issues raised in the disclosure.

The Confidentiality Obligation means that it is a contravention of this Policy and the Corporations Act or the Tax Act (as applicable) for a person to disclose the information above, if that person *directly or indirectly* obtained that information because an AzP Australia whistleblower made a protected disclosure.

Any breach of the Confidentiality Obligation can result in serious consequences. For example, the Corporations Act and the Tax Act (as applicable) provide that a breach of the Confidentiality Obligation can lead to up to 6 months' imprisonment.

Complaints about breaches of confidentiality can also be made by the whistleblower directly to regulators such as ASIC, APRA or the ATO.

Exceptions to the Confidentiality Obligation

There are some limited exceptions to the Confidentiality Obligation. The exceptions to the Confidentiality Obligation are:

Exception 1 - disclosure required for the purpose of internally investigating the matters

- a) Where the information being disclosed is not the actual identity of an AzP Australia whistleblower, but is information that is likely to lead to the identification of the AzP Australia whistleblower; and
- b) that information is:
 - i. (for a protected disclosure made under the Corporations Act) reasonably necessary for the purpose of investigating the matters the subject of the protected disclosure; or
 - ii. (for a tax-related protected disclosure under the Tax Act) reasonably necessary for the purposes of investigating misconduct, or an improper state of affairs or circumstances, to which the tax-related protected disclosure relates; and
- c) the person relying on this exception takes all reasonable steps to reduce the risk that the AzP Australia whistleblower will be identified.

Exception 2 - disclosure to certain bodies or for legal advice

- a) Where the information being disclosed is either the actual identity of the AzP Australia whistleblower or information that is likely to lead to the identification of the AzP Australia whistleblower; and
- b) where the disclosure of that information is made to:
 - i. ASIC, APRA, the Australian Federal Police (**AFP**) (or, for tax-related protected disclosures, the Commissioner of Taxation or the AFP); or
 - ii. a lawyer for the purpose of obtaining legal advice or legal representation in relation to the operation of the Corporations Act (or, for tax-related protected disclosures, the Tax Act).

Exception 3 - disclosure made with consent

- a) Where the disclosure of the information is made with the consent of the AzP Australia whistleblower.

What are 'reasonable steps' to reduce the risk of the AzP Australia whistleblower's actual identity being revealed?

'Reasonable steps' to be taken to reduce the risk of the AzP Australia whistleblower's actual identity being revealed include (for example):

- a) not broadly publishing the information;
- b) ensuring the investigation team is as small as is reasonably possible, and taking other steps to make the investigation as discreet as possible;

- c) only disclosing information to personnel absolutely necessary to the investigation;
- d) password protecting certain documents containing the information;
- e) limiting the disclosure of information to that which is absolutely necessary for the investigation; and
- f) clearly informing those involved in the investigation in writing of the requirement not to disclose the AzP Australia whistleblower's identity or information likely to lead to the identification of the whistleblower, and request written confirmation that they understand the obligation and that they will facilitate and take all necessary steps to reduce the risk that the whistleblower will be identified.

Where an AzP Australia whistleblower does not provide consent for his or her identity to be revealed, AzP Australia will take all appropriate steps to ensure that the whistleblower's identity is protected. This will include any investigation being carried out in accordance with the Functional Rule for Integrity Committee and Whistleblowing and the Internal Investigation Protocol, and may also include:

- a) never referring to the whistleblower during an investigation; or
- b) where it is necessary to refer to the whistleblower during an investigation, using a pseudonym to do so (e.g. person A).

II. Protection from victimisation and threatened victimisation

AzP Australia does not tolerate threatening or bullying behaviour. AzP Australia also does not tolerate retaliation or victimisation against any AzP Australia whistleblower who reports (or who is suspected to have reported) under this Policy. AzP Australia will take all reasonable steps to ensure that AzP Australia whistleblowers who make a protected disclosure (regardless of whether they reveal their identity in making that disclosure) will be protected against victimisation and discrimination.

As set out below, there are particular (and serious) consequences under the Australian Whistleblowing Regime in relation to detrimental, victimising, or threatening behaviour towards someone who the perpetrator of that behaviour knows or suspects has 'blown the whistle'.

It is a contravention of the Australian Whistleblowing Regime for any person to engage in conduct towards an actual or suspected AzP Australia whistleblower (**Perceived Whistleblower**) that:

1. causes the Perceived Whistleblower any detriment; or
2. constitutes making a threat (including an implied threat) to cause any detriment to the Perceived Whistleblower or another person,

where the reason (or part of the reason) for the perpetrator causing the detriment or making the threat is because the perpetrator believes or suspects that the Perceived Whistleblower (or any other person) has made or could make a protected disclosure.

For the purposes of this Policy and the Australian Whistleblowing Regime, it is not relevant whether the Perceived Whistleblower actually feared that the threat from the perpetrator would be carried out.

Detrimental conduct includes the following, or the threat of the following:

1. dismissal;
2. injury of an employee in their employment;
3. alteration of an employee's position or duties to their disadvantage (such as a demotion);
4. harassment;
5. intimidation;
6. discrimination between employees;
7. causing harm or injury (including psychological harm);
8. damage to property;
9. damage to reputation;
10. damage to a person's business or financial position; or
11. behaviour that causes any other damage to a person.

Any AzP Australia whistleblower subjected to victimisation or detrimental treatment (or a threat to cause any detriment) as a result of actually or being suspected of making a protected disclosure should inform the Head of Compliance immediately. In addition, the whistleblower should consider seeking independent legal advice or contact regulatory bodies, such as ASIC, APRA or the ATO, if they believe they have suffered detriment.

As well as the internal consequences within AzP Australia, there are serious consequences under the Australian Whistleblowing Regime for victimising a Perceived Whistleblower, which may involve court-action or up to 2 years' imprisonment.

Additionally, there are court-ordered remedies available to an AzP Australia whistleblower in relation to detrimental conduct. Those remedies include:

1. compensation;
2. an injunction restraining a person from engaging in detrimental conduct, or to prevent or remedy the effects of detrimental conduct;
3. an order requiring an apology be given to the whistleblower; and
4. any other order that the court thinks is appropriate.

Some actions are however considered to not constitute detrimental conduct. These include:

1. administrative action that is reasonable for the purpose of protecting a discloser from detriment (e.g. moving a discloser who has made a disclosure about their immediate work area to another office to prevent them from detriment); and
2. managing a discloser's unsatisfactory work performance, if the action is in line with the entity's performance management framework.

III. Protecting AzP Australia whistleblowers from legal action

AzP Australia whistleblowers who make a protected disclosure are not subject to any civil, criminal, or administrative liability or disciplinary action for making the protected disclosure.

Contractual rights and / or other remedies may not be enforced against an AzP Australia whistleblower for making a protected disclosure.

Protection from self-incrimination

If the protected disclosure was:

1. made to ASIC, APRA, or a prescribed Commonwealth body; or
2. a public interest or emergency disclosure,

that information is not admissible in evidence against the AzP Australia whistleblower in criminal proceedings (or proceedings for the imposition of a penalty (unless the proceedings are in relation to the AzP Australia whistleblower making a false disclosure)).

Note: the above protections do not grant an AzP Australia whistleblower immunity for any misconduct he or she has engaged in. It is advisable that independent legal advice is sought by a whistleblower before making a public interest disclosure or an emergency disclosure.

IV. Protecting information

All records and reports resulting from an investigation will be retained under password security.

Any release of information in breach of this Policy will be regarded as a serious matter and may result in disciplinary action. There also may be serious consequences under the Corporations Act.

D. Protocol regarding reporting and investigation of a protected disclosure

I. Internal reporting

All internal protected disclosures must be made, handled, and investigated in accordance with the Protected Disclosure Protocol. The Protected Disclosure Protocol details the processes, procedures, and actions required in the event of a protected disclosure and the associated investigations that may take place following a protected disclosure (either internally or by an external source such as ASIC).

This is an important document, and it is a requirement of this Policy for each AzP Australia whistleblower to be familiar with the Protected Disclosure Protocol to ensure that whistleblowing-related matters are handled consistently and in accordance with the Australian Whistleblowing Regime.

The Protected Disclosure Protocol is at Annexure A of this Policy, and can also be found on the local Intranet.

II. External reporting

An AzP Australia whistleblower may make a protected disclosure directly to any one of the following regulators while still qualifying for protection under the Corporations Act:

1. ASIC

The 'Office of the Whistleblower' is an office regulated by the Australian Securities and Investments Commission. The Office of the Whistleblower is equipped to oversee and report on information received from whistleblowers.

AzP Australia whistleblowers can make a report to the Office of the Whistleblower by:

- a) lodging a report via ASIC's online reporting form at: <http://www.asic.gov.au/report-misconduct>; or
- b) by writing to ASIC at:
Australian Securities and Investments Commission
GPO Box 9827
Brisbane QLD 4001

Further information on ASIC's whistleblower process can be found [here](#).

2. APRA

AzP Australia whistleblowers can make a report to APRA on whistleblower matters by emailing whistleblower@apra.gov.au. AzP Australia whistleblowers can make a public interest disclosure to APRA via emailing PID@apra.gov.au or in writing at:

Chief Risk Officer
APRA
GPO Box 9836
Sydney NSW 2001

Further information on APRA's whistleblower report process can be found [here](#).

3. (For a tax-related protected disclosure) Office of the Commissioner of Taxation

To make a protected disclosure regarding a tax-related matter to the Commissioner of Taxation, AzP Australia whistleblowers can:

- a) complete a tip-off form in the contact section of the ATO app (see <https://www.ato.gov.au/general/gen/whistleblowers/>);
- b) call 1800 060 062; or
- c) write to the following address (and mark your letter 'in confidence') and send to the Commissioner at:

Australian Taxation Office
Tax Integrity Centre

Further information on the ATO's whistleblower provisions can be found [here](#).

III. 'Emergency' and 'public interest' disclosures

In certain *limited circumstances* relating to a protected disclosure under the Corporations Act, a whistleblower may make an 'emergency' or 'public interest' disclosure of information to a member of Parliament (Commonwealth, State, or Territory) or to a journalist.

1. When can I make an 'emergency disclosure'?

It is important to note that an emergency disclosure may only be made under the Policy and the Corporations Act in the following limited circumstances:

- a) the AzP Australia whistleblower has previously made a protected disclosure to ASIC, APRA or a prescribed Commonwealth authority; and
- b) the AzP Australia 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 the natural environment; and
- c) the AzP Australia whistleblower gives the body it previously made the protected disclosure to (ASIC, APRA, or a prescribed Commonwealth authority) written notice that:
 - i. identifies the initial protected disclosure made to that body; and
 - ii. says that the whistleblower intends to make an emergency disclosure; and
- d) the emergency disclosure is made to a member of Parliament or a journalist; and
- e) the information disclosed in the emergency disclosure is not more than is necessary to inform the recipient of the substantial and imminent danger.

2. When can I make a 'public interest' disclosure?

It is important to note that a public interest disclosure may only be made under the Corporations Act in the following limited circumstances:

- a) the AzP Australia whistleblower has previously made a protected disclosure to ASIC, APRA, or a prescribed Commonwealth authority; and
- b) at least 90 days have passed since that protected disclosure was made; and
- c) the AzP Australia whistleblower does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the protected disclosure related; and

- d) the AzP Australia whistleblower has reasonable grounds to believe that making a further disclosure would be in the public interest; and
- e) at the end of the 90-day period, the AzP Australia whistleblower gives the body it previously made the protected disclosure to written notice that:
 - i. identifies the initial protected disclosure made to the body; and
 - ii. says that the AzP Australia whistleblower intends to make a public interest disclosure; and
- f) the public interest disclosure is made to a member of Parliament or a journalist; and
- g) the information disclosed in the public interest disclosure is not more than is necessary to inform the recipient of the misconduct or the improper state of affairs or circumstances the subject of the protected disclosure.

Note: for the purposes of this Policy and the Corporations Act, a journalist is a person who is professionally working for a newspaper, magazine, radio, or television broadcasting service, or commercial electronic services provided (via the internet) which are operated similar to a newspaper, magazine, or radio or television broadcast.

‘Emergency’ or ‘public interest’ disclosures do not apply to tax-related protected disclosures

There is no provision for protected disclosures made under the Tax Act to be the subject of an emergency or public interest disclosure. If the disclosure in question is a tax-related protected disclosure and is not also a protected disclosure under the Corporations Act, the emergency disclosure regime set out in this section does not apply.

If you are unsure whether your disclosure is a protected disclosure under the Corporations Act or the Tax Act (or both), please contact the Head of Compliance.

E. Managing the welfare of the AzP Australia whistleblower

This section sets out how AzP Australia:

1. supports AzP Australia whistleblowers and will protect them from detriment; and
2. ensures fair treatment of employees of AzP Australia who are mentioned in disclosures that qualify for protection under this Policy and the Australian Whistleblowing Regime, or to whom such disclosures relate.

I. Commitment to protecting and supporting AzP Australia whistleblowers

AzP Australia recognises that there may be substantial personal stress and cost to the AzP Australia whistleblower in making a protected disclosure in accordance with this Policy. As well as the protections provided by the Australian Whistleblowing Regime, AzP is committed to minimising the personal impact to AzP Australia whistleblowers.

AzP Australia will support whistleblowers who make or plan to make a protected disclosure and will endeavour to protect them from victimisation and detriment (see Section C(II) above).

AzP Australia offers general support by:

1. providing training on induction to AzP employees and contractors in relation to this Policy;
2. (in the event the disclosure is made internally) at the time of the disclosure being made, explaining the protections available to AzP Australia whistleblowers under this Policy and the Australian Whistleblowing Regime, and outlining the likely next steps; and
3. where a protected disclosure has been made and the AzP Australia whistleblower has concerns relating to the disclosure (including in relation to detrimental conduct towards, or victimisation of, the whistleblower), AzP Australia provides support by providing the AZP Whistleblower with:
 - a) independent counselling services; the provider, frequency and amount of sessions is to be determined by AzP Australia in its absolute discretion; and
 - b) leave; the duration and dates on which leave may be taken, and whether the leave is to be paid, or partially paid, is to be determined by AzP Australia in its absolute discretion.

II. Keeping the AzP Australia whistleblower informed

The Head of Compliance will ensure the AzP Australia whistleblower is kept informed of action taken in relation to his or her protected disclosure – unless this is simply not possible (i.e. where an anonymous AZP Australia whistleblower has not provided a reasonable medium or way by which they may be contacted).

In providing the outcomes of the investigation to the whistleblower, the Head of Compliance must inform the whistleblower that regardless of the outcome of the investigation, the whistleblower has the right to make a complaint to a regulator including ASIC, APRA, or ATO if they are not satisfied with the results of the investigation.

III. Ensuring fair treatment of employees who are mentioned in a disclosure

AzP Australia will ensure fair treatment of employees who are mentioned in a disclosure that qualifies for protection by:

1. ensuring that the investigation is carried out in accordance with AzP Australia's Functional Rule for Integrity Committee and Whistleblowing and the Internal Investigation Protocol;
2. handling protected disclosures confidentially, when it is practical and appropriate in the circumstances;
3. assessing whether the protected disclosure should be the subject of an investigation;
4. advising an employee who is the subject of a disclosure about the subject matter of the disclosure as and when required by the principles of natural justice and procedural fairness and prior to any action being taken; for example, advising the employee if the disclosure will be the subject of an investigation;
5. maintaining that the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported;
6. ensuring that when an investigation is undertaken the process is objective, fair, and independent; and
7. enabling an employee who is the subject matter of a protected disclosure to contact AzP Australia's counselling services.

IV. Training to ensure understanding of this Policy and the Protected Disclosure Protocol

All current employees, officers, and contractors of AzP Australia are required to complete:

1. initial whistleblower training on induction; and
2. refresher training on an annual basis.

This is to ensure that all employees, officers and contractors of AzP Australia are aware of their obligations, rights and protections, as set out in this Policy and in the Australian Whistleblowing Regime.

V. Easy and consistent access to this Policy and the Protected Disclosure Protocol

This Policy and the Protected Disclosure Protocol are provided to AzP Personnel upon induction. Copies of these documents are available at any time on the local Intranet or upon request from Compliance.

F. Review

As mentioned above in section A(II), this Policy will be reviewed by the owner at least once every year to ensure it complies with relevant laws and remains relevant and effective. All material changes will require the approval of the function holders outlined in the Authorisation Table on the front of the internal version of this Policy.

Index of used terms and abbreviations

Abbreviation / Term	Description
Australian Whistleblowing Regime	Part 9.4AAA of the Corporations Act and Part IVD of the Tax Act as amended by the <i>Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019</i> (Cth).
AzP Australia	AWP Australia Pty Ltd ABN 52 097 227 177 AFSL No. 245631 trading as Allianz Partners.
AzP Australia whistleblower	Has the meaning given to it by Section B(I) of the Policy.
AzP Personnel	Employees, officers, contractors and consultants of AzP Australia.
AzP SpeakUp Program	AzP SpeakUp Program comprises the Allianz Functional Rule ‘Guideline on Whistleblowing (Speak-up)’ which explains how employees can make disclosures and voice concerns.
Corporations Act	<i>Corporations Act 2001</i> (Cth).
Head of Compliance	The Head of Compliance for AzP Australia.
Policy	This AzP Australia Whistleblowing Policy including its annexures.
Tax Act	<i>Taxation Administration Act 1953</i> (Cth).

Annexure A: Protected Disclosure Protocol

The purpose of this Protocol is to outline the processes to be implemented in order for disclosures that are or may be protected disclosures (within the meaning of the Whistleblowing Policy) to be made, identified, managed, and investigated in accordance with the protections and obligations specific to protected disclosures as set out in the Whistleblowing Policy and the Australian Whistleblowing Regime.

This Protected Disclosure Protocol and related processes are to be implemented. Training and advice are provided to the Regional / Local Business Units and guidance on the application and scope of the Australian Whistleblowing Regime can be sought by an eligible recipient or the Head of Compliance.

Group Compliance is responsible for:

1. providing guidance and advice regarding the application and implementation of this Protocol;
2. monitoring the implementation of this Protocol;
3. monitoring the Compliance Case Management Tool (**CCMT**); and
4. acknowledging, handling, and monitoring, in a prompt, professional, fair and diligent manner, all cases escalated to or directly reported to Group Compliance.

Making a disclosure

If a discloser wants their disclosure to be a ‘protected disclosure’ under the Australian Whistleblowing Regime, it is strongly recommended that the discloser notes this in the course of making the disclosure.

As set out in detail in the Policy, in order to qualify for the protections provided under the Australian Whistleblowing Regime, a protected disclosure must be made to an eligible recipient (as defined in the Policy).

Regardless of whether the disclosure is a Corporations Act or tax-related disclosure, all internal disclosures that are or may be a protected disclosure under this Policy should be made in the first instance to the Head of Compliance. This is because it is the Head of Compliance who will ordinarily action any internal or external investigation resulting from the disclosure. The Head of Compliance will be the AzP Australia whistleblower’s point of contact throughout the investigation process.

You may also wish to make the disclosure on an anonymous basis via:

- AzP Australia’s whistleblowing hotline at 1800 325 363; or
- email at contact@agaspeakup.net

Reports made anonymously will be provided to the Head of Compliance to consider and progress. It should be noted that reports made anonymously may limit the ability to investigate, and that an investigation may not be possible if the whistleblower cannot be communicated with to ask questions as part of the investigation.

If the potential protected disclosure is made to an eligible recipient who is not the Head of Compliance, unless there is conflict of interest or it is not otherwise appropriate to do so, the eligible recipient to whom the potential protected disclosure was made must refer the person making the disclosure to the Whistleblowing Policy and request that they make the disclosure to the Head of Compliance as set out in the Whistleblowing Policy.

The eligible recipient to whom the potential protected disclosure was made may also inform the discloser that their referral to the Whistleblowing Policy and to the Head of Compliance is predominantly for their protection, because, if the disclosure is not made in the right way and / or to the right person, it may not qualify as a protected disclosure under the Whistleblowing Policy (and therefore is not afforded the protections under the Australian Whistleblowing Regime).

The eligible recipient to whom the potential protected disclosure was made must not reveal, confirm, infer, or in any way communicate the identity of the discloser or any information or particulars that might reveal that discloser's identity without their consent.

If the Head of Compliance receives a potential protected disclosure, the Head of Compliance must acknowledge, handle, monitor, investigate (an investigation may be internal or external or both) and, as appropriate, report on that disclosure promptly, professionally, fairly, diligently, and in accordance with this Policy and the Australian Whistleblowing Regime.

AzP Australia has a broader SpeakUp program, as detailed in the Allianz Functional Rule 'Guideline on Whistleblowing (Speak-up)'.

It is important to recognise that while the AzP SpeakUp program is available to you, the requirements of this Policy must be met in order to qualify for the protections provided by the Australian Whistleblowing Regime.

Documentation of disclosure

Any disclosure that is made under this Policy or which may fall within the scope of this Policy and the Australian Whistleblowing Regime must be uploaded by the Head of Compliance into the CCMT and noted as a 'POTENTIAL PROTECTED DISCLOSURE'.

The CCMT should include information about the date, subject matter, and status of the disclosure. At no stage is the discloser's actual name or identity put into the CCMT, or any information that is likely to lead to the identification of the discloser.

Analysis and assessment disclosure

Upon determining whether a disclosure is a protected disclosure, the CCMT must be updated to either reflect that:

1. the disclosure has been analysed and assessed as not a protected disclosure (and, without breaching confidentiality, the reasons why this was assessed to be the case); or
2. that the disclosure has been assessed as a 'POTENTIAL PROTECTED DISCLOSURE'.

Assessment of Risk

Following determination that a protected disclosure has been reported, the first step in ensuring protection for the whistleblower is to undertake an assessment of the potential risk of exposure of the whistleblower's identity, and consideration for the risk of detriment as a consequence of that risk. It is important to ensure that any identified risks are effectively controlled to ensure the whistleblower is protected. Utilising AzP's risk management framework, the following steps need to be established:

1. Risk Identification – based on the specific matter disclosed and the likely investigation path, identify and document the risk of detriment to the whistleblower.
2. Identification of controls and treatments – existing controls and specific treatments relevant to the investigation must be documented. Information securing provisions relating to storage and communication of information (including investigation findings) are to be specified as a key control and consideration of other techniques such as anonymization or use of pseudonyms should also be considered standard controls. Reporting of summary findings, in a secure and anonymous way to the AzP AU Board, and any other identified set of stakeholders, must be included as a documented control.
3. Risk Evaluation – Using AzP's risk matrix assess and rate the risk for likelihood and consequence based on the existing controls and planned treatments.
4. Risk monitoring – continue to monitor the risk throughout the course of the investigation to ensure that the identified controls are working effectively. Where necessary, take action to strengthen controls or apply additional treatments.

Communication between discloser and eligible recipient

Upon analysis and assessment of the status of the disclosure, the Head of Compliance must (if the identity of the discloser is known to the Head of Compliance) inform the discloser whether or not their disclosure is a protected disclosure under this Policy and the Australian Whistleblowing Regime.

Where possible and / or appropriate, the discloser is to be kept informed by the Head of Compliance as to the status of any ongoing investigation in relation to their disclosure (subject to a number of considerations, including those relating to the privacy of those against whom allegations are made) and the investigation's findings. The documentation and reporting of findings is likely to vary depending on the nature of the disclosure that has been made. Also, depending on the nature of the disclosure and the investigation results, it may not always be possible to provide the full outcomes of the investigation back to the whistleblower.

Similarly, the discloser should maintain regular communication with the eligible recipient to allow the organisation to ask additional questions and/or provide feedback.

Investigation and referral to appropriate department

The disclosure must also be assessed for priority. If the disclosure is a Major Case (defined below), the subject of the disclosure (but, for a protected disclosure, not the AzP Australia whistleblower's identity) must be reported to Group Compliance immediately. Global Lines / Regional / Local Integrity Committee (or equivalent) are to be involved for Major Cases.

Protected disclosures

Any disclosure which is assessed to be within the scope of this Policy and the Australian Whistleblowing Regime must be subject to an investigation to determine the disclosure's accuracy or validity.

Major Case

Any case received by the Head of Compliance or any related body corporate of AzP Australia which fulfils one or more of the following escalation criteria is classified as a Major Case (whether or not it qualifies as a protected disclosure under this Policy and the Australian Whistleblowing Regime):

1. any allegation against Local / Regional CEO, CFO, any other executive reporting directly to the Board or other Local / Regional safeguarding function (i.e. Compliance, Risk, Internal Audit, Legal or Financial Control);
2. any case of potential corruption on local / regional level (no threshold);
3. discrimination, harassment, or any other activity which may have a serious impact on the reputation of AzP Australia or its related bodies corporate;
4. cases relating to a physical threat, extortion / blackmailing, or any other similar serious issue in relation to personal safety;
5. alleged violation of antitrust law.

Standard protected cases and standard non-protected cases

A disclosure made which is analysed and assessed to be a protected disclosure that is not also a Major Case is classified as a Standard Protected Case. Standard Protected Cases may be investigated and reported upon at the discretion of the Head of Compliance. The outcome of any investigation in relation to a Standard Protected Case must be input into the CCMT.

A disclosure made which is analysed and assessed to be neither a Standard Protected Case nor a Major Case is classified as a Standard Non-Protected Case. Standard Non-Protected Cases may be investigated and reported upon at the discretion of the Head of Compliance, and dealt with in accordance with the AzP 'SpeakUp Program' guidelines. The outcome of any investigation in relation to a Standard Non-Protected Case must be put into the CCMT (noted as a SpeakUp investigation, not a Standard Protected Case).

All investigations of a protected disclosure, Major Case, Standard Protected Case, or Standard Non-Protected Case will be in accordance with the Functional Rule for Integrity Committee and Whistleblowing and the Internal Investigation Protocol.

Timeframes for investigation

While timeframes will vary due to the varying nature and complexity of individual investigations, a timeframe of 40 business days from disclosure to investigation closure is standard. This is however subject to review during the course of each investigation, and the whistleblower will be kept informed by the Head of Compliance of any changes to the timeframe.

Reporting on disclosure

All reporting of a protected disclosure, Major Case, Standard Protected Case, or Standard Non-Protected Case will be in accordance with the Functional Rule for Integrity Committee and Whistleblowing and the Internal Investigation Protocol.

No report that concerns a protected disclosure will reveal the AzP Australia whistleblower's actual identity. All reasonable efforts will be made to reduce the risk of an AzP Australia whistleblower being identified as a result of their disclosure.

Reporting of whistleblower statistics shall be provided to the AzP Australia Board as part of the Compliance report provided at each Board meeting. On an annual basis, the Compliance function will assess and report to the Board on the effectiveness of our policy, processes and procedures will be provided.

While AzP is not obliged to re-open an investigation if the whistleblower expresses their dissatisfaction with the outcome or the process, the Head of Compliance must inform the Company Secretary who will in turn notify the Board that a whistleblower has expressed concern relating to the outcome of a specific disclosure. This will then allow the Board to independently assess whether a review of the initial investigation is required, and specifically whether to examine the adherence to and effectiveness of the processes. In such cases, the Board reserves the right to appoint an independent external entity to undertake a review and report the outcome directly to the Board. The findings of any such reviews held, while protecting the whistleblower's identity, will be reported to the AzP Australia Board directly by the appointed external investigator.