



# Whistleblower Protection Policy

<b>Title:</b>	Whistleblower Protection Policy
<b>Approved by:</b>	QCN Fibre Board
<b>Responsible lead:</b>	Chief Executive
<b>Audience:</b>	All QCN Fibre Staff
<b>Brief description:</b>	Sets out QCN Fibre's commitment to fostering a culture where employees feel safe to speak up on matters of concern.
<b>Periodicity of review:</b>	Every two years
<b>Approved:</b>	September 2019

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# 1 Introduction

Queensland Capacity Network Pty Ltd (ACN 633 081 517) (**QCN Fibre**) is committed to the highest standards of conduct and ethical behaviour in all business activities and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance. This policy aims to:

- Promote an open and transparent culture;
- Encourage the reporting of any instances of suspected illegal, fraudulent, unethical or undesirable behaviours;
- Provide protection and confidentiality of individuals who report conduct so they may do so without fear of intimidation, disadvantage or reprisal; and
- Assist in ensuring that matters of Reportable Conduct and/or unethical behaviour are identified and dealt with appropriately.

This policy applies to all QCN Fibre Staff. QCN Fibre Staff are expected to act in accordance with values (as articulated from time to time), the Code of Conduct, and with due care, diligence and skill.

# 2 Reportable Conduct

QCN Fibre staff may make a report under this policy if an individual has reasonable grounds that the conduct of a person(s):

- a) is dishonest, fraudulent or corrupt, including bribery;
- b) is illegal activity (such as theft, violence, harassment or intimidation, criminal damage to property or other breaches of state or federal law);
- c) is unethical or in breach of QCN Fibre’s policies (such as dishonestly altering company records or data, adopting questionable accounting practices or willfully breaching QCN Fibre’s Code of Conduct or other policies or procedures);
- d) is potentially damaging to QCN Fibre, QCN Fibre staff or a third party, such as unsafe work practices, environmental damage, health risks or abuse of QCN Fibre’s property or resources
- e) amounts to an abuse of authority;
- f) may cause financial loss to QCN Fibre’s or damage its reputation or be otherwise detrimental to QCN Fibre’s interests;
- g) involves harassment, discrimination, victimisation or bullying; or
- h) involves any other kind of serious misconduct or impropriety.

# 3 Roles & Responsibilities

<b>Board</b>	<ul style="list-style-type: none"> <li>▪ Accountable for ensuring an appropriate framework exists governing the management of Reportable Conduct</li> </ul>
<b>Board Chair</b>	<ul style="list-style-type: none"> <li>▪ Accountable for managing reports of allegations against the Chief Executive</li> </ul>
<b>Chief Executive</b>	<ul style="list-style-type: none"> <li>▪ Accountable for implementing and administering the management of Reportable Conduct</li> <li>▪ Managing all reports of Reportable Conduct received directly from individuals;</li> <li>▪ Managing disciplinary proceedings in the case of false reports;</li> <li>▪ Identifying systemic issues or trends, correcting them and communicating this within QCN Fibre to increase knowledge and awareness;</li> <li>▪ Communicate and promote this policy to all staff on a regular basis, particularly upon the induction of new staff; and</li> </ul>

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	<ul style="list-style-type: none"> <li>▪ Regularly reporting on cases of Reportable Conduct to the People, Culture and Remuneration Committee.</li> </ul>
<b>QCN Fibre Staff</b>	<ul style="list-style-type: none"> <li>▪ Have an obligation to comply with the requirements of this policy.</li> <li>▪ Take personal responsibility to uphold this commitment in the performance of their duties</li> <li>▪ Participate in training obligations</li> </ul>

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## 4 How to Report Conduct

A discloser who is aware of known, suspected or potential cases of Reportable Conduct is expected to make a report under this policy. Anyone experiencing or witnessing such behaviour should discuss and report this with the Chief Executive.

If the alleged or suspected wrongdoing involves the Chief Executive, then the individual may report the allegation to the Board Chair.

A report may be submitted anonymously for individuals not wishing to disclose their identity. In any case and at all times, discussions will remain confidential. Disclosers must ensure as far as possible, that reports are factually accurate, complete, from first-hand knowledge, presented in an unbiased fashion (and any possible perception of bias is disclosed), and without material omission.

## 5 Investigation of Reportable Conduct

QCN Fibre will investigate all matters reported under this policy as soon as possible after it is reported to the Chief Executive. If the allegation involves the Chief Executive, individuals may report to the Board Chair.

With the discloser's consent, the Chief Executive may appoint a person to assist with the investigation. Wherever possible, QCN Fibre will provide feedback to the discloser regarding the progress and/or of the investigation (subject to considerations of privacy concerns of those involved parties). The investigation will be conducted in an unbiased and fair manner, and otherwise as is reasonable and appropriate having regard to the nature of the Reportable Conduct. Disclosers must maintain confidentiality of all such reports and not disclose details or other personnel.

The Chief Executive will report to the People, Culture and Remuneration Committee on the number and type of whistleblower incident reports on an annual basis, to enable QCN Fibre to address any concerns. These reports will be made on a 'no names' basis, maintaining the confidentiality of matters raised under the policy. Serious and/or material Reportable Conduct will be considered by the Chief Executive or the Board Chair (where appropriate) for the immediate referral to the People, Culture and Remuneration Committee.

## 6 Protection of Disclosers

### 6.1 Identity and Confidentiality

Subject to compliance with legal requirements, upon receiving a report under this policy, QCN Fibre will not disclose any particulars suggesting or revealing the identity of a Discloser without first obtaining his or her consent. Any disclosure made will be handled on a strictly confidential basis. However, the Chief Executive the Board Chair (where appropriate) may disclose the conduct without the discloser's consent to the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA), the Crime and Corruption Commission Queensland (CCC), or the Australian Federal Police (AFP).

## 6.2 Files and Records

All files or records created from an investigation will be retained under strict security. Unauthorised release of information to someone not involved in the investigation (other than for those needing to know to take appropriate action, or for corporate governance purposes), is prohibited without obtaining the discloser's consent. Such disclosure would demonstrate breach of this policy and be regarded a serious matter dealt with in accordance with the Performance Counselling and Discipline Procedure outlined in the Employment Handbook.

## 6.3 Fairness

QCN Fibre is committed to ensure fair and ethical treatment of those parties reporting conduct. Disclosers subjected to detrimental treatment as a result of making a report under this policy should inform the Company Secretary. If the matter is not remedied, it should be raised in accordance with this policy. Detrimental treatment includes dismissal, demotion, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a report. Any QCN Fibre Staff found to have dismissed, demoted, harassed, or discriminated against a Discloser by reason of their status as a Whistleblower, will be subjected to disciplinary measures. Disclosers involved in the Reportable Conduct may be provided with immunity or due consideration from disciplinary proceedings, by agreement with QCN Fibre. QCN Fibre, however, has no power to provide immunity from criminal prosecution.

## 7 Protected Disclosures

Protected Disclosure refers to a qualifying disclosure of information in relation to Reportable Conduct of QCN Fibre Staff under the statutory regimes of the Public Interest Disclosure Act 2010, or Whistleblower protection provisions in Part 9.4AAA of the Corporations Act. The New Whistleblowing Laws have opened up the ways to make a protected disclosure and the protection given to Disclosers. Making a protected disclosure entitles Disclosers the support and protection from Reprisals.

## 8 Breaches and Disciplinary Action

QCN Fibre Staff found to be in breach of this policy or their Employment Agreement, may be subject to disciplinary action up to and including termination of employment.

A release of information in breach of this policy will be regarded as a serious matter and will be dealt with under QCN Fibre's Performance Counselling and Discipline Procedure outlined in the Employment Handbook.

Under New Whistleblower Laws introduced in July 2019 civil and criminal penalties have increased for individuals and body corporates who disclose a Whistleblower's identity without authorisation or victimise a Whistleblower. The types of orders a court may make to address any detriment suffered by Whistleblowers have expanded to include compensation, apologies, granting of injunctions, and reinstatement of employment. Where it is established by the People, Culture and Remuneration Committee that a Discloser has made a false report of Reportable Conduct (including where the allegation has been made maliciously, vexatiously or without any basis), her or she will be subjected to disciplinary proceedings, including summary dismissal.

## 9 References

The following policies and legislation should be read with this policy:

- Code of Conduct
- *Australian Securities and Investments Commission Act 2001 (Cth)*
- *Corporations Act 2001 (Cth) Part 9.4AAA – Protection for Whistleblowers*
- *Crime and Corruption Act 2001*
- *Public Interest Disclosure Act 2010 (Qld)*
- *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)*

## 10 Definitions

The following definitions apply to this policy and any related policy documents.

Term	Definition
<b>AFP</b>	Refers to the Australian Federal Police which is a law enforcement organisation providing investigation and operational support, security risk management, security vetting and information services to assist the public.
<b>APRA</b>	Refers to the Australian Prudential Regulation Authority which is an independent statutory authority supervising institutions across banking, insurance and superannuation, and is accountable to the Australian Parliament.
<b>ASIC</b>	Refers to the Australian Securities and Investment Commission which is responsible for enforcing the corporate whistleblower protection laws, including where a whistleblower may suffer detriment for alleging breaches of laws outside ASIC's regulatory responsibilities.
<b>CCC</b>	Refers to the Crime and Corruption Commission which is a statutory body set up to combat and reduce the incidence of major crime and corruption in the public sector in Queensland. Its functions and powers are set out in the Crime and Corruption Act 2001.
<b>Corporations Act</b>	Corporations Act 2001 (Cth).
<b>Discloser</b>	Also known as a 'Whistleblower' refers an employee or contractor who alerts QCN Fibre and/or a regulatory authority to Reportable Conduct.
<b>QCN Fibre Staff</b>	The Directors of QCN Fibre and any QCN Fibre employee whether permanent, temporary, full-time, part-time or casual, or any volunteer, student, contractor, consultant, labour hire worker, or anyone who works in any other capacity for QCN Fibre.
<b>New Whistleblower Laws</b>	Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth).
<b>Public Interest Disclosure Act</b>	Public Interest Disclosure Act 2010 (Qld).
<b>Reprisal</b>	Means causing, attempting to cause or attempting to induce a person to cause detriment to a person because, or in the belief that, that person or someone else: <ul style="list-style-type: none"> <li>▪ has made or intends to make a disclosure about Reportable Conduct; or</li> <li>▪ is, has been, or intends to be, involved in a proceeding under the Public Interest Disclosure Act or Corporations Act, against any person.</li> </ul>