

50. Whistle-blowing Policy

POLICY OWNER: Directors of AMF-Cufa

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50.1. Purpose of this policy

AMF-Cufa has adopted a policy that provides a framework for employees, officers, contractors (and their employees) and members of the public to bring to the attention of the Board or senior management reports of improper conduct.

This Whistle-blowing policy has been prepared against the Australian Standard AS 8004 – Whistle-blower Programs for Entities. The policy protects individuals who in good faith, report conduct which they reasonably believe to be:

- Dishonest
- Fraudulent
- Corrupt
- Illegal
- In breach of Commonwealth or state legislation or local authority by laws
- Unethical
- Other serious improper conduct
- An unsafe work practice,
- In breach of AMF-Cufa’s policies outlined in [Other policies](#) below, or
- Any other conduct which may cause financial or non-financial loss to AMF-Cufa or be otherwise detrimental to the interests of AMF-Cufa.

50.2. Scope

This policy applies to:

- Directors, employees, volunteers and interns of AMF-Cufa
- Contractors to AMF-Cufa
- Employees of contractors to AMF-Cufa
- AMF-Cufa’s partners, and
- Employees of AMF-Cufa’s partners.

In this policy these groups are referred to as AMF-Cufa “representatives.”

Other members of the public are protected if they are making complaints.

50.3. Other policies

The principles of this policy must be read in conjunction with the [Employee Code of Conduct](#), [Anti-Harassment and Bullying Policy](#), the [Fraud and Corruption Management Policy](#), the [Complaints Handling Policy](#), [Child Protection Policy](#), [Reporting Misconduct Towards Children Policy](#) and the [Prevention of Sexual Exploitation, Abuse and Harassment Policy](#). The

protections in this policy will apply to persons making disclosures in accordance with the conduct listed in the [Purpose](#) section of this Policy and related policies.

50.4. How to make a complaint or provide feedback

If any person wishes to report an instance where AMF-Cufa or a AMF-Cufa representative have not been committed to best practice in governance, compliance and ethical behaviour generally, the [Complaints Handling Policy](#) should be followed. In the instance that the incident involves AMF-Cufa's CEO, AMF-Cufa's Board should be immediately notified and involved in the investigation.

To ask a question, provide feedback or lodge a complaint of misconduct against anyone included within the [scope of this policy](#), you can contact us by: contacting us on website <https://www.amf-cufa.org.au/>

or in person to an AMF-Cufa representative at

Level 8/1 O'Connell Street
Australia NSW 2000 AUSTRALIA

GPO Box 1016
Australia NSW 2001 AUSTRALIA

Phone: +61 1300 490 467
Email: complaints@amf-cufa.com.au

Chief Executive Officer

Darian Clark
Phone: +61 1300 490 467
Mobile: +61 466 429 580
Email: darian.clark@amf-cufa.org.au

50.5. Assistance in languages other than English

If a local stakeholder would like to make a verbal complaint and but does not have the ability to formally submit it, a Project Officer will transcribe it, provide a copy to the local stakeholder and forward it to Country Manager and AMF-Cufa Australia.

50.6. Definitions

Whistle-blowing

For the purpose of this policy, whistle-blowing is defined as:

"the deliberate, voluntary disclosure of individual or institutional malpractice by a person who has or had privileged access to data, events or information about an actual, suspected or anticipated wrongdoing within or by an institution that is within its ability to control."

Whistle-blower

For the purpose of this policy, a Whistle-blower is defined as:

"any employee, director, volunteer, related officer or contractor of any member of AMF-Cufa, or a member of the general public who whether anonymously or not makes or attempts to make a disclosure as defined 'whistle-blowing' above."

Improper Conduct

For the purpose of this policy, improper conduct is defined as:

- Corrupt conduct;
- Fraudulent activity;
- A substantial mismanagement of AMF-Cufa's resources;
- Conduct involving substantial risk to public health or safety; or
- Conduct involving substantial risk to the environment.

That would, if proven, constituted by a member of AMF-Cufa or its personnel:

- A criminal offence;
- Reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of AMF-Cufa's personnel who was, or is, engaged in that conduct;
- Reasonable grounds for disciplinary action; or
- A serious breach of AMF-Cufa policies and procedures.

50.7. Protection under this policy

Whistle-blower protection

Under this Policy, a Whistle-blower who makes a report in good faith and in accordance with the Policy are protected against being victimised, including being dismissed or penalised by AMF-Cufa because of the report itself.

Prohibition on victimisation

AMF-Cufa's representatives must not victimise any Whistle-blower or cause any Whistle-blower to be victimised, because a Whistle-blower has made a report under this Policy.

Victimisation could include, but is not limited to, intimidation, harassment, threats, action causing injury, loss or damage, discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business.

AMF-Cufa will regard any such victimisation very seriously and take appropriate action, which may include, in the case of employees, disciplinary action and dismissal.

Improper conduct

Making a report under this Policy does not shield the person from the consequences of being involved in any improper conduct alleged in a report under this Policy. In some limited circumstances, however, a full and frank admission may be a mitigating consideration in respect of disciplinary or other action.

Industrial relations issues

Employee and industrial relations related issues and human resources related issues are excluded from the operation of this Policy because there are other established mechanisms, including [NSW Industrial Relations](#) and the [Fair Work Ombudsman](#) to raise such complaints.

Vexatious complaints

Trivial, malicious or vexatious complaints must not be made and do not qualify for protection under this Policy.

50.8. Protection under the Corporations Act

Under the Corporations Act 2001 (Cth) the disclosure of information relating to improper conduct qualifies for certain protections where the disclosure is made by an AMF-Cufa representative to:

- The Australian Securities and Investments Commission (ASIC) or the Australian Federal Police (AFP);
- AMF-Cufa external auditor or a member of the external audit team; and / or
- A director, secretary or senior manager of AMF-Cufa.

An AMF-Cufa representative making the disclosure must:

- Provide his or her name prior to disclosing the information;
- Have reasonable grounds to suspect that the improper conduct relates to a breach of the Corporations Act in Australia; and
- Make the disclosure in good faith.

Where information is disclosed by an AMF-Cufa representative in accordance with these criteria, the person receiving the information may not tell anyone other than ASIC or AFP any of:

- The information disclosed;
- The identity of the person making the disclosure; or
- Any information which will enable the identification of the person making the disclosure, unless the AMF-Cufa representative consents to that disclosure.

This means that where a Whistle-blower discloses their identity prior to reporting information relating to a possible breach of the Corporations Act or other Act, AMF-Cufa will be unable to investigate the report unless the Whistle-blower consents to the information being released for use in the investigation.

50.9. Investigating reports of improper conduct

AMF-Cufa takes reports of breaches of Zero Tolerance policies ([AMF-Cufa Employee Code of Conduct](#), [Fraud and Corruption Management Policy](#), [Counter-Terrorism and Criminal Activity Policy](#), [Child Protection Policy](#) and [Prevention of Sexual Exploitation, Abuse and Harassment Policy](#)) very seriously.

In the case of a reported or suspected breach of these policies a thorough investigation will be conducted.

Who investigates a report?

When a report or suspected case of improper conduct is made the CEO will, within five (5) business days, begin an investigation.

When the case involves an AMF-Cufa staff member, volunteer or other representative, a senior manager of AMF-Cufa will investigate the report. Senior managers will only be asked

to investigate a matter if they can do so in a disinterested manner. For example, a manager will not be asked to investigate any matter that relates to their own department.

In certain circumstances (for example where the report involves allegations of fraud) the CEO will inform the Board and may advise them to appoint external investigators or form a Membership Investigation Committee.

Where a report of suspected improper conduct relates to a matter involving the CEO, this will be referred directly to the Board.

Reports can also be made directly to the AMF-Cufa Board. The Company Secretary can provide contact details of the Chair where appropriate.

50.10. How is an investigation carried out?

Any case of reported or suspected improper misconduct must be investigated in line with the principle of [Procedural Fairness](#), in a timely, transparent and fair manner.

- The person or committee appointed to investigate the report will commence investigations within five (5) business days of being appointed;
- They will undertake a fair, independent and discreet investigation into the substance of the report to determine whether there is evidence to support the matters raised;
- Respect will be given to individual confidentiality (Refer to [Confidentiality Policy](#) for more information);
- They will collect all available data and verify the reported information;
- Interviews will be conducted with any relevant person to understand their perspective and gather relevant information;
- They will proceed with due care and appropriate speed; and
- They will consult or inform employee representative bodies as required.

Where the Whistle-blower initiating the inquiry has identified themselves; the investigating manager would be likely to begin by interviewing that person. Their identity, however, would not be made known to other parties without their specific consent or in the circumstances set out in the [Protecting confidentiality and privacy](#) section below.

50.11. Outcome of investigations

What happens after an investigation?

At the end of the investigation, which will generally be concluded within 45 business days of commencement, the investigating manager will report their findings to the CEO who will determine the appropriate response. This response will include rectifying any improper conduct and taking any action required to prevent any future occurrences of the same or similar conduct. The target for implementing a response is 20 business days from determination.

Findings from investigations initiated by the Board will be reported back to the CEO for appropriate response.

Where issues of discipline arise, the response will also be in line with AMF-Cufa procedures for disciplinary matters outlined in the [Disciplinary Policy](#). Where allegations of unacceptable conduct made against another person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

What if the Whistle-blower is involved?

A person who has committed or been involved in improper conduct will not be immune from disciplinary action merely because they have reported the improper conduct in accordance with this Policy. The person's conduct in making the report, however, is likely to be considered in determining what disciplinary action is appropriate.

Keeping the Whistle-blower informed

Once the matter is completed a verbal report will be made to the Whistle-blower. This report will explain the findings and actions taken to the fullest extent possible within commercial, legal and confidentiality constraints. Where the Whistle-blower initiating the matter chooses to remain anonymous, alternative arrangements will be made for providing a verbal report of the outcome of the investigation to that person.

50.12. Protecting confidentiality and privacy

Confidentiality

AMF-Cufa will take all reasonable steps to protect the identity of a Whistle-blower. Accordingly, AMF-Cufa will not disclose the Whistle-blower's identity unless:

- The Whistle-blower making the report consents to the disclosure;
- The disclosure is required by law;
- The disclosure is necessary to prevent or lessen a serious threat to a person's health or safety; or
- It is necessary to protect or enforce AMF-Cufa's legal rights or interests or to defend any claims.

A Whistle-blower can make an anonymous disclosure; however, they do not qualify for protection under this Policy if they do not disclose their name to the person to whom the disclosure is made before making the disclosure.

AMF-Cufa encourages Whistle-blowers to reveal their identity so that they qualify for protection under this Policy. It is easier for AMF-Cufa to protect the Whistle-blower and to investigate a report or disclosure when the Whistle-blower's identity is known.

AMF-Cufa will also ensure that any records relating to a report of improper conduct are stored securely and are able to be accessed only by authorised staff.

Unauthorised disclosure of:

- The identity of a Whistle-blower who has made a report of improper conduct; or
- Information from which the identity of the reporting person could be inferred, will be regarded as a disciplinary matter and will be dealt with in accordance with AMF-Cufa's [Disciplinary Policy](#).

50.13. Protection

AMF-Cufa is committed to the protection of genuine Whistle-blowers against action taken in reprisal for the making of protected disclosures.

50.14. Privacy issues

To the extent that any of the information recorded by the CEO on AMF-Cufa's behalf constitutes "personal information" about the caller under applicable Privacy legislation, it should be noted that:

- The purpose of the collection of that information is to assist the CEO and AMF-Cufa to respond to issues raised by the caller and to protect or enforce AMF-Cufa legal rights or interests or to defend any claims;
- Personal information may be used for the primary purpose for which it was collected or for any related secondary purpose that could reasonably be expected; and
- Personal information may be disclosed as described under 62.12 [Protecting confidentiality and privacy](#) section above.

AMF-Cufa's policy is to not collect "sensitive information" without the consent of the person to whom it relates unless the collection is required by law, is necessary to prevent or lessen a serious and imminent threat to the person's (or another person's) life or health or is necessary in relation to legal proceedings (current, anticipated or potential).

"Sensitive information" means information or an opinion about a person's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, memberships of a profession or trade, membership of a trade union, sexual preferences or practices, criminal record or health.

50.15. Policy Review

Where a Whistle-blowing allegation has been made, the CEO will provide reports containing a general summary of the number and type of calls made, together with a description of the nature and results of any investigation conducted as a result of a call.

In the compilation of these reports the identity of any person who has made a report under this Policy in good faith or any information which may enable that person to be identified will not be disclosed.

These reports will be provided to the AMF-Cufa Board as part of their Board papers, as appropriate. A consolidated report will also be provided to the Board each year.

The CEO will use the reports provided under this Policy to monitor and review regularly the effectiveness of the protection program described in this Policy.