



WHISTLEBLOWER PROCEDURE

Governing Policy

[Whistleblower Policy](#)

Purpose

The purpose of this procedure is to:

- explain how persons can report concerns about Wrongdoing;
- outline what protections a person who reports Wrongdoing will receive; and
- outline AIB processes for dealing with reports of Wrongdoing.

Definitions

Unless otherwise defined in this document, all capitalised terms are defined in the [glossary](#).

Procedure

1. Who may make a report

1.1. Anyone with information about potential wrongdoing relating to AIB is encouraged to report their concerns under the Whistleblower Policy and Procedure. This includes individuals who are or have been in relation to AIB:

- (a) an employee, officer or contractor;
- (b) a current, former or prospective student or customer of AIB;
- (c) a supplier of services or goods to AIB (whether paid or unpaid) including their employees; and
- (d) a relative, dependant or spouse of any of the above individuals.

2. What to report

2.1. Any concerns of Wrongdoing should be reported.

2.2. Wrongdoing includes, but is not limited to the following:

- breach of laws or regulations;
- criminal activity including theft;
- offering or accepting a bribe;
- dishonest or unethical behaviour;
- conflicts of interest;
- anti-competitive behaviour;
- financial fraud or mismanagement including in relation to AIB's tax affairs;
- falsifying financial or corporate reporting;
- insider trading;

- unauthorised use of AIB's confidential information;
 - improper use of Personal Information as described in the AIB Privacy Policy;
 - improper use of AIB's physical or intellectual property;
 - conduct endangering health and safety or causing damage to the environment; and,
 - deliberate concealment of any of the above;
 - sexual assault and/or sexual harassment;
 - discrimination;
 - victimisation;
 - any other any improper, unethical or potentially criminal conduct.
- 2.3. There is an expectation that anyone reporting a Wrongdoing has reasonable grounds to suspect the information they are disclosing is true but, except in the event the complaint is vexatious or knowingly false, there will be no penalty if the information turns out to be incorrect. Those reporting are expected to provide the information upon which their suspicion is based, but are not required to have all the details or to have conducted their own investigation.
- 2.4. Personal employment related grievances that do not constitute Wrongdoing will be addressed through the applicable grievance resolution process. Personal employment related grievances relate to an employee's current or former employment and tend to have implications for them personally. Examples include:
- an interpersonal conflict between the employee and another employee;
 - a concern about the behaviour of an employee;
 - a decision relating to an employee's engagement, transfer or promotion;
 - an employee's terms and conditions of employment;
 - matters relating to an employee's performance or discipline-related decisions; or
 - a decision relating to the termination of employment.
- 2.5. Any other reported grievance that does not rise to the level of Wrongdoing as defined above, will be confidentially referred to the appropriate grievance handling process.

3. Who can disclosures be made to

- 3.1. Under the *Corporations Act 2001*, the Whistleblower may raise the matter with an "officer" or "senior manager" of the company. These are defined in the *Corporations Act* as:
- a director, or a senior manager in the company who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the company, or who has the capacity to affect significantly the company's financial standing.
- In the case of AIB this is a member of the Board of Directors, the Executive or a direct report of the Executive.
- 3.2. If the Whistleblower wishes to make a disclosure to the Executive or Management of AIB they can do so via phone, email or in person – either on premise or in an offsite location.
- 3.3. For the purposes of all Legislation, the compliance officer is the Chief Executive Officer (CEO) except for circumstances where clause 3.4 applies in which case the relevant Board Member becomes the compliance officer.

- 3.4. If the disclosure relates to alleged Wrongdoing of the CEO, or the Whistleblower wishes to keep the matter confidential from the Management or Executive of AIB, they may raise the matter with a Board Member. Contact details may be obtained from the [AIB website](#).

4. How to make a disclosure

- 4.1. Disclosures can be made in person, or at any time in writing to one of the persons identified in Section 3 above.
- 4.2. Those not wanting to reveal their identity can make an anonymous report (see Section 5 below). However, providing the Whistleblower's name when reporting Wrongdoing will make it easier for AIB to investigate the concern raised.
- 4.3. Where no name is provided, AIB will assess the disclosure in the same way as if identity had been revealed, and any investigation will be conducted as best as possible in the circumstances. However, an investigation might not be possible unless sufficient information is provided.
- 4.4. Employees and stakeholders disclosing Wrongdoing will be protected and the investigation will be conducted in accordance with the principles of fairness and natural justice.

5. Protecting a Whistleblower's Identity

- 5.1. When reporting Wrongdoing, the reporter's identity and any information that AIB has as a result of the report that is likely to lead to identification, will only be disclosed if:
- (a) the person reporting gives consent for AIB to disclose that information;
 - (b) AIB considers such disclosure should be made to:
 - Australian Securities & Investments Commission (ASIC), the Australian Federal Police (AFP) or (for tax-related reports) the Commissioner of Taxation;
 - a Commonwealth authority or a State or Territory authority for the purpose of assisting the authority perform its functions or duties;
 - a lawyer for legal advice or representation in relation to Whistleblower laws, or
 - in the case of information likely to identify the person reporting, it is reasonably necessary to disclose the information for the purposes of an investigation, and all reasonable steps are taken to prevent someone from discovering the reporter's identity.

6. Detrimental Conduct Prohibited

- 6.1. AIB strictly prohibits all forms of Detrimental Conduct against Whistleblowers. Detrimental Conduct means any actual or threatened conduct that could cause a detriment to the Whistleblower as a result of the Whistleblower making a disclosure, including:
- termination of employment;
 - harassment, bullying or intimidation;
 - personal or financial disadvantage;
 - unlawful discrimination;

- harm or injury, including psychological harm;
 - damage to reputation; or
 - any other conduct that constitutes retaliation.
- 6.2. AIB will take all reasonable steps to protect the Whistleblower from Detrimental Conduct and will take action it considers appropriate where such conduct is identified.
- 6.3. AIB also strictly prohibits all forms of Detrimental Conduct against people who are involved in an investigation of a disclosure in response to their involvement in that investigation.

7. Investigations

- 7.1. Whistleblower disclosures made under the AIB Whistleblower Policy and Procedure will be documented and investigated promptly.
- 7.2. All reports will be assessed and, based on the nature and circumstances of the disclosure, a decision made as to whether an investigation is required. For example, reports of potential Wrongdoing of a minor nature that can be resolved informally will typically not require the same level of response as disclosures involving a large-scale and complex investigation.
- 7.3. Any investigation will be conducted in a timely, fair and objective manner, and independent from any persons to whom the report relates. Investigations will generally be overseen by the compliance officer.
- 7.4. Other people, including employees or external advisers, may also be asked to assist or run the investigation. In those circumstances, they will be bound by the confidentiality obligations of this procedure. Where possible, the person reporting the Wrongdoing will be informed how AIB is responding to their report, including whether an investigation will be conducted.
- 7.5. Unless there are confidentiality or other reasons not to do so, employees who are the subject of a report of Wrongdoing will be informed of the matters raised in the report at an appropriate time, and will be given a chance to respond to any allegations made against them. They will also be advised of the outcome of any investigation.

8. Confidentiality

- 8.1. If a report is made, the identity of the discloser will be kept confidential unless one of the following exceptions applies:
- (a) the discloser consents to the disclosure of their identity;
 - (b) disclosure of details that might reveal their identity is reasonably necessary for the effective investigation of the allegation;
 - (c) the concern is reported to the Commissioner of Taxation or the AFP; or
 - (d) the concern is raised with a lawyer for the purpose obtaining legal advice or representation.
- 8.2. Any records related to the investigation will be stored in a secure location accessible only by the compliance officer and/or members of the investigations team.

Related Forms:

nil

Related Legislation or Legislative references:

Corporations Act 2001 (Corporations Act)

Fair Work Act 2009

Privacy Act 1988

Taxation Administration Act 1953 (Taxation Administration Act)

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019

Responsibility:

Chief Executive Officer

Current Status:	Version 1
Approved By:	Board of Directors
Effective From:	5 March 2020
Date of Approval:	5 March 2020
Previous Versions:	8 March 2017 <i>Whistleblower Policy V1</i>
Date of Next Review:	5 March 2023