

# Whistleblower Policy

Last updated: July 2022

## Background

Farmers for Climate Action (FCA) is committed to providing a safe and supportive workplace and to carrying out its activities honestly, fairly and with integrity. We want staff, Board members and volunteers to feel safe to tell us about serious wrongdoing if they become aware of it.

Charities or not-for-profits structured as public companies limited by guarantee with annual (consolidated) revenue of \$1 million or more are required to have a whistleblower policy.

## 1. What is the purpose of this policy?

- a. Farmers for Climate Action (FCA) is committed to providing a safe and supportive workplace and to carrying out its activities honestly, fairly and with integrity. We want our stakeholders to feel safe to tell us about serious wrongdoing if they become aware of it.
- b. This policy sets out:
  - i. what disclosures will ensure protection to a whistleblower;
  - ii. who can be a whistleblower;
  - iii. what protections are available to whistleblowers; and
  - iv. how to make a disclosure and what FCA will do.

## 2. Who can be a whistleblower?

- a. These people may receive protection as a whistleblower:
  - i. current and former employees and officers;
  - ii. Volunteers;
  - iii. contractors or suppliers (including employees of contractors or suppliers); and
  - iv. associates, for example directors or secretaries of FCA or its related bodies corporate.
- b. Whistleblowers may also be relatives, family members and dependents of the people listed above.

### **3. What reports of wrongdoing will be protected?**

#### **3.1 Reportable Wrongdoing**

Protections will apply to a whistleblower reporting serious misconduct, or an improper or illegal state of affairs or circumstances, in relation to FCA (or a related body corporate of FCA) . For example, conduct that is:

- a. dishonest, unethical or fraudulent;
- b. illegal (including theft, drug sale or use, violence or threatened violence and property damage);
- c. corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
- d. endangering health and safety;
- e. damaging, or substantially risking damaging, the environment;
- f. unauthorised use of FCA's confidential information;
- g. likely to damage FCA's financial position or reputation; and
- h. concealing any Reportable Wrongdoing.

#### **3.2 Personal work-related grievances**

- a. Reports of personal work-related grievances generally do not provide a whistleblower with protection.
- b. Personal work-related grievances are those that relate to your current or former employment with FCA that might have implications for you personally, but do not have other significant implications for FCA or relate to any Reportable Wrongdoing. For example:
  - i. interpersonal conflicts;
  - ii. decisions about promotions;
  - iii. decisions that do not involve a breach of workplace laws;
  - iv. terms or conditions of employment.
- c. However, reports of personal work-related grievances may be protected where they include
  - i. information about a Reportable Wrongdoing;
  - ii. an allegation that FCA has broken employment laws which are punishable by imprisonment for 12 months or more, or acted in a way that is a threat to public safety; or
  - iii. victimisation or harassment due to whistleblowing.
- d. We encourage you to resolve personal work-related grievances by raising them with your supervisor or another manager, in line with FCA's Dispute Resolution Policy.

## 4. How do you report a Reportable Wrongdoing?

### 4.1 What to report

Provide as much information as possible about the events underlying the Reportable Wrongdoing, including:

- a. date;
- b. time;
- c. location;
- d. people involved;
- e. possible witnesses to the events; and
- f. any other information or documents that may be relevant.

### 4.2 Who to report to

Under the Corporations Act, eligible recipients include officers (i.e. directors or FCA secretary), senior managers and people that have been authorised by FCA to receive disclosures.

- a. You can report Reportable Wrongdoing to any of the Eligible Recipients listed in the table below. The report can be made verbally or in writing.

Recipient Name	Contact details
CEO	Fiona Davis Ph 0434 505 188 Email <a href="mailto:fiona@farmersforclimateaction.org.au">fiona@farmersforclimateaction.org.au</a>
Company Secretary	Michael McDonald Ph. 0419 499 801 Email <a href="mailto:mmcd001@internode.on.net">mmcd001@internode.on.net</a>
Chair of Finance, Risk, Audit & Remuneration Sub-Committee  If your concern relates to senior executives, or any Recipient named in this Policy, you are encouraged to feel comfortable contacting the Chair of Finance, Risk, Audit & Remuneration Sub-Committee	Brett Hall Ph. 0499 012 032 Email. <a href="mailto:brett.c.hall@bigpond.com">brett.c.hall@bigpond.com</a>
General Manager	Georgia Webster Ph. 0412 554 822 Email <a href="mailto:georgia@farmersforclimateaction.org.au">georgia@farmersforclimateaction.org.au</a>

Recipient Name	Contact details
Reports may also be posted to c/- PO Box 6033, Kingston ACT 2604 (marked to the attention of one of the Protected Disclosure Officers).	

- b. Eligible Recipients will ensure the report is taken seriously by FCA and proper follow-up occurs.
- a. Eligible Recipients will also ensure you are supported and protected.
- b. We encourage you to report to an Eligible Recipient in the first instance (rather than to an external regulator), as it means FCA can address any Reportable Wrongdoing as soon as possible.
- c. You can also report any Reportable Wrongdoing to any of:
  - i. the Australian Securities and Investments Commission (ASIC);
  - ii. the Commissioner of Taxation (ATO);
  - iii. a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections; or
  - iv. a journalist or parliamentarian, providing that the report qualifies as an emergency or public interest disclosure under the Corporations Act. We recommend that you contact an independent legal adviser before making a public interest disclosure or an emergency disclosure.
- d. Please note that the whistleblower protections do not extend to reports made to the Australian Charities and Not-for-profits Commission (ACNC).

#### 4.3 Anonymous reporting

- (a) You can make an anonymous report if you do not want to reveal your identity, but we encourage you to provide your name because it will make it easier for FCA to address your report and communicate with you. However, you are not required to provide your name.
- (b) If you do not provide your name, FCA will assess your report in the same way as if you had revealed your identity. However, please be aware that an investigation may not be possible where insufficient information is provided, and it may be difficult to offer the same level of practical support or protect you if FCA does not know your name.

## 5. How will you be protected?

### 5.1 Who is protected?

- a. You will be a Protected Whistleblower, and protected from harm, by law, if you:
  - i. know of, or have reasonable grounds to suspect Reportable Wrongdoing; and
  - ii. report that Reportable Wrongdoing to an Eligible Recipient listed in 4.2(a) or to an external person listed under 4.2(e).

- b. You will still qualify for protection even if the information turns out to be incorrect, or the you were mistaken, provided the report was made honestly and you honestly and reasonably suspected the Reportable Wrongdoing. However, if you knowingly make a false report, or otherwise fail to act honestly, you may be subject to disciplinary action, including dismissal.

## **5.2 What is protected?**

If you are a Protected Whistleblower (as defined in 5.1), FCA will:

- a. protect your identity; and
- b. ensure that you are not subject to harm or disadvantage in connection with the disclosure.

## **5.3 Identity protection**

- a. As soon as you report Reportable Wrongdoing, FCA will make sure immediate steps are taken to protect your identity. This includes redacting your name and position from any written record of the report and implementing appropriate document security.
- b. It is illegal for a person to identify a Protected Whistleblower or disclose information that is likely to lead to their identification. As a Protected Whistleblower, your identity will only be shared by FCA if:
  - i. you consent in writing to the disclosure of your identity;
  - ii. it is to ASIC or the Australian Federal Police;
  - iii. it is allowed or required by law (for example, disclosure to a legal practitioner for the purpose of obtaining advice relating to the law on whistleblowing); or
  - iv. it is necessary to prevent or lessen a threat to a person's health, safety or welfare.
- c. If you feel that your confidentiality has been breached outside the exceptions allowed by law, you can lodge a complaint with FCA, ASIC or the ATO for investigation.

## **5.4 Protections against unfavourable treatment**

- a. It is illegal to treat a Protected Whistleblower unfavourably in connection with their reporting of Reportable Wrongdoing. Examples of unfavourable treatment include:
  - i. dismissal, demotion, bias or disciplinary action;
  - ii. causing harm or injury, including psychological harm;
  - iii. bullying, discrimination, harassment, threats or intimidation;
  - iv. damage or threats to property, business, financial position or reputation; and
  - v. revealing the Protected Whistleblower's identity without their consent or contrary to law.
- b. FCA does not tolerate this type of behaviour. You should tell an Eligible Recipient if you or someone else is being, or has been, subject to unfavourable treatment in connection with the reporting of Reportable Wrongdoing. Any person involved in unfavourable

treatment will be subject to disciplinary action, including, but not limited to, termination of employment or engagement.

## **5.5. Other protections**

- a. Protected Whistleblowers may also be entitled to the following legal protections:
  - i. protection from civil, criminal or administrative legal action;
  - ii. protection from having to give evidence in legal proceedings;
  - iii. compensation or other remedies.
- b. FCA encourages you to seek independent legal advice about any compensation or other remedies that may be available to you.

## **6. How will FCA investigate reports of Reportable Wrongdoing?**

### **6.1 Investigation process**

- a. FCA will treat all reports made under this policy sensitively and seriously, and will deal with them promptly, fairly and objectively.
- b. The following steps will apply:
  - i. FCA will assess a report as soon as practicable after it has been made to the Eligible Recipient to determine if it is Reportable Wrongdoing.
  - ii. If FCA determines that the information disclosed does not amount to Reportable Wrongdoing, you will be, if practicable, informed of that decision. This will not be possible where the report was made anonymously.
  - iii. Investigations will be conducted fairly and in a timely manner.
  - iv. FCA will inform the person against whom an allegation has been made and that person will have an opportunity to respond, unless there is a restriction or reasonable basis preventing FCA from informing that person (eg public safety concerns).
  - v. FCA will conduct investigations with regard to the nature of the allegation and the rights of the people involved in the investigation. FCA recognises the importance of balancing the rights of the Protected Whistleblower against the rights of people against whom an allegation has been made.
  - vi. FCA will ensure that, provided the report was not made anonymously, the Protected Whistleblower is kept informed of the outcomes of the investigation. This is subject to the privacy concerns of those against whom allegations have been made.
  - vii. If the Protected Whistleblower is not an employee of FCA, the Protected Whistleblower will be kept informed of the investigative outcomes after agreeing in writing to maintain confidentiality in relation to any information provided to them regarding the disclosure made by them.
- c. If you are not satisfied with the outcome of an investigation, you can:
  - i. request a review of the investigation by FCA; or

- ii. lodge a complaint with a regulator, such as ASIC or the ATO.
- d. If you request a review of the investigation, FCA will consider your request. However, FCA is not obliged to reopen an investigation if it concludes that:
  - i. the investigation was conducted properly;
  - ii. new information is either not available or would not change the findings of the investigation.

## **6.2 Reporting**

The board will receive a summary of reports made under this policy on a quarterly basis.

## **7. Further information**

This policy is available in our electronic policy files and a version without private information is published on our website.