



WHISTLEBLOWER POLICY

1. Purpose

The objective of this Policy is to:

- encourage NAATI employees and other individuals to report 'disclosable matters'
- ensure individuals who disclose these matters can do so safely, securely and with confidence they will be protected and supported
- ensure disclosures are dealt with appropriately and on a timely basis
- provide transparency around NAATI's framework for receiving, handling and investigating disclosures
- help deter misconduct in line with NAATI's risk management and governance framework
- support NAATI's Code of Conduct and Values
- support NAATI's reputation, and
- meet NAATI's legal obligations under the Corporations Act.

A 'disclosable matter' involves information that the discloser ('the Whistleblower') has reasonable grounds to suspect there has been misconduct, or an improper state of affairs or circumstances that specifically relates to NAATI's business operations or practices. Refer to section 4 of this Policy for further guidance.

2. Policy Statement

The Policy is underpinned by the high standards of honesty, integrity, ethical and law-abiding behaviour expected of NAATI officers and employees.

Together with other policies such as the Code of Conduct it enhances NAATI's reputation by supporting NAATI's aim to build public trust and confidence in the integrity and professionalism of its services.

Employees, customers and suppliers may not wish to speak up of any suspected misconduct for fear of being victimised or subject to retaliation for reporting it.

NAATI is committed to and has a responsibility that when a person makes a disclosure:

- their identity will be confidential, if they wish to remain anonymous
- they will be protected against retaliation, discrimination, harassment or victimisation for making the disclosure
- an independent internal or external investigation will be conducted, if their claims of misconduct can be substantiated
- issues identified from the investigation will be reported and resolved
- they will be informed of the outcome of the investigation, and
- any retaliation for having made the disclosure will be treated as a serious breach of the Code of Conduct and this Policy.



3. Scope

This Policy applies to all NAATI officers, employees (current and former), contractors, suppliers and customers who can make a disclosure under this Whistleblower Policy – see **Attachment 1** for who can make a disclosure.

4. What is an eligible disclosure?

Whistleblowing is a disclosure by a person who has reasonable grounds to suspect there has been misconduct, or an improper state of affairs or circumstances that specifically relate to NAATI's business operations. Examples of what is a 'disclosable matter' is provided below:

- fraud, money laundering or misappropriation of funds
- offering or accepting bribes
- breaches of legislation/regulations (including the Corporations Act, which NAATI is subject to)
- financial irregularities/loss detrimental to NAATI
- substantial waste of public resources
- practices endangering the health or safety of staff, volunteers, contractors or the general public
- gross mismanagement or maladministration, and
- retaliation against a person who has made, or is planning to make, a disclosure under this Policy.

False reports

NAATI will treat the following very seriously in the course of its investigations:

- Disclosures that are trivial or vexatious in nature with no substance, or
- Unsubstantiated allegations which are found to have been made maliciously, or knowingly to be false.

These false reports or disclosures will be viewed seriously and may be subject to disciplinary action, including dismissal, termination of contract or cessation of a service.

5. What is not covered by this Policy?

This policy is not to replace grievance procedures for employees to raise matters relating to their work, work environment or decisions relating to their employment. It does not replace other reporting mechanisms such as those for discrimination, victimisation or matters relating to bullying and harassment.

Personal work-related grievances which are not covered under this Policy can include interpersonal conflicts, performance management issues, terms and conditions of engagement or decisions relating to transfers or promotions. Employees are to follow the procedures outlined in the Bullying and Harassment Policy, Diversity and Inclusion Policy and Human Resources Policies and Procedures.

This Policy also does not replace the standard Complaints process for customers or exercising of rights under the terms of a contract for contractors or suppliers.

The exception to this is where these reporting mechanisms have failed to attend to the issue or have been dealt with in an inappropriate, grossly unfair or heavily biased manner.



6. Protections

Protection is available to Whistleblowers who report a 'disclosable matter' that is made in good faith and on reasonable grounds.

To qualify for protection as a Whistleblower, a person must meet the criteria in **Attachment 1** of this Policy. If they meet the criteria, protections include:

- identity protections (refer to section 7 of this Policy 'Confidentiality')
- protection from detrimental acts (see below)
- compensation and remedies, and
- civil, criminal and administrative liability protection.

NAATI will not tolerate any retaliation or threats against a Whistleblower (or their colleagues or relatives) for making a disclosure, whether they were themselves part of the misconduct or not. Some examples of victimisation may include being dismissed, demoted, services terminated, harassment, discrimination, injury or damages to a person's property or reputation. Any retaliation or victimisation for a disclosure made under this Policy will be treated as serious misconduct and will lead to disciplinary action, which may include dismissal.

However, just because a Whistleblower makes a disclosure, they may not be protected from the consequences if they were involved in the misconduct themselves. However, their cooperation in the investigation and remorse may be considered when NAATI is considering disciplinary action.

A Whistleblower's disclosure to their lawyer for the purposes of obtaining legal advice or representation in relation to the operation of the Whistleblower provisions in the Corporations Act is protected.

A Whistleblower is protected from civil, criminal and administrative liability in relation to their disclosure. NAATI cannot sue the Whistleblower or terminate their employment for breaches of contract or confidentiality.

A Whistleblower can receive compensation if a court finds they have suffered detriment in relation to their disclosure. Remedies may include payment of damages, reinstatement of employment or an apology.

While NAATI encourages Whistleblower disclosures to be made directly to senior management, under the Corporations Act, Whistleblowers can make disclosures to other individuals (including Board Members) or certain external bodies to also qualify for protections (refer to **Attachment 1**).

7. Confidentiality

NAATI will accept anonymous reports of misconduct under this Policy. However, such reports may have significant limitations that hinder the full investigation of an allegation.

NAATI will not disclose a Whistleblower's identity unless the disclosure is required or authorised by law or it is necessary to further the investigation and the Whistleblower has consented.

Equally, the Whistleblower is to maintain confidentiality and not inform unauthorised persons — they are to follow the procedures outlined in this Policy and allow for a full investigation to be taken.



When a disclosure is being investigated, it may be necessary to reveal details to people such as other NAATI employees, external persons involved in the process and in appropriate circumstances, law enforcement agencies.

Although confidentiality is maintained, sometimes the nature or details of the report, may make the Whistleblower's identity obvious to the person who is the subject of the allegation.

Where a person is identified as being suspected of misconduct, but preliminary inquiries determine that the suspicion is unfounded and no formal investigation is required, then the Whistleblower will be informed of this outcome and the matter closed. The CEO will decide whether the person named in the disclosure should be informed that a suspicion was raised and based on the preliminary investigation, was found to be baseless. This decision will be based on factors including preserving the integrity of the person named and the potential identification of the Whistleblower (where it is a bona fide disclosure).

NAATI will ensure it stores any records relating to the disclosure securely and restrict access to authorised personnel only. Confidentiality applies to both disclosures that result in a formal investigation and where the allegations are followed up and found to be unsubstantiated. Unauthorised disclosure of information that could jeopardise confidentiality will be taken seriously and may result in disciplinary action.

8. Procedural fairness

The person named in the disclosure must be offered fair treatment – they have not committed any misconduct through the disclosure unless it is found that they have after the investigation is finalised. It is important for NAATI to ensure an objective stance, without personal opinion or prejudice.

It will be necessary to disclose the facts and substance of a report to the person who may be the subject of the report for natural justice and procedural fairness.

While it is important that protections and support are in place for the Whistleblower, the person against whom a report is made against must also be supported during the handling and investigation process. The Manager, Corporate Governance will appoint an independent senior officer in NAATI to provide support and the individual concerned may contact NAATI's Employee Assistance Program (EAP).

Where a preliminary investigation is conducted and the investigator believes there may be a case for an individual to respond, they must ensure the person who is the subject of the disclosure:

- is informed of the substance of the disclosure
- is given a fair and reasonable opportunity to respond to the allegations before the investigation is finalised
- has their response included in the Investigator's report
- is informed about any adverse conclusions in the Investigator's report that affects them, and
- has the right to respond to the adverse conclusions before any action is taken by NAATI against them.

9. Process for reporting a Disclosure

Internal Whistleblowers are to make their disclosure of suspected or known misconduct to their Line Manager in the first instance. External Whistleblowers may not wish to report their disclosure to line



management if that is the person they usually deal with. In this instance, they can escalate it to a Senior Manager or the CEO or Company Secretary.

It is preferable that the disclosure is made in writing together with information to assist any preliminary inquiries or formal investigations of the alleged misconduct.

Line Managers who receive a disclosure under this Policy must notify the Manager, Corporate Governance or CEO and provide the details in a confidential manner. Written correspondence relating to the disclosure must be marked 'Confidential'.

The Manager, Corporate Governance will be responsible for coordinating the process and keeping all corporate records relating to the matter from the initial disclosure through to the final report. The Manager, Corporate Governance will also discuss with the CEO, the formulation of the initial triage team, the appointment of an investigator (this will usually be a member of the senior management team) and support persons for both the Whistleblower and the person who is the subject of the disclosure.

If the disclosure is against a senior manager, then the disclosure can be reported to the CEO. If the disclosure is against the CEO, then the disclosure can be provided to the Chair of the NAATI Board's Audit and Risk Committee. Where appropriate, Whistleblowers can make disclosures to other individuals (including Board Members) or certain external bodies as listed in **Attachment 1**.

If a person wants further information before making a formal disclosure under this Policy, they can direct their enquiries to the Manager, Corporate Governance either via email or by telephoning the NAATI National Office on (02) 6260 3035.

10. Investigation process

Stages of an investigation:

- Initial Disclosure received
- Triage
- Preliminary Assessment
- Detailed Investigation
- Final report.

NAATI will investigate matters in line with this Policy if the initial disclosure can be substantiated. This is usually done by a 'triage' team (determined by the CEO) consisting of a team of senior managers which may include human resources, operations and legal/compliance. This team will undertake a preliminary assessment including initial enquiries and, if further investigation is warranted, then they will review the resources and timeframes required to resolve the matter.

If the initial disclosure warrants further investigation, the CEO will appoint an investigator (this will usually be a member of the senior management team). Investigations must be conducted promptly in a fair and independent manner. The investigator can either be internal or external and should have independence from the line management of the area affected by the disclosure. The investigator may utilise the expertise of other senior managers in their deliberations.

Investigations can include examination of data analytics (e.g. financial records and audit reports), review of emails and other electronic documents. This examination may also include investigation of the 'sentiment' of the communications, any patterns and anomalies. All relevant witnesses will be interviewed, and



documents examined. Notes of all discussions, phone calls and interviews will be made and kept as part of the investigation process in a secure way.

The Whistleblower is to be kept informed through the process of the investigation and the outcomes of the investigation.

11. Findings and Final Report

Once all the information is gathered, the investigator prepares a final report to the CEO. The report will include:

- the allegations
- a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions
- conclusions reached
- statement of the response from the individual who was the subject of the disclosure, and
- recommendations based on those conclusions to address any misconduct identified and any other matters arising during the investigation.

12. Policy Review and Availability

The Policy will be made available on the NAATI website, staff Intranet and part of the induction program for new employees.

This Policy is to be reviewed for effectiveness and update by NAATI management in line with the Schedule of Policies approved by the Audit and Risk Committee. Updates to the Policy will be presented to the Audit and Risk Committee for review.

13. Related Policies/Documents

This policy is to be read in conjunction with:

- Code of Conduct
- Bullying and Harassment Policy
- Diversity and Inclusion Policy
- NAATI Values and Workplace Standards
- Human Resources Policies and Procedures Manual
- Privacy Policy
- Social Media Policy.

14. Policy Approval

Date	History/Description	Policy Owner	Approval
17 December 2019	Version 1.0 – Initial Whistleblower Policy required under Corporations Act	Manager Corporate Governance/Company Secretary	Board Out of Session Paper 2019 – OOS item 4. 17 December 2019



Criteria to qualify for protection under the Whistleblower Policy

Essential Criteria	Description
Eligible disclosure	A disclosure is made in accordance with Section 4 of this Policy. The disclosure should not be about a personal work-related grievance or a normal complaint from a customer (see section 5 for examples of what is not covered by this Policy).
Reasonable grounds	The disclosure should be made in good faith and on reasonable grounds for suspecting the misconduct. NAATI will not accept false reports, disclosures that are trivial or vexatious in nature with no substance or unsubstantiated allegations which are found to have been made maliciously or knowingly to be false.
Person making the disclosure	The person is a current or former: <ul style="list-style-type: none">• Officer of NAATI (including Board Directors)• NAATI employee• Supplier to NAATI• Customer of NAATI• A relative of an individual referred to above.
Persons/bodies who can receive a disclosure under the Policy	The person receiving the disclosure is one of the following: <ul style="list-style-type: none">• A Board Director or Company Secretary• CEO• NAATI Senior Manager or Line Manager• NAATI's Company Auditor (Hardwickes)• ASIC• ATO (for those relating to breach of taxation law).