

---

**Thrive**

**Whistleblower protection policy**

March 2020

---

## Contents

## Page

1. Policy purpose and application.....	3
2. Who is protected under this policy?.....	3
3. Who may make a protected disclosure?.....	4
4. What may a protected disclosure be about?.....	4
5. Who may receive a protected disclosure?.....	5
6. How may a protected disclosure be made?.....	6
7. Legal protections for disclosers.....	7
a. Confidentiality and secure record keeping.....	7
Identity protections and exceptions.....	7
b. Provision of identity to a court or tribunal.....	7
c. Protection from detriment.....	8
d. Protection from civil, criminal and administrative liability.....	8
e. Compensation and other remedies.....	9
8. How this policy interacts with the Australian whistleblower laws .	9
9. Investigations of information disclosed under this policy.....	10
a. Investigation process.....	10
b. Duration of investigation.....	10
c. Thrive may require further information to investigate disclosure.....	11
d. Investigations will be conducted in accordance with confidentiality protections.....	11
10. Support and practical protections.....	11
11. Board reporting.....	11
12. Training.....	11
13. Policy review.....	12
14. Consequences for non-compliance with policy.....	12

---

## 1. Policy purpose and application

Thrive Refugee Enterprise Limited ABN 50 612 682 381 (**Thrive**) are committed to fostering a culture of compliance, ethical behaviour and good corporate governance. Thrive values sustainability, accountability, teamwork, integrity, diligence and respect.

We rely on and encourage people to speak up about potential misconduct concerns. This policy has been adopted to provide a safe and confidential environment for people to raise any such concerns without fear of reprisal or detrimental treatment.

This policy sets out:

- when you will be protected for making a disclosure;
- the protections that will be provided to you if you make a protected disclosure; and
- how protected disclosures made under this policy will be handled by Thrive.

This policy is made available to Thrive's officers, employees and contractors on the Intranet. The policy is also available in the Whistleblower Policy section of our website: <https://thriverefugeeenterprise.org.au/>.

All Thrive officers, employees and contractors, wherever they are based, must comply with this policy.

This policy also protects those who are entitled to whistleblower protection under the Australian whistleblower laws (see section How this policy interacts with the Australian whistleblower laws of this policy).

---

## 2. Who is protected under this policy?

This policy protects you if you are entitled to whistleblower protection under the Australian whistleblower laws.

You will be protected under this policy if you:

- are one of the individuals set out in section Who may make a protected disclosure?;
- disclose information regarding the type of matters set out in section What may a protected disclosure be about?; and
- disclose that information:
  1. internally to one of the persons set out in section Who may receive a protected disclosure?; or
  2. externally to one of the persons set out in section 8.

If you wish to obtain additional information before formally making a disclosure, please contact Dan Ward (who is our Whistleblower Protection Officer) if you have any questions about making a disclosure or this policy generally.

---

### 3. Who may make a protected disclosure?

You may make a disclosure under this policy and the Australian whistleblower laws if you are or were a:

- Thrive officer or employee, including permanent, part-time, fixed-term or temporary employees or interns and volunteers;
- Thrive contractor or supplier of goods and services (whether paid or unpaid), or their current and former employees;
- an associate of Thrive; or
- a parent, grandparent, child, grandchild, sibling, spouse or dependent of any of those people.

---

### 4. What may a protected disclosure be about?

Disclosures that qualify for protection under this policy do not have to be about breaking the law.

Eligible disclosures may be about misconduct or an improper state of affairs or circumstances in relation to Thrive (including by a Thrive officer or employee) where you have reasonable grounds to suspect has occurred or is occurring in relation to Thrive.

However, **the disclosure cannot solely be about a personal work-related grievance** unless it relates to any detriment or threat of detriment to you for making, proposing to make or being suspected of making a disclosure under this policy (see section 7.3 below).

#### ***Examples of eligible disclosures***

Some examples of matters that are eligible disclosures and qualify for protection under the Australian whistleblower laws are:

- conduct that amounts to a criminal offence or contravention of the *Corporations Act (Cth)* or *Australian Securities and Investments Commission Act 2001 (Cth)*;
- conduct that is a Commonwealth criminal offence punishable by more than 12 months imprisonment suspected to have been committed by Thrive, or a Thrive officer or employee;
- information regarding a danger to the public or the financial system posed by Thrive, or a Thrive officer or employee;
- misconduct in relation to Thrive's tax affairs, or the tax affairs of an associate of Thrive;
- illegal conduct such as theft, dealing in, or use of illicit drugs, violence or threatened violence, corruption, bribery, criminal damage to property or breaches of work health and safety laws;
- fraud, money laundering or misappropriation of funds;

- negligence, default, breach of trust and breach of duty;
- any conduct that may indicate a systemic issue in relation to Thrive;
- conduct relating to business behaviours and practices that may cause consumer harm;
- conduct that represents a danger to the public or financial system;
- information that indicates a significant risk to public safety or the stability of, or confidence in, the financial system;
- misconduct in relation to Thrive's tax affairs; or
- engaging in or threatening to engage in victimisation of a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.

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

A personal work-related grievance is a grievance about any matter in relation to your employment or former employment which has, or tends to have, implications only for you personally and do not indicate a systemic issue in relation to Thrive. Examples of a personal work-related grievance include (but are not limited to):

- an interpersonal conflict between you and another employee;
- a decision that does not involve a breach of workplace laws. For example, Thrive not agreeing to cash out annual leave;
- a decision about your engagement, transfer or promotion;
- a decision about your terms and conditions . For example, being unhappy about a pay review; or
- a decision to suspend or terminate your engagement, or otherwise to discipline you.

Disclosures about solely personal work-related grievances are not covered by this policy and do not qualify for protection under the Australian whistleblower laws unless they also relate to any detriment or threat of detriment to you for making, proposing to make or being suspected of having made a disclosure under this policy (see section 7.3 below).

If your disclosure is solely a personal work-related grievance it should be raised in accordance with our Thrive Dispute Resolution Process which may be accessed at <https://thriverefugeenterprise.org.au/>. These matters are not covered under this policy unless they constitute conduct that may indicate a systemic issue.

### ***Reasonable grounds to make the disclosure***

You must have reasonable grounds for suspecting that the information you are disclosing concerns misconduct or an improper state of affairs or circumstances in relation to Thrive to qualify for protection under this policy. Provided you have reasonable grounds, you will qualify for protection even if your disclosure is found to be incorrect.

A disclosure made without reasonable grounds (such as where you know it to be false) may amount to misconduct and be subject to disciplinary action.

---

## 5. Who may receive a protected disclosure?

All of the people listed in this section may receive disclosures that qualify for protection under the Australian whistleblower laws.

However, we encourage you to make your disclosure to our Whistleblower Protection Officer. Our Whistleblower Protection Officer is Dan Ward, who may be contacted by phone 0404 450 647 or by email at [ethics@tre.org.au](mailto:ethics@tre.org.au).

If you prefer, you may instead make a disclosure to the following people:

- a member of our Board;
- any other officer (which includes a director or company secretary) or senior manager of Thrive;
- an internal or external auditor<sup>1</sup> (including a member of an audit team conducting an audit on Thrive); or
- if the disclosure concerns our tax affairs or the tax affairs of an associate of Thrive: our registered tax agent or BAS agent<sup>2</sup>, or an employee or officer within Thrive who has functions or duties relating to our tax affairs and who you consider may be assisted in their role by knowing that information.

---

## 6. How may a protected disclosure be made?

You may make a disclosure at any time to the people identified in section 5 in person, by email, verbally or delivered by hand. Where possible, you should include the following information in the disclosure:

- a. the nature of the complaint;
- b. when the incident occurred;
- c. where the incident occurred;
- d. who was involved; and  
names of any witnesses (if any).
- e. If you make a disclosure from or to a Thrive email address, your email may be accessed by certain people within our IT department in accordance with Thrive's policies. If you are concerned that your email might be accessed, you may prefer to make your disclosure verbally.

---

<sup>1</sup> Thrive's external auditor is KPMG. The contact at KPMG is Shaun Kendrigan, who may be contacted by post at KPMG Tower Three, International Towers, 300 Barangaroo Avenue, Sydney NSW 2000, Australia.

<sup>2</sup> Thrive's tax agent is CharterNet Services Pty. Ltd. The contact at CharterNet Services is Saeed Mirzakhani, who may be contacted by phone on (02) 8999 1199, or by email at [saeed.mizakhani@chartered.net.au](mailto:saeed.mizakhani@chartered.net.au).

- f. You may make your disclosure anonymously (and stay anonymous throughout and after any investigation) and still qualify for protection under the Australian whistleblower laws.
- g. You may wish to obtain independent legal advice before making a disclosure. Any communication with your legal adviser will also be protected under the Australian whistleblower laws.

---

## 7. Legal protections for disclosers

### a. Confidentiality and secure record keeping

Everyone involved in an investigation must take all reasonable steps to reduce the risk that you will be identified. Thrive will do this by:

- obscuring your name and identifying features from any internal reporting about your disclosure (unless you agree for your identity to be known);
- referring to you in a gender-neutral way;
- where possible, contacting you to help identify certain aspects of your disclosure that could inadvertently identify you;
- engaging qualified people to handle and investigate disclosures;
- storing all material relating to disclosures securely;
- limiting access to all information to those directly involved in managing and investigating the disclosure; and
- ensuring that anyone who is involved in handling and investigating your disclosure is aware of the confidentiality requirements.

You may lodge a complaint with a regulatory body, such as the Australian Securities and Investments Commission (**ASIC**), the Australian Prudential Regulatory Authority (**APRA**) or the Australian Taxation Office (**ATO**), if you believe that your confidentiality has been breached.

### ***Identity protections and exceptions***

If you make a protected disclosure, it is illegal for anyone to identify you or disclose any information that is likely to lead to you being identified, unless:

- it is not possible to investigate the disclosure without disclosing information that might identify you (but all reasonable steps must be taken to protect your identity);
- it is necessary to obtain legal advice, in which case, we can pass identifying information onto our lawyer;
- we need to disclose the information to the Australian Federal Police; ASIC; APRA; or the ATO, if the disclosure concerns Thrive's tax affairs or the tax affairs of an associate of Thrive; or
- you consent to the disclosure.

**b. Provision of identity to a court or tribunal**

No-one at Thrive may disclose or produce to a court or tribunal any information or documents which disclose your identity (or information likely to lead to your identification) without seeking the advice of our Operations Risk Manager, Stephen Camage, who may be contacted by phone on 0422 483 756, or by email on [scamage@tre.org.au](mailto:scamage@tre.org.au).

If you make a protected disclosure and become aware that a court or tribunal has requested disclosure of your identity or production of documents containing your identity (or information likely to lead to your identification), you may apply to the court or tribunal for an order protecting your identity.

**c. Protection from detriment**

Thrive is committed to protecting people who make disclosures under this policy from detriment.

It is against the law for anyone at Thrive (including any officers, employees or contractors) to cause or threaten any detriment to any person because that person:

- is or proposes to make a disclosure under this policy or the Australian whistleblower laws; or
- is suspected or believed to have made a disclosure under this policy.

**“Detriment”** includes (but is not limited to):

- dismissal of an employee;
- injury of an employee in their employment;
- alteration of an employee’s position or duties to their disadvantage;
- discrimination, harassment or intimidation;
- harm or injury to a person including psychological harm, damage to property, reputation, or financial position;
- taking action against a person (including any disciplinary action or imposing a liability) for making a disclosure; or
- threats of any of the above.

However, Thrive is entitled to take steps that:

- are reasonably necessary to protect you from detriment (for example, moving you to another office to protect you from detriment if you have made a disclosure about your immediate work area); or
- relate to managing unsatisfactory work performance in line with Thrive’s performance management framework.

You may seek independent legal advice or contact regulatory bodies, such as ASIC, APRA or the ATO, if you believe you have suffered detriment because of your disclosure.

#### **d. Protection from civil, criminal and administrative liability**

If you make a protected disclosure, you will also be protected from any of the following in relation to your disclosure:

- civil liability – for example, any legal action against you for breach of an employment contract, duty of confidentiality or another contractual obligation;
- criminal liability – for example, prosecution for unlawfully releasing information or unlawfully using your disclosure against you in a prosecution; and
- administrative liability – for example, disciplinary action for making a disclosure.

However, you may be liable for any personal misconduct revealed by your disclosure or an investigation following your disclosure (or revealed by an investigation following your disclosure).

#### **e. Compensation and other remedies**

You may seek compensation and other remedies through the courts if:

- you suffer loss, damage or injury because you made a protected disclosure; and
- Thrive failed to take reasonable precautions to prevent the detrimental conduct.

We encourage you to seek independent legal advice if you wish to seek compensation or remedies in the courts.

---

## **8. How this policy interacts with the Australian whistleblower laws**

By making a disclosure in accordance with this policy, you may be protected under the Australian whistleblower laws if the type of matter you disclose is protected by those laws.

While this policy principally deals with internal disclosures, the protections afforded by the Australian whistleblower laws (set out in section 7) also include some disclosures made to external parties, such as:

1. legal representatives, to obtain advice or representation about the Australian whistleblower laws;
2. ASIC, APRA or the ATO; or
3. MPs or journalists, where you have reasonable grounds to believe that making the further disclosure would be in the public interest or the information concerns a substantial and imminent danger to the health or safety to one or more persons or to the natural environment, but **only if**:
  - you previously made a disclosure of that information to either ASIC, APRA or another Commonwealth body prescribed by regulation; and

- you notified that body in writing of your intention to disclose to an MP or journalist; and
- you notified that body in writing of your intention to disclose to an MP or journalist (where, for public interest disclosures, **at least 90 days** must first have passed since your previous disclosure before this notice may be given).

It is important you understand strict criteria apply and we recommend you obtain independent legal advice before making a disclosure to an MP or journalist.

For more information about the Australian whistleblower laws (including how to make a disclosure directly to ASIC or the ATO), see the information available on the ASIC website (including Information Sheet 239 *How ASIC handles whistleblower reports*) and the ATO website.

---

## 9. Investigations of information disclosed under this policy

### a. Investigation process

When you make a disclosure under this policy, your disclosure will typically be investigated as follows and by maintaining confidentiality in accordance with section 7.1. This process may vary depending on the nature of your disclosure.

- STEP 1** The person who receives your disclosure will provide the information to the Whistleblower Protection Officer (or to Anna Curtis at [acurtis@tre.org.au](mailto:acurtis@tre.org.au) if the disclosure is about the Whistleblower Protection Officer), as soon as practicable, ensuring your identity is protected (in accordance with section 7.1), unless you have consented otherwise.
- STEP 2** The Whistleblower Protection Officer (or Anna Curtis) will determine whether your disclosure is covered by this policy and a formal, in-depth investigation is required.
- If an investigation is required, the Whistleblower Protection Officer (or Anna Curtis) will determine whether the investigation of your disclosure should be conducted internally or externally and appoint an investigator with no personal interest in the matter. The Whistleblower Protection Officer (or Anna Curtis) may consider an external investigation is appropriate to ensure fairness and independence or because specialist skills or expertise are required.
- STEP 3** The investigator(s) will conduct the investigation in an objective and fair manner, ensuring that they give any employee who is mentioned in the disclosure an opportunity to respond to the allegations prior to any adverse findings being made against them. Those employees are also entitled to access the support services referred to in section 10.
- If you can be contacted (including through anonymous channels), we will (if appropriate) give you regular updates on the status of the investigation, with the frequency and timing of such updates depending on the nature of your disclosure.
- STEP 4** The outcome of the investigation will be reported to the Board (protecting your identity, if applicable) and may, if the Whistleblower Protection Officer (or Anna Curtis) considers appropriate, be shared

with you and any persons affected.

Appropriate records and documentation for each step in the process will be maintained by the investigator.

We encourage you to raise any concerns you have about the investigation of your disclosure (including breach of confidentiality) with the Whistleblower Protection Officer (or Anna Curtis) or the person to whom you made your disclosure.

**b. Duration of investigation**

Thrive will aim to conclude the investigation within 2 months after receiving a disclosure. The duration of an investigation may vary depending on the nature of the disclosure.

**c. Thrive may require further information to investigate disclosure**

Thrive may not be able to undertake an investigation if it is not able to contact you or receive additional information from you required to fully investigate your disclosure. If you have made your disclosure anonymously, we suggest you maintain ongoing two-way communication with Thrive, so Thrive may ask follow-up questions or provide feedback. You may refuse to answer questions that you feel may reveal your identity at any time.

**d. Investigations will be conducted in accordance with confidentiality protections**

Subject to the exceptions allowed under section 7.1 of this policy or otherwise by law, your identity (or information that is likely to lead to your identity becoming known) will be kept confidential at all times during and after the investigation (including in any reporting to the Board or to any persons affected).

All persons responsible for or involved in an investigation must take all reasonable steps to reduce the risk that you will be identified.

---

## 10. Support and practical protections

Thrive has in place processes for protecting and monitoring the welfare of anyone making a disclosure under this policy. This includes risk assessment of any potential detriment, work adjustment considerations and support services such as stress management strategies.

Support may include but is not limited to meetings with the Operations and Risk Manager to ensure that Thrive's policies and protocols are best utilised to be able to support you.

---

## 11. Board reporting

a. The Whistleblower Protection Officer may, where appropriate, provide the Board at least quarterly reports on all active whistleblower matters (whilst maintaining confidentiality in accordance with section 7.1), which may include information (where available) on:

- the number and nature of disclosures made in the last quarter (for example, by who, who to and matter type);
  - the status of any investigations underway; and
  - the outcomes of completed investigations.
- 

## **12. Training**

Our Whistleblower Protection Officer and all eligible recipients of disclosures must attend compulsory training organised by Thrive on our processes and procedures for receiving and handling disclosures made under this policy, including training on confidentiality and the prohibitions against detrimental conduct.

Thrive will inform its external eligible recipients (for example, its auditor and tax agent) about their obligations under the Australian whistleblower laws.

Our employees (including those in any overseas-based operations) must attend compulsory training on our whistleblower program which will include information on how to make a disclosure, what the disclosure may be about, to whom a disclosure may be made to, the protections and support available and when further information or independent legal advice might be sought.

---

## **13. Policy review**

This policy must be reviewed by the Board or its delegated committee with the assistance of the Whistleblower Protection Officer at least every two years to ensure it is operating effectively. Any recommended changes must be approved by the Board or its delegated committee.

The Company Secretary is authorised to make administrative and non-material amendments to this policy provided that any such amendments are notified to the Board or its delegated committee at or before its next meeting.

Thrive will ensure any updates to this policy, its processes and procedures following a review are widely disseminated to, and easily accessible by, individuals covered by this policy. Where necessary, additional training will be provided.

---

## **14. Consequences for non-compliance with policy**

Any breach of this policy by a Thrive employee, officer or contractor will be taken seriously by Thrive, and may be the subject of a separate investigation and/or disciplinary action.

A breach of this policy may also amount to a civil or criminal contravention under the Australian whistleblower laws, giving rise to significant penalties.

We encourage you to raise any concerns about non-compliance with this policy with the Whistleblower Protection Officer in the first instance. You may also lodge any concerns with ASIC, APRA or the ATO for investigation.