



Australia Pacific Airports Corporation Limited (**APAC**)

## Speak Up Policy

---

Issue Date: August 2022

## Contents

1. Purpose .....	3
2. Applicability and Scope .....	3
3. Definitions .....	3
4. Protected disclosures.....	3
5. Who can receive a disclosure? .....	3
6. Disclosable matters.....	4
7. Personal work-related grievances .....	5
8. Legal protections for protected disclosures .....	5
9. Support .....	7
10. Investigation and remediation .....	7
11. Governance .....	7
12. Further information and advice.....	8
Document history and version control.....	9

## Document Control

<b>Current Version</b>	6
<b>Responsible Person</b>	Head of Safety, Risk & Compliance
<b>Owner</b>	Chief Financial Officer

## 1. Purpose

- 1.1 The purpose of this policy, in line with APAC's values, code of conduct and legal and regulatory obligations, is to encourage the disclosures of wrongdoing and to ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be supported and protected in accordance with this policy.
- 1.2 This policy should be read in conjunction with APAC's Speak Up Investigation Procedure which sets out how disclosures will be assessed and investigated.

## 2. Applicability and Scope

- 2.1 This policy applies to APAC and 'eligible whistleblowers'.
- 2.2 An eligible whistleblower is an individual who is, or has been, any of the following in relation to APAC:
  - (a) an officer or employee (e.g. current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees and directors);
  - (b) a supplier of goods or services to APAC (whether paid or unpaid) including their employees and contractors;
  - (c) an associate (as that term is defined in the *Corporations Act 2001* (Cth)) of APAC; and
  - (d) a relative, dependent or spouse of an individual listed in (a) - (c) above.

## 3. Definitions

- 3.1 In this policy, the terms used have the following meaning:
  - (a) **APAC** means Australia Pacific Airports Corporation Limited and its subsidiaries and related bodies corporate.
  - (b) an **eligible whistleblower** has the meaning in paragraph 2 of this policy.
  - (c) an **eligible recipient** is a person defined as such in paragraph 5 of this policy.
  - (d) **disclosable matters** concern misconduct and improper conduct as defined in paragraph 6 of this policy but do not include a personal work-related grievance.
  - (e) a **personal work-related grievance** has the meaning given to it in accordance with paragraph 7 of this policy.
  - (f) a **protected disclosure** has the meaning in paragraph 4.1 of this policy.
  - (g) **Your Call** is an independent third-party provider of APAC's Speak Up hotline and website reporting portal.
  - (h) a **relative** is a spouse, parent, child, brother, sister, grandchild, great-grandchild, grandparent or great-grandparent of a person.

## 4. Protected disclosures

- 4.1 A disclosure will be a protected disclosure under this policy if:
  - (a) the disclosure is made by an eligible whistleblower to an eligible recipient under paragraph 5 of this policy; and
  - (b) the disclosure is about a disclosable matter in accordance with paragraph 6 of this policy.

## 5. Who can receive a disclosure?

- 5.1 Only certain people are eligible to receive disclosures that qualify for protection under this policy.

- 5.2 Eligible whistleblowers must make a disclosure directly to one of APAC's eligible recipients in order for the disclosure to qualify for protection.
- 5.3 Eligible recipients include:
- (a) an officer or senior manager of APAC. An officer includes a Director or the Company Secretary of APAC. For the purposes of this policy, a senior manager is regarded as a member of the APAC Executive Leadership Team;
  - (b) APAC's General Counsel;
  - (c) an internal or external auditor of APAC; or
  - (d) a person authorised by APAC to receive disclosures.
- 5.4 APAC has nominated Speak Up Officers who are authorised to receive disclosures. The Speak Up Officers are:
- (a) General Manager People Experience for employment related matters; and
  - (b) Head of Risk and Compliance for all other matters.
- 5.5 An eligible whistleblower can also make a secure online report 24/7 at [www.yourcall.com.au](http://www.yourcall.com.au) quoting MELA2015 or by calling APAC's confidential Your Call alert line on 1300 798 101 Monday to Friday between 7 am to 10 pm except for public holidays.
- 5.6 Disclosures can also be made to third party regulators such as ASIC and APRA or any other prescribed Commonwealth authority in accordance with the *Corporations Act 2001* (Cth).
- 5.7 'Public interest' and 'emergency disclosures' may also be eligible for protection in limited circumstances. An eligible whistleblower may be able to make a protected 'public interest' or 'emergency disclosure' to a member of Parliament or a professional journalist where:
- (a) the person has previously made a protected disclosure to any of ASIC, APRA or a prescribed Commonwealth authority, at least 90 days have passed, the person has reasonable grounds to believe that action is not being taken or has not been taken to address the concerns raised in the protected disclosure and the person has reasonable grounds to believe that making a further disclosure would be in the public interest; or
  - (b) the person has previously made a protected disclosure to any of ASIC, APRA or a prescribed Commonwealth authority and it has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health and safety of one or more persons or the natural environment, provided that it first notifies the relevant regulatory body of its intention to make a public interest or emergency disclosure.
- 5.8 It is important to understand that a disclosure may only be made to a parliamentarian or a journalist in the circumstances described above. An eligible whistleblower should seek independent legal advice before making a public interest disclosure or an emergency disclosure to a member of parliament or a journalist.

## **6. Disclosable matters**

- 6.1 There are certain types of matters that qualify for protection, and not all disclosures will qualify for protection under this policy.
- 6.2 Disclosable matters involve information that an eligible whistleblower has reasonable grounds to suspect concerns misconduct or an improper state of affairs or circumstances in relation to APAC.
- 6.3 Matters which may constitute misconduct or an improper state of affairs include:
- (a) illegal conduct such as fraud, bribery, money laundering, corruption, and secret

- commissions;
- (b) financial irregularities;
- (c) failure to comply with, or breach of, legal or regulatory requirements;
- (d) engaging in, or threatening to engage in, detrimental conduct against an eligible whistleblower; or
- (e) bullying, harassment or discriminatory conduct that may have serious implications for APAC and is not a personal work-related grievance.

- 6.4 An eligible whistleblower must have “reasonable grounds to suspect” that misconduct or an improper state of affairs existed at the time of disclosure. An eligible whistleblower need not prove the allegation. However, whistleblowers are encouraged to provide evidence if safely available.
- 6.5 A disclosure may still qualify for whistleblower protection if the disclosure turns out to be unsubstantiated. However, fabricated disclosures are a form of misconduct. False reporting is viewed as a serious matter and if a whistleblower knowingly makes a false disclosure, they may be subject to disciplinary action, up to and including termination of employment.

## **7. Personal work-related grievances**

- 7.1 Disclosures that relate to personal work-related grievances are not disclosable matters eligible for protection under this policy.
- 7.2 A personal work-related grievance is a grievance about a person’s current or former employment that has, or tends to have, personal implications for a person but does not have any other significant implications for APAC and does not relate to any disclosable matters (see paragraph 6 above).
- 7.3 Personal work-related grievances include:
- (a) an interpersonal conflict between the discloser and another employee;
  - (b) a decision that does not involve a breach of workplace laws;
  - (c) a decision about the engagement, transfer or promotion of the discloser;
  - (d) a decision about the terms and conditions of engagement of the discloser; or
  - (e) a decision to suspend or terminate the engagement of the discloser, or otherwise discipline the discloser.
- 7.4 However, a personal work-related grievance may still qualify for protection if:
- (a) it includes information about misconduct, or information about misconduct is accompanied by a personal work-related grievance (mixed report);
  - (b) APAC has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser’s personal circumstances;
  - (c) the discloser suffers from or is threatened with detriment for making a disclosure; or
  - (d) the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the *Corporations Act 2001* (Cth).
- 7.5 APAC personnel should raise a personal work-related grievance in accordance with the APAC Code of Conduct policy.

## **8. Legal protections for protected disclosures**

### **8.1 Confidentiality**

- 8.2 You can choose whether to remain anonymous or reveal your identity when making a

disclosure under this policy. You may also refuse to answer questions that may reveal your identity. If you choose to remain anonymous, you should try to maintain ongoing two-way communication with APAC so that APAC can ask follow-up questions or provide feedback. Please note that in some cases, anonymity may limit the ability to investigate the disclosure.

- 8.3 If you make a protected disclosure under this policy, APAC must protect your identity and information that is likely to lead to your identification in accordance with this policy.
- 8.4 APAC and eligible recipients may only disclose your identity with your express consent, unless it is required to make a disclosure in the following circumstances in accordance with the *Corporations Act 2001* (Cth):
- (a) to ASIC, APRA or a member of the Australian Federal Police;
  - (b) to a legal practitioner for the purpose of obtaining legal advice or representation; or
  - (c) otherwise as required by law.
- 8.5 APAC may also disclose information that does not include a whistleblower's identity where the disclosure is reasonably necessary for the purpose of investigating the protected disclosure. If this occurs, APAC will take all reasonable steps to reduce the risk the whistleblower's identity will be identified from the information disclosed.
- 8.6 Where the disclosure is made with your consent. APAC or Your Call will take reasonable steps to appropriately manage the matter and protect you from victimisation.
- 8.7 The disclosure of confidential information in breach of this policy will be regarded as a serious matter and may be the subject of disciplinary action up to and including dismissal or termination of engagement.
- 8.8 An eligible whistleblower may lodge a complaint regarding a breach of the confidentiality provisions with the Speak Up Officers outlined in paragraph 5.4 or using the Your Call portal. An eligible whistleblower may also seek independent legal advice or contact regulatory bodies such as ASIC, APRA or the ATO.
- 8.9 **Protection from victimisation**
- 8.10 APAC will take all reasonable steps to protect eligible whistleblowers who make a protected disclosure under this policy from any reprisals or victimisation.
- 8.11 It is a criminal offence to cause detriment or threaten to cause detriment to a person because they or someone else made, may have made, proposed to make or could make a disclosure which qualifies for protection.
- 8.12 'Detriment' includes, dismissal, injury in the person's employment, alteration of an employee's position or duties, discrimination, harassment, intimidation, harm or injury (including psychological harm), damage to a person's property, damage to a person's reputation, damage to a person's business or financial position or any other damage.
- 8.13 APAC is committed to protecting eligible whistleblowers from victimisation. Any team member who breaches the victimisation provisions of this policy may face disciplinary action including termination.
- 8.14 If you believe you have been subjected to detriment as a result of making a disclosure under this policy, you should contact one of the Speak Up Officers listed in paragraph 5.4 or Your Call. You may also seek independent legal advice or contact regulatory bodies such as ASIC, APRA or the ATO.
- 8.15 A person who is subjected to a detriment in these circumstances may also seek compensation and other remedies from a Court.

## 8.16 Civil, criminal and administrative liability protection

- 8.17 An eligible whistleblower may also be protected from civil, criminal or administrative liability (including disciplinary action) for making a protected disclosure.
- 8.18 However, these protections do not apply to action being taken against a whistleblower for misconduct that the whistleblower has engaged in that is revealed in the disclosure.

## 9. Support

- 9.1 APAC will take all reasonable steps to ensure that an eligible whistleblower is supported in making a protected disclosure under this policy. Employees can contact the Employee Assistance Program on 1300 637 327 or via the “EAP Connect” app.
- 9.2 If necessary, APAC may appoint a Protection Officer to arrange or coordinate support and protection for anyone who has or is in the process of making a disclosure. The role of the Protection Officer is to:
- (a) assess the immediate welfare and protection needs of a whistleblower;
  - (b) safeguard the interests of a whistleblower in accordance with this policy and the law; and
  - (c) address any issues or concerns of detrimental acts/detrimental treatment.
- 9.3 The Protection Officer may be appointed from within the organisation or a third party. An eligible whistleblower can contact the APAC Head of Risk & Compliance or General Manager People Experience to discuss how a Protection Officer may be able to provide support and protection.
- 9.4 In accordance with the law, APAC will ensure the fair treatment of employees who are mentioned in a disclosure that qualifies for protection, including those who are the subject of a disclosure.

## 10. Investigation and remediation

- 10.1 APAC or Your Call will acknowledge receipt of a disclosure. Where possible and appropriate, and assuming the identity of the whistleblower is known, the whistleblower will be kept informed of the progress and outcome of the investigation, subject to privacy and confidentiality obligations and in accordance with APAC's Speak Up Procedure.
- 10.2 Any person who receives a disclosure under this policy must ensure that the disclosure is managed in compliance with this policy and the Speak Up Procedure.
- 10.3 After receiving a whistleblower disclosure, APAC will review the disclosure to determine whether it qualifies for protection and decide how it will be handled including whether a formal investigation is required in accordance with the Speak Up Procedure.

## 11. Governance

- 11.1 The Chief of People Experience and Marketing (**CPX&M**) and Chief Financial Officer (**CFO**) oversee the Speak Up Service. The Risk & Compliance Team supports the CPEO and CFO by providing advice and reports on the status and nature of issues being raised.
- 11.2 The CPX&M, CFO and Head of Risk & Compliance comprise the Speak Up Committee, which meets at least every six months to review the effectiveness of the service, ensure consistency in process and outcomes, and make recommendations on broader improvement opportunities for the service.

11.3 The Audit, Risk and Finance Committee (a committee of the Board of Directors) may be provided with details of a whistleblower disclosures in accordance with the policy.

11.4 This policy will be made available to team members via APAC's intranet, The Landing. The policy is also available on APAC's website.

## **12. Further information and advice**

12.1 If you require additional information about making a disclosure or the support and protection available, you may discuss the matter in confidence with the APAC Head of Risk & Compliance.

12.2 In the event you do not formally make a disclosure APAC may nevertheless be compelled to act on the information provided during the discussion in accordance with its legal obligations to do so.



## Document history and version control

Version Number	Review Date	Reviewed by	Amendment
1	March 2016	Andrew Duane	Initial inception
2	July 2018	Andrew Duane & Eileen Kershaw	Amended format to align to new template and changed terminology to Speak Up
3	March 2019	Andrew Duane & Mari Ruiz	Amended to reflect new organisational structure
4	March 2019	Jessica Dabo & Andrew Duane	Legal review against Act and final edits
5	October 2021	Andrew Duane	Legal review for compliance with <i>Corporations Act 2001</i> (Cth)
6	August 2022	Aaron Gant, Russell Collins	General amendments