

Whistleblower Policy

Approved by Board – March 2021

Contents

1.	INTRODUCTION	2
2.	PURPOSE	2
3.	SCOPE.....	3
4.	DEFINITION/ ABBREVIATIONS	3
5.	WHAT MATTERS CAN BE DISCLOSED?	4
5.1.2	REASONABLE GROUNDS	4
5.1.3	IMPROPER CONDUCT	4
5.1.4	PERSONAL WORK-RELATED GRIEVANCES	4
5.1.5	DELIBERATE FALSE REPORTING.....	5
6.	HOW CAN A REPORTER MAKE A DISCLOSURE	5
6.1.1	INTERNAL REPORTING AVENUES	5
6.1.2	EXTERNAL REPORTING AVENUES.....	5
6.1.3	PUBLIC INTEREST DISCLOSURES.....	6
6.1.4	EMERGENCY DISCLOSURES.....	6
7.	PROTECTION AND SUPPORT FOR THE REPORTER AND PERSONS IMPLICATED	6
7.1.1	HOW IS CONFIDENTIALITY AND CONSENT HANDLED?	6
7.1.2	EXCEPTIONS TO CONFIDENTIALITY	7
7.1.3	HOW IS THE REPORTER PROTECTED?	7
7.1.4	FAIR TREATMENT OF PERSONS IMPLICATED.....	7
7.1.5	SUPPORT AVAILABLE	7
8.	WHAT HAPPENS AFTER A DISCLOSURE IS MADE?.....	8
9.	HOW ARE DISCLOSURES INVESTIGATED?	8
10.	DOCUMENT RETENTION AND CONFIDENTIALITY.....	8
11.	AWARENESS AND TRAINING	8
12.	POLICY REVIEW	8

1. Introduction

The purpose of this Policy document is to detail how REI Superannuation Fund Pty Ltd acting as the trustee (“**the Trustee**”) of REI Super (“**Fund**”) has in place a Whistleblower Protection Service. The Board and Fund management both recognise that any genuine commitment to detecting and preventing illegal and other undesirable conduct must include a mechanism whereby Directors, employees and others can report their concerns freely and without fear of reprisal or intimidation.

2. Purpose

The purpose of this Whistleblower Policy (“**the Policy**”) is to:

- Encourage individuals to raise concerns if they witness or have reasonable grounds to suspect improper conduct within the Fund;
- Provide information about how, and to whom, whistleblowing disclosures can be made; and
- Outline how the Trustee will support and protect whistleblowers and investigate whistleblower reports.

3. Scope

The Policy applies to all individuals who are eligible to make a disclosure (see definition of Reporter under section 4)

4. Definition/ Abbreviations

Applicable Law	Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019.
Board	Means the Board of REI Superannuation Fund Pty Ltd, unless otherwise stated.
Committee	Means Committees of the Board.
Eligible Recipients	<p>Individuals who are eligible to receive disclosures under this Policy. Internally within REI Super, these include:</p> <ul style="list-style-type: none"> • Directors, Alternate Directors, and Committee members; • Chief Executive Officer and Group Executives; • Contractors; or • REI Super's Internal Auditor. <p>External eligible recipients who are eligible to receive disclosures include:</p> <ul style="list-style-type: none"> • YourCall; • REI Super's External Auditor; • Regulators such as APRA or ASIC; • Journalists and members of Parliament (in the event of a public interest or emergency disclosures - see section 6); and • Legal practitioners, where disclosed in order to obtain legal advice or representation in relation to whistleblowing laws. <p>Protection will be available even if the legal practitioner concludes that the matter is not a 'disclosable matter'</p>
Eligible Whistleblower	An individual to whom the whistleblower protections apply.
FACC	Finance Audit & Compliance Committee.
Improper Conduct	Misconduct or an improper state of affairs. See Section 5 for examples.
Journalist	<p>A person who is working in a professional capacity as a journalist for:</p> <ul style="list-style-type: none"> • A newspaper or magazine; • A radio or television broadcasting service; or • An electronic service (including a service provided through the internet) that operates on a commercial basis, and is similar to a newspaper, magazine, radio or television broadcast.
Personal work-related grievances	<p>Include (but are not limited to):</p> <ul style="list-style-type: none"> • An interpersonal conflict between the Reporter and an employee; • A decision relating to the engagement, transfer or promotion of the Reporter; • A decision relating to the terms and conditions of engagement of the Reporter; • A decision to suspend or terminate the engagement of the Reporter, or otherwise to discipline the Reporter.
Reporter	<p>A person that has disclosed a matter under the Policy. This can be any following (current or former) with respect to the Fund:</p> <ul style="list-style-type: none"> • Employee (all types, including permanent, part-time, casual, and contract). • An Officer (i.e. Directors, Alternate Directors, Board Committee members and Company Secretary); • Supplier or employee of a supplier; • Associate or employee of an associate; • Trustee, administrator, custodian or investment manager (including their employees);

	<ul style="list-style-type: none"> • Supplier or employee of a supplier or a trustee, administrator, custodian or investment manager; or • Relative, dependant or spouse of any of the above.
REI Super	REI Superannuation Fund Pty Ltd acting as the trustee (“ the Trustee ”) of REI Super (“ Fund ”) ¹
Whistleblower Officer	Chief Executive Officer. If the Whistleblower Officer is unavailable or conflicted, this will be the Group Executive - Governance Risk & Compliance.
Whistleblower Management Team	<p>If a detailed investigation of a disclosure is required, the Whistleblower Management Team is responsible for allocating the disclosure to an appropriate investigator. The team comprises of the following people, the Chair, CEO and Group Executive Governance Risk & Compliance.</p> <p>If anyone specified above to receive the constructed report on a matter is conflicted in respect of the matter being reported, they will be excluded from receiving or having access to that report.</p>

5. What matters can be disclosed?

5.1.2 Reasonable grounds

To disclose a matter under the Applicable Law, a Reporter must have witnessed, or have other reasonable grounds to suspect that there has been, improper conduct involving the Fund.

5.1.3 Improper Conduct

Improper Conduct may include (but is not limited to) any misconduct, as defined by all applicable legislation, which includes the following:

- Misconduct such as fraud, misappropriation of funds, corruption, negligence, default, breach of duty or trust;
- A contravention of any law that applies to REI Super, including (but not limited to) the Corporations Act 2001, Australian Securities and Investments Commission (ASIC) Act 2001, the Superannuation Industry (Supervision) Act 1993, as well as any associated instruments;
- Any conduct that may result in a material mismanagement of REI Super’s assets or resources;
- Any conduct that represents a danger to the public or the financial system;
- A breach of any of REI Super’s policies, such as the Code of Conduct, health and safety guidelines, Fit and Proper Policy,
- Engaging or threatening to engage in detrimental conduct against a person who has made a disclosure or is suspected to have made, or is planning to make, a disclosure; and
- Any other misconduct or improper state of affairs, except for a personal work-related grievance, whether it involves a breach of a particular law or not.

5.1.4 Personal work-related grievances

A personal work-related grievance can still qualify for protection under the Policy if:

- It contains information about or suggests misconduct (mixed report);
- The entity has breached employment or other laws punishable by imprisonment of 12 months or more;

¹ As at April 2019 no REI Super Legal Entities (LEs) met the threshold requirements, as defined by the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019, in order to be required to have a Whistleblower Policy in place. Although the Fund has had in place a Whistleblower Policy since 2016 which formed part of the Fit & Proper Policy.

- The entity engaged in conduct that represents a danger to the public;
- The Reporter is threatened with or suffers from detriment for making a disclosure; or if
- The Reporter seeks legal advice or representation about the whistleblower protections when obtaining guidance on a work-related grievance.

To be protected under the Corporations Act you must have reasonable grounds to suspect that the information you are reporting indicates that the entity, or an officer or employee of REI Super, has or may have breached the Corporations Act, Australian Prudential Regulation Authority (“APRA”) or the Australian Securities and Investments Commission (ASIC) Act 2001. (“ASIC”)

5..1.5 Deliberate False reporting

Disclosures that are not about ‘disclosable matters’ do not qualify for protection under the Corporations Act. You should also take care not to deliberately report false claims, although a Reporter can still qualify for protection even if their disclosure turns out to be incorrect.

6. How can a Reporter make a disclosure

Disclosures can be provided to the following parties using methods including (but not limited to) face-to-face discussion, written letter, telephone call or email. The Reporter may choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. A Reporter may also refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations. If a disclosure comes from an email address from which the person’s identity cannot be determined, and the discloser does not identify themselves in the email, it should be treated as an anonymous disclosure.

6..1.1 Internal Reporting Avenues

6..1.1.1 [Manager](#)

It would be appropriate for issues to be dealt with through the employee’s manager. Employees will need to note that their disclosure will only be eligible for protection if the Manager meets the criteria for an Eligible Recipient.

6..1.1.2 [Whistleblower Officer](#)

The Whistleblower Officer will treat all disclosures confidentially. Subject to legal obligations, the identity of the Reporter, or information that is likely to lead to the identification of the Reporter, will not be disclosed without the Reporter’s consent. Staff can also contact the Whistleblower Officer, for any questions about the Whistleblower Policy, protections and process.

6..1.1.3 [Internal Audit](#)

A report can also be made to our internal audit firm Deloitte.

6..1.1.4 [Eligible Recipients](#)

Eligible Recipients (defined in Section 4) who receive disclosures under this Policy must treat all such disclosures confidentially.

6..1.2 External Reporting Avenues

YourCall is the Fund’s appointed Service Provider and is an independent web-based service which is compliant with the Corporations Act 2001 Part 9.4AAA Section 1317 AA-AE. YourCall provides a secure process for anonymously reporting real or suspected Improper Conduct. YourCall will record information that is disclosed by a Reporter and notify REI Super. Unless the Reporter consents, information on the Reporter’s identity will not be forwarded to REI Super.

To lodge a report visit www.yourcall.com.au/report and the organisation ID is REIS1975

A disclosure can also be made directly to one of the regulators such ASIC using the online misconduct reporting form available on their website, to APRA by contacting an authorised officer by email: whistleblower@apra.gov.au or posting the disclosure marked 'Confidential' to:

Chief Risk Officer
APRA
GPO Box 9836
Sydney NSW 2001

and other prescribed Commonwealth authorities, such as the ATO. A whistleblower disclosure can also be made to our external audit firm, Ernst & Young (EY), by contacting their Ethics Hotline. This can be done either online by visiting https://www.ey.com/gl/en/about-us/ey-ethics-hotline/about-us_ey-ethics-hotline, or by calling the 1800 551 155. Alternatively, a disclosure can be made directly with the EY Whistleblowing Officer. In lieu of this, a disclosure can be made directly with an EY Partner, an officer of an EY entity or the Risk Management Leader.

Subject to the Reporter's consent, the Eligible Recipients will report the allegation raised to the Whistleblower Officer for assessment and investigation.

6..1.3 Public Interest Disclosures

A public interest disclosure can be made to a journalist or a member of Parliament, if:

- A disclosure was made to a regulatory body such as APRA or ASIC;
- 90 days has passed since the disclosure and the Reporter has reasonable grounds to believe that no action has or will be taken;
- The Reporter has communicated to the regulator their intention to make a public interest disclosure; and
- The Reporter has reasonable grounds to believe that reporting to a journalist or parliamentarian would be in the public interest.

6..1.4 Emergency Disclosures

An emergency disclosure can be made to a journalist or a member of Parliament, provided that:

- The Reporter has previously made a report to ASIC or APRA;
- The Reporter has reasonable grounds to believe that their report concerns substantial and imminent danger to the health or safety of one or more people or the environment;
- The Reporter gives ASIC or APRA written notice that includes sufficient information to identify the earlier report and states their intention to make an emergency disclosure;
- The Reporter reports their concerns about the substantial or imminent danger to a journalist or parliamentarian, noting that the extent of the information disclosed must be no greater than is necessary to inform the recipient about the substantial and imminent danger.

ASIC recommends Reporters contact an independent legal adviser before making a public interest or emergency disclosure.

7. Protection and support for the Reporter and Persons Implicated

7..1.1 How is confidentiality and consent handled?

The Reporter must provide their consent before any information can be shared or discussed as part of the investigation. Upon consent being given, the information provided will be shared with the Whistleblower Officer and the Whistleblower Management Team. Details of any information provided will not be discussed with anyone other than those who need-to-know and all reasonable steps will be taken to protect the identity of the Reporter (unless the Reporter provides consent in writing for their identity to be revealed). This also includes ensuring that any reported disclosures (physical or electronic) are stored securely with restricted access.

7..1.2 Exceptions to Confidentiality

Information about a Reporter's identity and information that is likely to lead to the identification of the Reporter may only be disclosed in the following circumstances:

- Where the information is disclosed to ASIC, APRA or a member of the Australian Federal Police;
- Where the information is disclosed to a legal practitioner for the purpose of obtaining legal advice in relation to REI Super and the operation of applicable whistleblowing protection laws.

7..1.3 How is the Reporter protected?

The Corporations Act protects a whistleblower against certain legal actions related to making the whistleblower disclosure.

A Reporter must not be subject to any detrimental treatment because they have made a disclosure under this Policy. If a Reporter believes that they have been subject to detrimental treatment because they have made a disclosure under the Policy, or because they have participated in an investigation, they should immediately report this to the Whistleblower Officer.

A Reporter will not be subject to any civil, criminal or disciplinary action by REI Super for making a disclosure under the Policy, or for participating in any subsequent investigation by REI Super, even if their disclosure turns out to be incorrect.

The Corporations Act makes it illegal for someone to cause or threaten detriment to a reporter because they believe or suspect that the Reporter has made, may have made, or could make a whistleblower disclosure. A Reporter can seek legal compensation if they suffer loss, damage or injury for making an eligible disclosure. If a Reporter believes there has been a breach of confidentiality or other right or due process as part of the investigation, a complaint can be lodged following the Fund's Complaints procedures.

7..1.4 Fair Treatment of Persons Implicated

No action will be taken against employees who are implicated in a disclosure under the Policy until an investigation has determined whether any allegations against them are substantiated. However, an employee who is implicated may be stood down on full pay whilst an investigation is in process. If the investigation determines that the allegations are not substantiated, the employee must be immediately reinstated to full duties.

7..1.5 Support Available

Support available for both Reporters and employees implicated in disclosures made by a Reporter includes:

- Appointing an independent support person from REI Super to deal with any ongoing concerns they may have; and
- Acacia EAP - <http://www.eapcounselling.com.au/employees-login>

Username: REISuper

Password: #!REISuper2020!#

8. What happens after a disclosure is made?

After a disclosure has been received and if consent has been obtained from the Reporter, the information should be provided to the Whistleblower Officer and the Whistleblower Management Team no later than 48 hours of the disclosure being made. If the Reporter does not consent to their identity being disclosed, the recipient of the disclosure may disclose only information that is reasonably necessary for the purposes of investigating the matter to the Whistleblowing Officer. All reasonable steps must be taken to reduce the risk of the Reporter being identified from this information.

An initial case assessment will be made by the Whistleblower Management Team, and a decision will be made as to whether to formally investigate the disclosure or to take no further action. The Reporter may be requested to clarify or provide further information in order to assist this decision-making process. A high-level summary of each disclosure (with no identifying details) will be provided to the Finance Audit & Compliance Committee as part of a quarterly compliance report.

If the disclosure is assessed as requiring investigation, the Whistleblower Officer must immediately escalate the matter (with no identifying details) to the attention of the Chair of the Board (unless they are implicated by the disclosure). The Whistleblower Officer and/or the Whistleblower Management Team should contact the Reporter to acknowledge receipt of a disclosure, assess whether the disclosure qualifies for whistleblower protection, provide updates as the investigation progresses and is concluded, and where appropriate, notify the discloser of the outcome.

9. How are disclosures investigated?

For any disclosures that are assessed as requiring a formal investigation, the Whistleblower Management Team will liaise with YourCall management.

10. Document Retention and Confidentiality

All information, documents, records and reports relating to the investigation of a reported misconduct will be confidentially stored and retained in an appropriate and secure manner.

11. Awareness and Training

All Trustee Office employees, Directors and Committee Members will be made aware of the Whistleblower Policy (and thereafter any significant changes to the Policy) during induction, periodic communications. Refresher training will also be provided to all staff & directors.. Training will be provided to Eligible Recipients on how to receive whistleblower disclosures and to the Whistleblower Management Team on how to manage disclosures. The policy is available to all staff on the network, and notification of how to lodge a whistleblower report is available on the Fund's public website.

12. Policy Review

The Whistleblower Policy will be reviewed every two years by the Finance Audit & Compliance Committee.