



# WHISTLEBLOWER PROTECTION



# INTRODUCTION

## What is whistleblowing?

At Multicap, our first priority is the safety of our customers and employees. This document explains whistleblowing and the protections in place for whistleblowers.

Whistleblowers play an important role in identifying and calling out misconduct and harm to consumers and the community. To encourage whistleblowers to come forward with their concerns and protect them when they do, the Corporations Act 2001 (Corporations Act) gives certain people legal rights and protections as whistleblowers.

## Who are whistleblowers?

Whistleblowers are people with a connection to a company or organisation who may be in a position to observe or be affected by misconduct and may face reprisals for reporting it. These people can access the rights and protections in the law from when they report misconduct. The protections also extend to the spouses and relatives of these people.

Whistleblowers can provide their name and contact details when they report, or they can report anonymously.



## To be eligible to be covered by the protections, you must be a current or former:

- Employee of the company or organisation your disclosure is about, or a related company or organisation
- Officer (usually that means a director or company secretary) of the company or organisation your disclosure is about, or a related company or organisation
- Contractor, or an employee of a contractor, who has supplied goods or services to the company or organisation your disclosure is about, or a related company or organisation (this can be either paid or unpaid, and can include volunteers)
- Associate of the company or organisation, usually a person with whom the company or organisation acts in concert
- Trustee, custodian or investment manager of a superannuation entity, or an officer, employee, or a goods or service provider to a trustee, custodian, investment manager, or
- Spouse, relative or dependant of one of the people referred to above.



# REPORTING

## What conduct is reportable?

Any suspected incidences of misconduct or dishonest or illegal activity, including violence, abuse, neglect or exploitation.

You must have reasonable grounds to suspect that the information you are disclosing about the company or organisation concerns:

- misconduct, or
- an improper state of affairs or circumstances.

This information can be about the company or organisation, or an officer or employee of the company or organisation, engaging in conduct that:

- breaches the Corporations Act
- breaches other financial sector laws enforced by ASIC (Australian Securities and Investments Commission) or APRA (Australian Prudential Regulation Authority)
- breaches an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months, or
- represents a danger to the public or the financial system. 'Reasonable grounds' means that a reasonable person in your position would also suspect the information indicates misconduct or a breach of the law.

## Eligible recipients

A whistleblower can disclose their concerns to certain eligible recipients, whose role it is to receive disclosures which qualify for protection.

Eligible recipients include Multicap Directors, Multicap Executive Managers, Multicap's external disclosure provider (FairCall), Multicap's external financial auditor, ASIC and / or anyone else authorised by Multicap to receive disclosures. Disclosures made to anyone other than an eligible recipient will not be protected by law.

## Emergency and public interest disclosures

There are certain cases where emergency disclosures can be made whereby whistleblowers can make protected disclosures to a member of parliament or the media. A whistleblower can make an emergency disclosure to one of those recipients where they believe there is a substantial and imminent danger to the health and safety of one or more persons at Multicap or to the natural environment.

For further details, refer to Procedure 8.1 Whistleblower Protection.

## Investigation and ongoing support and information

All disclosures will be assessed for eligibility prior to referral for an objective, fair and independent investigation. Where the whistleblower has chosen not to remain anonymous, the whistleblower will be offered ongoing support and protection from detrimental conduct throughout the assessment and investigations processes, as provided by the Corporations Act.

In addition, the whistleblower will be provided information on the progress of the investigation.



# How does the Corporations Act protect me as a whistleblower?

The Corporations Act contains certain protections for whistleblowers, including:

- Taking action against people who cause or threaten detriment
- The Corporations Act makes it illegal (through a criminal offence and civil penalty) for someone to cause or threaten detriment to you because they believe or suspect that you have made, may have made, or could make a whistleblower disclosure.

A person may be causing you detriment if they:

- dismiss you from your employment
- injure you in your employment
- alter your position or duties to your disadvantage
- discriminate between you and other employees of the same employer
- harass or intimidate you
- harm or injure you, including causing you psychological harm
- damage your property
- damage your reputation
- damage your business or financial position
- cause you any other damage.

The offence and penalty require that the detriment be the result of an actual or suspected whistleblower disclosure.

All disclosures will be treated confidentially. A whistleblower's identity and any information they disclose will not be provided to anyone who is not involved in the investigation of their disclosure, unless permitted by law (such as if Multicap is required to disclose such details to ASIC, the AFP or a legal practitioner), or the whistleblower has consented to their details being provided.







# FURTHER INFORMATION

The FairCall service allows disclosures to be made to our KPMG team 24/7 through three different channels.

Communication method	Contact details
FairCall telephone	1800 500 965
FairCall website	kpmgfaircall.kpmg.com.au/multicap
FairCall post	The FairCall Manager KPMG Forensic Australia Square Sydney NSW 1213

For further details, refer to:

Refer to	How to contact/find
 Multicap Procedure 8.01 Whistleblower Protection	Click <a href="#">here</a> .  Or, visit Multinet and select the 'Policies, Procedures, Work Instructions' tile, then select 'Procedures'.
 Multicap Risk and Quality Manager	Call 07 3421 9919.  Or, email <a href="mailto:qualityteam@multicap.org.au">qualityteam@multicap.org.au</a>  Or, visit onsite at Eight Mile Plains Head Office.
 Corporations Act 2001 (Cth) (Corporations Act)	Click <a href="#">here</a> .  Or, visit <a href="http://legislation.gov.au/Series/C2004A00818">legislation.gov.au/Series/C2004A00818</a>
 Australian Securities and Investments Commission (ASIC) website	Click <a href="#">here</a> .  Or, visit <a href="http://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections">asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections</a>



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V062020