

auDA Whistleblower Policy

1. Purpose

au Domain Administration Limited and its related bodies corporate (auDA) is committed to creating a culture and an environment where people feel safe, included, and respected.

auDA encourages you to voice your concerns by contacting us as set out below if you see or hear of something that is wrong or does not reflect our values as an organisation. auDA is committed to treating you confidentially and fairly and has a responsibility to protect you if you do report Misconduct.

This Policy describes how auDA complies with Whistleblower Laws. It sets out when and how to report Misconduct and what protection will be available if you do report Misconduct.

2. Summary of key principles

- auDA wants to foster a culture where people feel safe, included, and respected and Misconduct is reported.
- auDA encourages individuals to report Misconduct as it helps us to identify and address issues and improve how we do business.
- You can report Misconduct anonymously, as you are not required to identify yourself when you make a report however we do expect you to have reasonable grounds for making a report.
- When you speak up under this Policy, the information you provide will be treated confidentially and we have a responsibility to protect you and treat you fairly.
- auDA will not tolerate victimisation, discrimination or exploitation of an individual who reports or intends to report Misconduct.
- We take all reports that are made about Misconduct seriously even if the report you have made does not Qualify for protection.
- Nothing in this Policy is intended to prevent you from reporting a breach of law to the appropriate authorities.

3. Scope

This Policy applies to anyone who is connected with auDA, this means our Employees, directors and officers and our suppliers, associates and their employees and family. This Policy is in addition to auDA's Code of Conduct, which sets out our expectations regarding good corporate governance and proper conduct.



4. How does this Policy apply if you report Misconduct?

4.1 When will you be protected under this Policy?

You must meet all of the criteria below to Qualify for the protection provided to a Whistleblower. This means you must:

- be an Eligible Whistleblower – that is someone who is *connected* to auDA as set out in Section 5.1;
- have *reasonable grounds* to suspect the Misconduct is happening as set out in Section 5.5 and 5.6; and
- report the Misconduct to an Authorised Recipient as set out in Section 6.1.

If you don't meet each of these criteria, then you may not Qualify for Protection as a Whistleblower. However, your report may still be protected under other legislation such as the Fair Work Act 2009 (Cth) or Workplace Health and Safety legislation.

Each of these concepts and the key principles set out above are explained in this Policy.

4.2 How to read this Policy

Words in capitals in this Policy and terms such as **you**, **we** and **us** have a special meaning. See section 12 which contains Definitions.

A reference to a Section means a section of this Policy. Mentioning anything after includes, including, or similar expressions, does not limit what else might be included.

5. Who can report and what can be reported?

5.1 Who is a Whistleblower?

A Whistleblower is someone who reports Misconduct under this Policy. An Eligible Whistleblower is someone who has reported Misconduct and is *connected* to auDA. This means you are:

- a current or former officer, for example director or company secretary;
- a current or former employee;
- a current or former Supplier or an employee of a current or former Supplier;
- a current or former associate of auDA, for example a related entity; or
- a spouse, dependant or relative of any of the above.

5.2 Who is not covered?

This Policy does not apply to third parties of auDA other than Eligible Whistleblowers. Customers are not covered by the Whistleblower Policy.

Customers with complaints should refer to our Complaints policy.



5.3 What can be reported under this Policy?

You can report Misconduct if you have *reasonable grounds to suspect* it is happening under this Policy. If you report something other than Misconduct, you may not be protected by this Policy or Qualify for Protection.

Misconduct includes any conduct by auDA or its people that involves:

- illegal conduct such as theft, violence or threatened violence, and criminal damage against property;
- fraud, money laundering or misappropriation of funds;
- offering or accepting a bribe;
- financial irregularities;
- failure to comply with the law or regulatory requirements; or
- causing Detriment to someone who has reported Misconduct.

We appreciate that deciding whether a matter is something that you should or could report can be complex. If you are unsure if the issue should be reported, we encourage you to seek your own legal advice or to report it as described in section 6.1 below. Even if it doesn't turn out to be Misconduct that should be reported, we will still treat you and your report confidentially as we value a culture of speaking out.

5.4 What cannot be reported?

This Policy does not apply to deliberately false reports. You should never make a report about another person or event that you know or believe to be false. Doing so is against our values and may give rise to disciplinary action against you. You should always have reasonable grounds to report Misconduct.

This Policy is not intended for you to report *personal work-related grievances*. This means an issue that concerns you personally, as an Employee of auDA and does not have significant implications for auDA (that do not relate to you).

Examples include:

- interpersonal conflict between you and another Employee;
- a decision auDA made relating to a transfer or promotion;
- changing your terms and conditions of employment; or
- suspending or terminating your employment.

Any personal, work-related grievances should be directed to People & Culture.

However, if you have suffered a personal, work-related grievance:

- that includes Misconduct (so that the two matters are entwined); or
- as a result of suffering detriment for Reporting Misconduct,

this should be reported as Misconduct as set out in Section 5, and you may Qualify for protection.



5.5 What do you need to know to report Misconduct?

Before reporting Misconduct you should satisfy yourself that you have observed or are aware of Misconduct or have *reasonable grounds to suspect* Misconduct.

Reasonable grounds to suspect is an objective test. This means that a reasonable person in your position would also suspect the information indicates Misconduct or a breach of the law. Your own motives for reporting Misconduct do not influence whether you are eligible for protection, the key factor is that you have reasonable grounds to suspect the Misconduct.

For example, if you make an allegation with no supporting information this is not likely to be considered as having reasonable grounds however, as a Whistleblower, you do not need to prove your allegations.

5.6 What if you make a report that is incorrect?

You must act honestly and in good faith in reporting Misconduct. While you will be expected to have reasonable grounds to suspect the information you are reporting is true, you will not be subject to a penalty if it turns out to be incorrect.

However, you must not make a report that you know is false or misleading.

Depending on your circumstances, it may be a breach of our Code of Conduct, attracting disciplinary action, if you have acted maliciously or deliberately made a false report. There may be legal consequences if you make a knowingly false report, and a breach of this Policy may lead to disciplinary action including termination of employment for Employees.

5.7 You can seek your own legal advice if you need it

If you are unsure about what to do or how you should be protected, you can seek your own legal advice on the Whistleblower Laws. You may still qualify for protection under the Whistleblower Laws if you speak to your lawyer for advice or report Misconduct to them.

6. How do you report Misconduct?

It is important to report Misconduct to the right people in order to qualify for the protection of the Whistleblower Laws. We encourage you to contact auDA first when reporting Misconduct under this Policy. This enables us to investigate and address any wrongdoing as early as possible.

6.1 How and to whom do I report Misconduct?

You can report Misconduct by contacting auDA's independent Whistleblower Hotline service operated by Stoplevel:



Email: auda@stoline.com.au
Phone: (03) 9882 4550
Online: <https://auda.stolinereport.com/>
Mail: auDA c/- The STOPline, PO Box 403, Diamond Creek, 3089 Victoria

Employees: using the Whistleblower Form on the SharePoint ESS site.

You can also report Misconduct by writing or speaking to:

- the Chief Executive Officer or Company Secretary at Level 19, 8 Exhibition Street, Melbourne 3000;
- a member of the auDA Executive Team if you are an employee;
- the Protected Disclosure Officer (Chief People & Culture Officer);
- the auDA Board Chair if the Misconduct concerns the CEO;
- the Chair of the People & Culture Committee if the misconduct concerns the Board Chair;
- auDA's auditor or member of their team and;
- your lawyers to get your own legal advice in relation to Whistleblower law.

You can complete the Whistleblower Disclosure Form, available on our website (<https://auda.stolinereport.com/>), to report Misconduct. You can send the form via the above email, online or mail address.

There are some other very specific circumstances in which you can report Misconduct to a Regulator, or when making an emergency or public interest disclosure. We suggest you seek your own independent legal advice before making these kinds of reports.

You can obtain additional information about reporting Misconduct by contacting auDA via auda@stoline.com.au, by seeking your own independent legal advice or visiting www.asic.gov.au.

6.2 Do you need to say who you are when you report Misconduct?

No. You can choose to say who you are or to stay anonymous if you report Misconduct. You do not have to identify yourself or your role. You can refuse to answer any questions you feel could reveal your identity. We will respect your choice to stay anonymous. However, requiring complete anonymity may make it more difficult for us to investigate the issue or take the action we would like to take.

6.3 How do we protect your anonymity?

We will protect your anonymity by secure record-keeping and information-sharing processes, including limiting access to information, by using any pseudonym you adopt and communicating with you through an anonymised email address. If you have reported anonymously, we suggest you maintain contact with auDA during any investigation.



7. What happens after I make a report?

After you report Misconduct we will undertake a preliminary assessment to establish whether:

- you Qualify for protection; and
- a formal, in-depth investigation is required.

7.1 How are you protected if you report Misconduct?

The Whistleblower Laws provide a range of legal *protections* for you if you are an Eligible Whistleblower who reports Misconduct, including:

- preserving and protecting your identity and confidentiality;
- protecting you from Detriment;
- providing you with a right to compensation or other remedies if you do suffer Detriment; and
- protecting you from civil, criminal and administrative liability.

Each of these are explored below.

7.2 How is your identity protected?

As noted above, you do not have to identify yourself when reporting Misconduct and we will respect your decision if you choose to stay anonymous.

If you do disclose your identity, we are required by law to keep any information about you, your identity, or that could identify you, confidential. All information about you that we receive from you in connection with a report of Misconduct will be held in confidence and will only be shared where you consent, or we are permitted or required by law.

However, we do not need your consent to share what you have reported if:

- the information does not include your identity;
- we have taken all reasonable steps to reduce the risk that you will be identified from the information; and
- it is reasonably necessary for investigating the issues raised in the Report.

We may also disclose information to a regulator, law enforcement agency or our lawyers to seek advice. If you feel your confidentiality has been breached, you can make a complaint to us as outlined in **6.1** or to ASIC.

7.3 How do we protect you from Detriment if you report Misconduct?

We are committed to ensuring that Whistleblowers or those who participate in an investigation of Misconduct do not suffer any Detriment.



Examples of Detriment include:

- dismissing an employee or changing their position or duties to their disadvantage;
- providing negative performance feedback that is not reflective of actual performance; and
- any harassment, intimidation, or bullying or threats to cause detriment.

Examples of actions that are not regarded as Detriment, include:

- managing a Whistleblower's unsatisfactory work performance, if the action is in line with auDA's Managing Unsatisfactory Performance Policy; and
- administrative action that is reasonable to protect the Whistleblower from Detriment.

We take all allegations of Detriment very seriously. If you think you are suffering Detriment, you should report it to us, and we will take appropriate steps in accordance with this and other policies.

It is a breach of this Policy to treat a Whistleblower unfairly or to cause a Whistleblower to suffer any Detriment.

7.4 What compensation or other remedies are you entitled to if you do suffer Detriment?

A Whistleblower may be able to seek compensation and other remedies through the courts if they suffer loss, damage, or injury as a result of Reporting Misconduct and we failed to take reasonable steps to prevent the Detriment. You should seek your own independent legal advice if you think this applies to you.

7.5 How are you protected from civil, criminal and administrative liability?

A Whistleblower is protected from being prosecuted for a breach of the law in the following ways when Reporting Misconduct:

- 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, other than for making a false Report; and
- administrative liability, for example disciplinary action.

However, Whistleblower Laws do not provide immunity from any breach of the law or Misconduct you have engaged in that is revealed when Reporting Misconduct.

7.6 How do we investigate a report of Misconduct?

If we decide that we need to conduct an in-depth assessment, we will investigate any reports of Misconduct made under this Policy within 30 days of receiving a Report.



We will investigate a Report of Misconduct as fairly as possible, keeping your identity confidential. Some of the ways we ensure your fair treatment as a Whistleblower or as the subject of a Report include:

- handling Reports and the identity of Whistleblowers and the subject of Reports confidentially;
- matters reported will be assessed and may be subject to an investigation which will be conducted confidentially and as fairly as possible;
- there will be a presumption of innocence until the outcome of the investigation is determined; and
- the purpose of the investigation is to determine whether there is enough evidence to substantiate the matters reported.

The process an investigation will follow will depend on the nature and substance of the Misconduct reported. However, we will generally assign an investigator to assess, investigate and report on the outcome of the investigation.

Where appropriate, we will take any corrective action that is warranted by the investigation and subject to any legal or regulatory obligations, provide feedback to you (if you made a report) regarding the progress and outcome of an investigation. There may be circumstances where it is not appropriate to provide details of the outcome to you.

If you have disclosed your identity, we will contact you as part of the investigation. If a report is submitted anonymously, we will conduct the investigation based on the information provided to us. However, in some cases, there may be limits to what we can do about what you have reported if you do decide to remain anonymous.

We may use third parties such as lawyers, accountants and other consultants to help us investigate reports or advise us on our obligations.

7.7 How do we ensure the fair treatment if you are mentioned in a report by a Whistleblower?

If you are the subject of a report or implicated in any Misconduct by a report which is made under this Policy, you are entitled to be treated fairly, this means:

- you will be informed about any adverse comment that may be included in a report or arising out of any such investigation; and
- given a reasonable opportunity to put your case to the person undertaking the investigation.



7.8 What support is available to you?

Reporting Misconduct can be complex and stressful, as can being the subject of a report of Misconduct. If you are an Employee you can access the auDA Employee Assistance Program, as appropriate.

8. Breach of this Policy

A breach of this Policy or a concern or complaint about the way that someone has treated you or failed to treat you under this policy if you have reported Misconduct must be immediately escalated to the Chief People & Culture Officer or to any of the people identified in section 6.1 of this Policy. A breach of this Policy is considered a breach of the Code of Conduct, which may have serious consequences including termination of employment, or engagement of services, as and where appropriate.

9. Oversight

The Protected Disclosure Officer will:

- report to the People and Culture Committee on the number and type of Whistleblower reports quarterly, to enable auDA to address any issues and trends. These reports will be made on a no names basis to protect the confidentiality of Whistleblowers.
- provide a report on the results or findings of any investigation undertaken to the Board within 28 days of receipt of a Report.
- consider referring certain Misconduct to the Chair of the People and Culture Committee.

10. Responsibilities

The **Board** is responsible, for approving any changes to this Policy.

The Board's **People & Culture Committee** is responsible for reviewing this policy, and the Board's **Finance & Audit Committee** is responsible as a second reviewer of this Policy, then the **People & Culture Committee** makes recommendations to the Board.

The Board's **Security & Risk Committee** is responsible for ensuring that risks highlighted by reports made under this policy are addressed and mitigated as part of its risk management and corporate governance work plans.

The **Chief Executive Officer** is responsible for ensuring that this policy is kept up to date and promoting and supporting compliance with this policy.

All **employees** are responsible for being aware of and complying with this Policy and the Code of Conduct.



11. Changes to this Policy

We may change this policy from time to time. The current policy will be made available on our intranet and at www.auda.org.au.

12. Definitions

Eligible recipient means a person authorised under Whistleblower Laws and has the meaning in Section 6.1.

Being Protected or Qualifying for protection as a Whistleblower has the meaning in section 4.

Customer means an individual or entity who receives services from auDA or a licensee or sub-licensee of auDA and for the purposes of this Policy includes a Registrar, a Reseller, a Registrant, a Domain Investor and a Member.

Detriment or Detrimental Conduct is where a Whistleblower or individual who assists or participates in an investigation in good faith suffers detriment because of reporting or participating. Examples are included in Section 7.3.

Eligible Whistleblower has the meaning given to it in section 5.1.

Employees means auDA's current or former employees, whether full-time, part-time, or casual and for the purposes of the Policy, a reference to Employee includes a former or current director and officer of auDA.

Misconduct means any misconduct or an improper state of affairs in connection with auDA's business or business dealings such as fraud, negligence, default, breach of trust and breach of duty and includes the examples set out in Section 5.3.

Regulator means the Australian Securities and Investment Commission (ASIC) or the Taxation Commissioner.

Report Misconduct and **blow the whistle** mean to report something you reasonably suspect to be Misconduct in accordance with the requirements of this Policy.

Supplier means a supplier, contractor, consultant, service provider or business partner who has provided or is providing goods and services to auDA.

you or **your** means a Whistleblower or someone contemplating making a report.

we or **us** and **our** means auDA.

Whistleblower means an individual who reports Misconduct under this Policy.

Whistleblower Laws means the Corporations Act 2001 (Cth) and the Taxation Administration Act 1953 (Cth).



13. Related Documents

- Anti-Bribery Corruption and Fraud Policy
- Code of Conduct
- Complaints policy
- Conflict of Interest Policy
- Privacy Policy
- Related Party Transaction Policy
- Gifts Benefits Hospitality and Political Donations and Engagement Policy
- Delegations Policy
- Investment Policy
- Purchasing Policy
- Workplace Grievance Resolution Procedure
- Remuneration Policy
- Workplace Bullying & Harassment Policy
- Sexual Harassment Policy
- Social Media Policy
- auDA's Values
- Policy for Managing Unsatisfactory Performance or Conduct
- Whistleblower Procedure
- Whistleblower Disclosure Form
- .au Dispute Resolution Policy

14. Document Control

Owner: Chief Executive Officer

Committee / Board Review Function: People & Culture Committee – Tier 1

Next Review Date: May 2024

Version	Change	Approval	Date
1	Original	Board	
2	Review & Update	Board	30 March 2021
3	Updated	Board	7 June 2022