



Vision Super Pty Ltd

ABN 50 082 924 561

# Whistleblower policy

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**December 2021**

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## STATEMENT OF POLICY

In February 2019, the expansion of whistleblower protections in the Corporations Act was legislated. The *Treasury Laws Amendment (Enhancing Whistleblowers Protections) Act 2019* provides greater protection for people who report corporate misconduct and introduced protections for people who report breaches of the tax laws. The changes commenced from 1 July 2019.

Vision Super, as a superannuation entity, is required to have a whistleblower policy by 1 January 2020.

Vision Super is committed to protecting anyone who reports corporate misconduct and ensuring that whistleblowers are not subject to victimisation. We provide reporting channels to protect disclosures and provide access to compensation and other remedies.

### Related documents

- [Fraud control plan](#)
- [The anti-money laundering and counter-terrorism financing manual](#)
- [Directors and responsible officers' policy](#)
- [Vision Super code of conduct](#)

This policy takes precedence should any inconsistencies occur with the related policies.

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Stephen Rowe  
CEO

17 December 2021

## Purpose

This policy is to:

- Encourage you to report suspected instances of serious misconduct or actions that endanger Vision Super's employees or assets
- Protect you if you report a breach of tax law or misconduct contained within the TAA
- Outline the procedures in place for reporting and investigation of matters raised by a whistleblower
- Outline the measures in place to protect whistleblowers against reprisal or recriminatory action.

## Making a report as a Whistleblower

In order to access the legal rights and protections, a person must meet the definition of an **eligible whistleblower**. Generally, anyone who has or has had a relationship with Vision Super can make a qualifying disclosure whether they identify themselves or anonymously (ie a report that will be protected under the whistleblowing provisions). This includes:

- An officer
- An employee
- An individual who supplies services or goods to Vision Super (whether paid or unpaid)
- An employee of a person that supplies services or goods to Vision Super (whether paid or unpaid)
- An individual who is an associate of Vision Super
- A trustee, custodian or investment manager (within the meaning of the SIS Act)
- An employee of the trustee, custodian or investment manager (whether paid or unpaid)
- A supplier or contractor to the trustee, custodian or investment manager (whether paid or unpaid) (and any employee of that supplier or contractor)
- A relative or dependant (including their spouse's dependants) of an individual referred to above

## Disclosures that are protected

A disclosure of information by an individual (the **discloser**) qualifies for protection if:

- The discloser is an **eligible whistleblower**; and
- The disclosure is made to an **eligible recipient**; and
- The disclosure is of a **disclosable matter**.

A **disclosable matter** is where:

- The discloser has reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances, or has engaged in conduct that constitutes and offence against or contravenes any financial services law or any law of the Commonwealth; or

- Constitutes an offence that is punishable by imprisonment for 12 months or more; or
- Represents a danger to the public or the financial system.

If you have a personal, work-related grievance about a matter that does not have significant implications for Vision Super, this will generally not be a protected disclosure. Some examples of a personal work-related grievances include:

- Interpersonal conflicts between you and another employee
- A decision relating to your engagement, transfer or promotion of the discloser
- A decision to discipline you, suspend or terminate your employment.

## Who can receive disclosures?

A report can be made to ASIC, APRA or an **eligible recipient**. An **eligible recipient** for a superannuation entity is defined as an officer, senior manager, auditor (or a member of the audit team), actuary (or a member of the actuarial team), a Trustee director or person authorised by the trustee to receive disclosures that qualify for protection under the Act.

## Whistleblower protection officers (WPO)

The current whistleblower protection officers are the Company Secretary and Head of Human Resources. The WPOs are authorised to receive disclosures and manage them in accordance with this policy and the legislation. They must act fairly at all times and ensure there are no conflicts of interest.

## Reporting process

Vision Super has an independent whistleblower service (which is currently **yourcall**). You can call them between 9am and midnight Monday to Friday, and they will notify our Company Secretary and Head of Human Resources within 24 hours, and provide a tailored summary and analysis of the disclosure. You can choose to remain anonymous.

The details for yourcall:

Telephone 1300 790 228 between Monday to Friday 9.00am to 12.00am

(AEST excluding public holidays)

<https://www.whistleblowing.com.au/>

Identification code: **VISS1947**

You can also make a report orally or in writing to the Company Secretary or Head of HR. Alternatively, a report can be made to the Chair of the Board or the Chair of the Governance, Risk and Appointments Committee or to another eligible recipient (listed above under 'Who can receive disclosures?'). The whistleblower protection officers must notify the Chair of the Board when they become aware of any whistleblower report (unless the report involves the Chair).

In some circumstances, there is an avenue of public interest and emergency disclosure of misconduct to Parliament and/or the media, including where a company has not acted on a qualifying disclosure within 90 days.

## The whistleblower process

All directors and employees of Vision Super are encouraged to raise serious concerns that are known or suspected through the described reporting lines. The Company Secretary and Head of HR are responsible for conducting a preliminary investigation to determine whether or not the disclosure is legitimate.

The Company Secretary and Head of HR may appoint additional members to join the team. They must ensure that all members of the investigation team are independent of both the whistleblower and anyone who is the subject of the allegations. During the investigation, the Company Secretary and Head of HR will keep the whistleblower informed of the progress and the action taken or the proposed action to be taken (unless the whistleblower is anonymous).

Vision Super will support the whistleblower during the entire process by ensuring the person has access to a trusted individual within the organisation to speak to, or externally to a professional within the Employee Assistance Program. We will also ensure that the whistleblower is supported in ensuring there are alternative arrangements for carrying out their day to day duties, such as working from home. Refer to the section below 'Protections for the Whistleblower' for further information on how whistleblowers are protected.

Vision Super also recognises that the person against whom the disclosures are made must be supported during the process and given a fair opportunity to respond to the allegations. This person will be accommodated if they wish to be represented in all discussions or meetings regarding such allegations.

All Vision Super employees are required to cooperate with all parties involved in the investigations and to treat the investigations in absolute confidence, save for their rights to representation. Any employee revealing the existence of an investigation or details of an investigation, contrary to this policy will be subjected to disciplinary action, which may also include termination of employment.

A formal report will be produced and given to the CEO and the Chair of the Governance, Risk & Appointments Committee. The CEO will review the investigation team's findings and recommendations and appropriate action will be initiated given the outcome of the review. This may include notifying the regulators. In the case, where the report involves the CEO, the CEO will be excluded from the process.

Any documents pertaining to a whistleblower report, including subsequent investigations, findings, recommendations and meeting minutes will be kept in secure storage by the Company Secretary and Head of HR.

If the whistleblower remains dissatisfied by the outcome of the review, they may refer the matter to ASIC or APRA.

## Protection for the whistleblower

If you make a disclosure, you will have the following protections:

- You do not need to identify yourself if you make a disclosure, you can remain anonymous
- No one, including the regulators, can disclose your identity to a court or tribunal without a court order
- Information you disclose is not admissible in evidence against you in a prosecution

- There are prohibitions against threatening to cause detriment or actual victimisation of whistleblowers. The threat can be express or implied and conditional or unconditional.
- As specified in the legislation, a court may not generally make a cost order against you, to ensure that people are not deterred from bringing proceedings by potential adverse costs orders
- Orders may be made by a court in your favour if you have suffered loss, damage or injury as a result of detrimental conduct, including a body corporate that breaches an existing duty to prevent third parties causing you detriment.

## Tax whistleblowers

If you have reasonable grounds to suspect that you have information that indicates misconduct or an improper state of affairs or circumstances in relation to the tax affairs of Vision Super, your report will be a protected disclosure.<sup>1</sup>

As well as the people/entities listed above, you can also make tax disclosures to the ATO, or to any registered tax agent (including BAS agents) who provides services to Vision Super.

The same provisions listed above under 'Protection for the whistleblower' apply to protecting your identity and protecting you from victimisation. However, unlike the general whistleblower regime, there is no provision for you to make an emergency disclosure or a disclosure in the public interest to Parliament or to the media.

## Penalties

There are penalties for individuals and the entity for disclosing a whistleblower's identity or causing detriment to a whistleblower.

## Reporting

The Company Secretary and the Head of HR will provide reporting on any whistleblowers to the Governance, Risk and Appointments Committee, where appropriate. Where criminal acts have been identified by whistleblowers, they will be reported to the police. If the matter relates to a regulatory breach, it will be dealt with in accordance with the [Incident and breach reporting process](#).

Reports will also be provided to internal and external auditors, as appropriate.

## Staff awareness

The Quality and Risk team will provide relevant training for our employees to ensure that everyone is aware of how to make a whistleblowing report. This policy is available on the hub and from the Human Resources team.

## Malicious disclosure

This policy provides an avenue to raise legitimate and serious concerns about disclosable matters. A malicious or false report of a matter could have a significant effect on Vision Super's reputation and the reputation of staff members and could cause considerable waste of time and effort. Any malicious or

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<sup>1</sup> *Whistleblowers Act s 14ZZT*



deliberate false reporting of a matter, whether under this policy or otherwise, will be treated as serious disciplinary matter and the consequences may include dismissal.