



Australian Mobile
Telecommunications
Association

WHISTLEBLOWER POLICY

Policy Overview

Australian Mobile Telecommunications Association Limited (**AMTA**) is committed to fostering a culture of legal, ethical and moral behaviour and good practice corporate governance. AMTA recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct.

This Whistleblower Policy and Procedure has been developed so that our people can raise concerns regarding situations where they consider that AMTA or an AMTA employee has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below.

Application/Scope

This policy applies to employees, directors, officers, contractors (including employees of contractors), volunteers, suppliers and consultants. Within this policy all of these people are represented by the term "**our people**".

Definitions

ASIC means the Australian Securities and Investments Commission.

Discloser means anyone who is, or has been, any of the following with respect to AMTA: an employee; director; officer; contractor (including employees of contractors); supplier (including employees of suppliers); associate; consultant; and/or a relative, dependent, spouse, or dependent of a spouse of any of the above.

Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

Protected disclosure means a report from a Whistleblower which was made in good faith and where the Whistleblower knew of or had reasonable grounds to suspect the Reportable conduct.

Whistleblowing means when a person (whether anonymously or not) attempts to report misconduct or dishonest or illegal activity that has occurred in connection with AMTA and wishes to avail themselves of protection against reprisal for having made the report.

Whistleblower means a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with AMTA, and wishes to avail themselves of protection against reprisal for having made the report.

A Whistleblower may be a current or former employee, member or accredited professional with AMTA.

Whistleblower Service Provider or WSP means the external third party service provider appointed by AMTA to provide an independent whistleblower reporting service.

Policy Objectives

This Policy aims to:

- a) encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct;
- b) provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation;
- c) enable AMTA to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information;
- d) ensure that any Reportable Conduct is identified and dealt with appropriately;
- e) ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported; and
- f) help to ensure that AMTA maintains the highest standards of ethical behaviour and integrity.

Reportable Conduct

What is Reportable Conduct?

Reportable conduct (disclosable matter) means any past, present or likely future activity, behaviour or state of affairs considered to be:

- a) dishonest;
- b) corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
- c) fraudulent;
- d) illegal (including theft, drug sale or use, violence or threatened violence, or property damage);

- e) in breach of regulation, internal policy or code (such as the ATMA Code of Conduct);
- f) improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;
- g) a serious impropriety or an improper state of affairs or circumstances;
- h) endangering health or safety; damaging or substantially risking damage to the environment;
- i) a serious mismanagement of AMTA's resources;
- j) detrimental to AMTA's financial position or reputation;
- l) maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives); and/or
- m) concealing any of the above.

A person acting in good faith, may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to:

- a) AMTA; or
- b) A related body corporate of AMTA

What is not Reportable Conduct?

While everybody is encouraged to speak up and report any concerns to AMTA, not all types of conduct are intended to be covered by this Policy or by the protections under the Corporations Act 2001 (Cth). This Policy does not apply to personal work-related grievances unless the grievance includes victimisation due to whistleblowing.

Personal work-related grievances are those that relate to the Discloser's current or former employment with AMTA that might have implications for the Discloser personally but do not:

- a) have any other significant implications for AMTA (or another entity); or
- b) relate to any conduct or alleged conduct about a disclosable matter.

Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

What information is needed to make a report?

To make a protected report, the Discloser must be acting in good faith and know of or have reasonable grounds to suspect the Reportable Conduct.

For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. This includes any known details about the events underlying the report such as the:

- a) date;
- b) time;
- c) location;
- d) name of person(s) involved;
- e) possible witnesses to the events; and
- f) evidence of the events (e.g. documents, emails).

How to make a report?

Internal Reporting

A report can be made to any person authorised by AMTA to receive Whistleblower disclosures, including:

- a) the Company Secretary;
- b) the CEO;
- c) a member of the AMTA management team; and
- d) AMTA's auditor, or a member of the audit team.

Where this is either inappropriate or impossible, the concern should instead be raised with the Whistleblower Service Provider ("WSP").

External Reporting

If a Discloser is not satisfied with an internal response to a report or where it is not appropriate or possible to raise the concern internally, the Discloser can contact the WSP by email to RSMHelpline@rsm.com.au or via the website <https://www.rsm.global/australia/WBreporting>

AMTA will also protect individuals who have made a report in connection with AMTA:

- a) to the Australian Securities and Investments Commission (ASIC) or another Commonwealth regulatory body prescribed in legislation;
- b) to a legal practitioner for the purposes of obtaining legal advice or legal representation about Whistleblower protections; or
- c) that qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that the Discloser understands the criteria for making a public interest or emergency

disclosure and they may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

Protection

How will a person be protected if they speak up about Reportable Conduct?

If a person has reasonable grounds to suspect Reportable Conduct and they are acting in good faith, even if it turns out their concerns are mistaken, AMTA will support and protect that person and anyone else assisting in the investigation.

This protection applies regardless of whether any concerns raised in a report are found to be true, provided that the person making the report is acting honestly and ethically and made the report on reasonable grounds.

This protection also applies to individuals conducting, assisting or participating in an investigation. The person making the report will also be entitled to the protection if they make a report of Reportable Conduct to an external body under this Policy.

Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.

If a person believes they have suffered a detriment in violation of this Policy, AMTA encourages the person to report this immediately to the Company Secretary or to an authorised person under this Policy. Any persons concerned of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.

Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.

Examples of a detrimental conduct include:

- a) retaliation, dismissal, suspension, demotion, or termination of their role;
- b) bullying, harassment, threats or intimidation;
- c) discrimination, subject to current or future bias, or derogatory treatment;
- d) harm or injury;
- e) damage or threats to property, business, financial position or reputation;
- f) revealing a Discloser's identity as a Whistleblower without consent or contrary to law; and/or
- g) threatening to carry out any of the above actions.

A person making a report may also be entitled to the following legal protections for making a report:

- a) protection from civil, criminal or administrative legal action;
- b) protection from having to give evidence in legal proceedings; and/or
- c) compensation or other legal remedy.

How will AMTA ensure confidentiality?

A Discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. AMTA will do all it can to protect confidentiality.

AMTA encourages all individuals to disclose their identity when raising a concern. This will assist AMTA to gather further information on their report. If the person making the report, discloses their identity, their details will be treated confidentially to the fullest extent possible in connection with the investigation. AMTA will take measures to protect their identity such as by redacting personal information, storing information and disclosure securely, referring to the Discloser in a gender-neutral context and only allowing qualified staff to investigate disclosures.

The Discloser may choose to report their concerns anonymously. However, if the Discloser chooses to disclose their identity, the Discloser's details will be treated confidentially to the fullest extent possible in connection with the investigation, and their identity will not be disclosed unless:

- a) the Discloser consents in writing to the disclosure;
- b) the disclosure is made to ASIC or the Australian Federal Police (AFP);
- c) the disclosure is made to a legal practitioner for the purpose of obtaining advice;
- d) the disclosure is authorised under the *Corporations Act 2001* (Cth); and/or
- e) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

AMTA encourages all individuals to disclose their identity when raising a concern. This will assist AMTA to gather further information on their report. All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.

It is illegal for a person to identify a Discloser or disclose information that is likely to lead to the identification of the Discloser unless an exception above applies. If the Discloser feels that their confidentiality has been breached, they can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. AMTA may also take disciplinary action against individuals that breach the confidentiality of a Discloser, including summary dismissal.

False reports or disclosures

Protected Disclosures must be made on reasonable grounds. Any employee who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal, in accordance with AMTA Code of Conduct and other policies. The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

Handling and investigating a disclosure

Upon receiving a Protected Disclosure, within 5 days, AMTA will endeavour to assess the disclosure to determine whether:

- a) it qualifies for protection; and
- b) a formal, in-depth investigation is required.

AMTA will endeavour to provide the Discloser with regular updates. AMTA may not be able to investigate a disclosure if it is unable to contact the Discloser. AMTA will handle and investigate Protected Disclosures in accordance with the this Policy.

Other Matters

This Policy will be available to our people via the shared drive for staff.

Training on this policy forms part of the induction process for new employees and refresher training for existing employees may be offered from time to time.

Legislation & Industrial Instruments

- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Superannuation Industry (Supervision) Act 1993
- Taxation Administration Act 1953

This policy & procedure is not intended to override any industrial instrument, contract, award or legislation.