

# Whistleblowing Policy

## 1. INTRODUCTION

Hagar Australia is committed to the highest standards of conduct and accountability; and it does not tolerate wrongdoing. Hagar Australia acknowledges that systems for encouraging and protecting people who disclose wrongdoing are vital to support its value of Integrity, as well as good governance and freedom from corruption within the organisation. Wrongdoing undermines Hagar Australia's ability to achieve its mission "... to transform the lives of those impacted by deep trauma and end the cycle of trafficking, slavery and abuse;" due to a number of impacts including reputational loss, negative effects on morale across the organisation, loss of resources and more. Hagar Australia is committed to creating an environment of trust where Hagar Australia personnel, suppliers (including contractors) and Hagar Australia-funded partners feel safe in disclosing wrongdoing at any level of the organisation, knowing their disclosure will be treated fairly and confidentially, responded to quickly and supportively; and they will be protected, both by law and Hagar Australia.

Everyone has a responsibility to disclose suspected wrongdoing within Hagar Australia, in good faith, and be supported and protected from adverse consequences. As a company limited by guarantee under the Corporations Act 2001, Hagar Australia eligible whistleblowers (as defined) (hereafter 'Whistleblowers') are afforded legal whistleblowing protections which include criminal and civil penalties for a person causing or threatening to cause detriment to a Whistleblower, or breaching a Whistleblower's confidentiality. These protections also apply to former Hagar Australia and partner personnel and suppliers (including contractors), as well as family members of Whistleblowers. Hagar Australia will ensure the confidentiality of Whistleblowers is maintained; and will protect them from detrimental acts or omissions (as defined). Every disclosure will be treated in a confidential, fair, impartial and reasonable way with due regard for procedural fairness.

This policy is intended to complement statutory protection. For the avoidance of doubt, an individual's statutory rights will not be affected in any way by this policy.

*This policy addresses wrongdoing by Hagar Australia and its personnel. For work-related grievances (including interpersonal conflicts and decisions regarding employment or engagement), reference should be made to Hagar Australia's Human Resources Policy. For individuals outside of the scope of this policy, such as community members, who wish to disclose wrongdoing, reference should be made to Hagar Australia's Incident Reporting and Complaints Handling Procedures.*

## 2. PURPOSE

This policy is intended to:

- encourage and facilitate reports of Disclosable Matters (as defined);
- help deter wrongdoing, in line with Hagar Australia's risk management and governance framework;
- ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- provide transparency around Hagar Australia's framework for receiving, handling and investigating disclosures;
- ensure disclosures are dealt with appropriately and on a timely basis;
- preserve the reputation and integrity of Hagar Australia, as well as that of all parties affiliated with it.

### 3. SCOPE

#### 3.1 Who qualifies for Whistleblowing Protection

Legal whistleblowing protection under the Corporations Act and this policy will be afforded to an individual who is, or has been, any of the following in relation to Hagar Australia:

- (a) an officer or employee (for example current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers, and directors);
- (b) a supplier of services or goods to Hagar Australia (whether paid or unpaid), including their employees (for example current and former contractors, consultants, service providers and business partners);
- (c) an associate of Hagar Australia; and
- (d) a relative, dependant or spouse of an individual identified above (for example relatives, dependants or spouse of current and former employees, contractors, consultants, service providers, suppliers and business partners).

("an **Eligible Whistleblower**")

where the Eligible Whistleblower has made:

- (a) a disclosure of information relating to a **Disclosable Matter** (as defined) directly to an **Eligible Recipient** or to ASIC or another Commonwealth body prescribed by regulation;
- (b) a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act; or
- (c) an **Emergency Disclosure** or **Public Interest Disclosure** to a journalist or member of Commonwealth, state or territory parliaments (parliamentarians), under certain circumstances.

#### 3.2 Personal Work-Related Grievances

A disclosure relating to a personal work-related grievance does not qualify for protection under the Corporations Act or under this policy. A personal work-related grievance may include:

- (a) an interpersonal conflict between the Whistleblower and another employee;
- (b) a decision that does not involve a breach of workplace laws;

- (c) a decision about the engagement, transfer or promotion of the Whistleblower;
- (d) a decision about the terms and conditions of engagement of the Whistleblower; or
- (e) a decision to suspend or terminate the engagement of the Whistleblower, or otherwise to discipline the Whistleblower.

However a personal work-related grievance may still qualify for protection if:

- (a) it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report);
- (b) the entity has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the Whistleblower's personal circumstances;
- (c) the Whistleblower suffers from or is threatened with detriment for making a disclosure; or
- (d) the Whistleblower seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act.

#### **4. RISK AND RISK MANAGEMENT CONTROLS**

Hagar Australia understands that assessing risk and designing appropriate mitigation strategies is a vital part of deterring wrongdoing, encouraging and appropriately handling and investigating disclosures, and promoting the safety of Whistleblowers.

##### **4.1 Internal Operations**

Hagar Australia's internal risk management controls are to:

- Provide Hagar Australia's Whistleblowing Policy (including qualifying disclosure requirements and procedures) to all Hagar Australia personnel and discuss during annual Performance Reviews, and include the Policy on Hagar Australia's website.
- Include 'Risk,' supported by Hagar Australia's Risk Register, as a standing Board bi-monthly meeting agenda item to monitor whistleblowing disclosures with generalised, de-identified information and Whistleblowing Policy compliance.

##### **4.2 Hagar Australia Funded Partners and Programs**

Hagar Australia's programmatic risk management controls are to:

- Ensure that Hagar Australia-funded partners develop and implement their own Hagar Australia-compliant whistleblowing policy with clear disclosure and investigation procedures (including confidentiality and protection requirements) or formally adopt Hagar Australia's Whistleblowing Policy. The disclosure procedure should be displayed in local language in each office and discussed with clients and communities, within 6 months of signing a partnership agreement with Hagar Australia.
- Support partners in their compliance with whistleblowing requirements.

## 5. PROTECTIONS & SUPPORT FOR WHISTLEBLOWERS

### 5.1 Protections

Whistleblower protections are the protections provided to whistleblowers to enable them to come forward to report misconduct without fear of retribution or personal detriment.

Protections available to Eligible Whistleblowers under the Corporations Act and Hagar Australia's Whistleblowing Policy include:

#### 1) *Identity protection (confidentiality)*

Hagar Australia has a legal obligation to protect the confidentiality of a Whistleblower's identity. A person cannot disclose the identity of a Whistleblower or information that is likely to lead to the identification of the Whistleblower (which they have obtained directly or indirectly because the Whistleblower made a disclosure that qualifies for protection), unless this is to the Australian Securities and Investments Commission (ASIC), the Australian Federal Police (AFP), a legal practitioner for the purposes of obtaining whistleblowing legal advice or with the consent of the Whistleblower.

Information may be disclosed without consent if Hagar Australia has taken all reasonable steps to reduce the risk that the Whistleblower may be identified from the information and it is reasonably necessary for investigation purposes. It is illegal for a person to identify a Whistleblower, or disclose information that is likely to lead to the identification of a Whistleblower, outside the exceptions mentioned above. A Whistleblower may lodge a complaint of breach of confidentiality with ASIC.

#### 2) *Protection from detrimental conduct*

Legal protections are available for protecting a Whistleblower, or any other person, from detriment in relation to a disclosure.

A person cannot engage in conduct that causes detriment to a Whistleblower (or another person), in relation to a disclosure, if:

- (a) the person believes or suspects that the Whistleblower (or another person) made, may have made, proposes to make or could make a disclosure that qualifies for protection; and
- (b) the belief or suspicion is the reason, or part of the reason, for the conduct.

In addition, a person cannot make a threat to cause detriment to a Whistleblower (or another person) in relation to a disclosure. A threat may be express or implied, or conditional or unconditional. A Whistleblower (or another person) who has been threatened in relation to a disclosure does not have to actually fear that the threat will be carried out to be eligible for protection.

Examples of detrimental conduct include: dismissal, injury, demotion, discrimination,

harassment, intimidation, disciplinary action, bias, threats or other unfavourable treatment.

A person who subjects a Whistleblower to detrimental conduct because they have reported, may have reported, propose to report or could report a Disclosable Matter will be in breach of this policy and will be dealt with under Hagar Australia's disciplinary procedures (see Section 7). This is a serious matter which may expose the person to civil and criminal sanctions.

### 3) *Compensation and other remedies*

A Whistleblower (or any other employee or person) can seek compensation and other remedies through the courts if:

- they suffer loss, damage or injury because of a disclosure; and
- Hagar Australia failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

Whistleblowers are encouraged to seek independent legal advice.

### 4) *Civil, criminal and administrative liability protection*

A Whistleblower is protected from any of the following in relation to their disclosure:

- Civil liability (for example any legal action against the Whistleblower for breach of an employment contract, duty of confidentiality or another contractual obligation);
- Criminal liability (for example attempted prosecution of the Whistleblower for unlawfully releasing information, or other use of the disclosure against the Whistleblower in a prosecution (other than for making a false disclosure)); and
- Administrative liability (for example disciplinary action for making the disclosure).

The protections do not grant immunity for any misconduct a Whistleblower has engaged in that is revealed in their disclosure.

These protections apply not only to internal disclosures, but to disclosures to legal practitioners, regulatory and other external bodies, and public interest and emergency disclosures that are made in accordance with the Corporations Act.

## **5.2 Support**

### 1) *Identity protection (confidentiality)*

Hagar Australia will reduce the risk that a Whistleblower will be identified from the information contained in a disclosure:

- All personal information or reference to the Whistleblower witnessing an event will be redacted;
- The Whistleblower will be referred to in a gender-neutral context;
- Where possible, the Whistleblower will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them; and

- Disclosures will be handled and investigated by the Board Chair, Executive Director or an external party, where appropriate.

Hagar Australia will follow secure record-keeping and information-sharing processes:

- All paper and electronic documents and other materials relating to disclosures will be stored securely;
- Access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- Only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a Whistleblower's identity (subject to the Whistleblower's consent) or information that is likely to lead to the identification of the Whistleblower;
- Communications and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other Hagar Australia personnel, suppliers and/ or partners; and
- Each person who is involved in handling and investigating a disclosure will be reminded about confidentiality requirements, including that an unauthorised disclosure of a Whistleblower's identity may be a criminal offence.

In practice, a person may be able to guess a Whistleblower's identity if:

- The Whistleblower has previously mentioned to other people that they are considering making a disclosure;
- The Whistleblower is one of a very small number of people with access to the information; or
- The disclosure relates to information that a Whistleblower has previously been told privately and in confidence.

## 2) *Protection from detrimental conduct*

Hagar Australia may employ the following measures and mechanisms for protecting Whistleblowers from detrimental acts or omissions (where applicable):

- Processes for assessing the risk of detriment against a Whistleblower and other persons (for example anyone else who might be suspected to have made a disclosure), which will commence as soon as possible after receiving a disclosure;
- Support services (including counselling or other professional or legal services) that are available to Whistleblowers;
- Strategies to help a Whistleblower minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation;
- Actions for protecting a Whistleblower from risk of detriment; for example, allowing the Whistleblower to perform their duties from another location, reassign the Whistleblower to another role at the same level, make other modifications to the Whistleblower's workplace or the way they perform their duties, or reassign or relocate other personnel involved in the disclosable matter;
- The Hagar Australia Executive Director, where appropriate, is responsible for maintaining

the confidentiality of a disclosure, addressing the risks of isolation or harassment, managing conflicts, and ensuring fairness when managing the performance of, or taking other management action relating to, a Whistleblower;

- Procedures on how a Whistleblower can lodge a complaint if they have suffered detriment, and the actions Hagar Australia may take in response to such complaints (for example, a Board member who is not involved in dealing with disclosures may investigate the complaint and provide the investigation findings to the Board or Finance and Risk Sub-Committee); and
- Interventions for protecting a Whistleblower if detriment has already occurred; for example, Hagar Australia may investigate and address the detrimental conduct, such as by taking disciplinary action, or Hagar Australia may allow the Whistleblower to take extended leave, support the Whistleblower in a career development plan including new training and career opportunities, or offer compensation or other remedies. A Whistleblower should seek independent legal advice or contact regulatory bodies, such as ASIC, if they believe they have suffered detriment.

## **6. PROCESSES FOR DISCLOSING AND INVESTIGATING**

### **6.1 How to Disclose**

A Whistleblower may report a Disclosable Matter by one of the following means:

- At <https://hagar.org.au/reporting> (this can be anonymous and Google Chrome can assist with webpage translation; whistleblowing disclosures are received by the Board Secretary) and
- Contact Hagar Australia's Board Secretary or Executive Director on **+61 3 9416 1960** or [secretary@hagar.org.au](mailto:secretary@hagar.org.au).
- Contact Hagar Australia's auditor- please check Hagar Australia's latest Annual Report (<https://hagar.org.au/publications/>) for auditor contact information.

Disclosable Matters may also be reported to other Eligible Recipients (see 'Definitions').

#### *Anonymity*

A Whistleblower can remain anonymous, including refusing to answer questions that they feel could reveal their identity during an investigation, and still qualify for protection. A Whistleblower who wishes to remain anonymous should maintain ongoing two-way communication with Hagar Australia, so the organisation can ask follow-up questions or provide updates. These measures will be used to protect anonymity:

- communication with Whistleblowers will be through anonymised email addresses; and
- a Whistleblower may adopt a pseudonym for the purpose of their disclosure.

## 6.2 How the Disclosure will be Investigated

Any report of a Disclosable Matter is a serious matter which will be investigated by Hagar Australia, as follows:

- All disclosures will be acknowledged within one business day and handled confidentially by either the Board Secretary or Executive Director (hereafter ‘responsible person’), depending on the disclosure recipient.
- The responsible person will immediately assess each disclosure to determine whether:
  - it qualifies for protection; and
  - a formal, in-depth investigation is required.
- If it is determined that an investigation is required, the responsible person will then decide the:
  - nature and scope of the investigation;
  - person(s) within and/ or outside Hagar Australia that may need to be consulted during the investigation;
  - nature of any technical, financial or legal advice that may be required to support the investigation; and
  - timeframe for the investigation.
- An objective, impartial and confidential investigation will be conducted as promptly and thoroughly as possible, overseen by the responsible person. The investigation will focus on the substance of a disclosure and not what is believed to be the Whistleblower’s motive for disclosing. The process may vary depending on the nature of the disclosure.

Without the Whistleblower’s consent, Hagar Australia cannot disclose information that is likely to lead to the identification of the Whistleblower as part of its investigation process, unless:

- the information does not include the Whistleblower’s identity;
  - Hagar Australia removes any identifying information, such as the Whistleblower’s name, position title and other identifying details; and
  - it is reasonably necessary for investigating the issues raised in the disclosure.
- Appropriate records and documentation of each stage in the process will be maintained.
  - Where appropriate, the responsible person will arrange an initial interview with the Whistleblower (if the person is able to be contacted) within five working days of receipt of the disclosure to gather further information and discuss the timeframe for investigation.
  - If contactable, a Whistleblower will be provided with regular updates, at the start, during and after the investigation has been finalised. The frequency and timeframe may vary depending on the nature of the disclosure.
  - To avoid jeopardising an investigation, a Whistleblower is required to keep confidential the fact that they have made a disclosure and the information contained therein, subject to any legal requirements.
  - Fair treatment will be accorded to any individuals mentioned in a disclosure and an employee who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and

prior to any actions being taken (for example, if the disclosure will be the subject of an investigation). An individual who is the subject of a disclosure will be offered appropriate support.

- The Whistleblower will be informed of the outcome of the investigation within five working days of the investigation’s completion. There may be circumstances where it is not appropriate to provide details of the outcome to the Whistleblower, particularly regarding disciplinary action taken against any person.
- The findings of the investigation will be documented, de-identified and reported to the Hagar Australia Board.

This policy acknowledges the limitations of Hagar Australia’s investigation process. Hagar Australia may not be able to undertake an investigation if the organisation is unable to contact the Whistleblower (for example, if a disclosure is made anonymously and the Whistleblower has refused to provide, or has not provided, a means of contacting them).

In practice, Hagar Australia may investigate a disclosure by asking the Whistleblower for consent to a limited disclosure (for example disclosure to Hagar Australia’s Safeguarding and Reporting Officer). Hagar Australia may also investigate a disclosure by conducting a broad review on the subject matter or the work area disclosed. In addition, it may investigate an anonymous disclosure, even if it cannot get in contact with the Whistleblower, if the Whistleblower has provided sufficient information and Hagar Australia removes any information that may lead to the identification of the Whistleblower.

**7. SANCTIONS**

- (a) A person who subjects a Whistleblower to detrimental conduct because they have reported, may have reported, propose to report or could report a Disclosable Matter; or
- (b) A person who breaches a Whistleblower’s confidentiality, or
- (c) A Whistleblower who makes a disclosure containing allegations that are knowingly false and made maliciously,

will be in breach of this policy and will be dealt with under Hagar Australia’s disciplinary procedures. These are serious matters which may expose the person to civil and criminal sanctions.

**8. DEFINITIONS**

<b>Term</b>	<b>Definition</b>
Hagar Australia personnel	Hagar Australia’s Board of Directors, employees (full-time, part-time and casual) and volunteers.
Hagar Australia-funded partners	This includes Hagar International, its Program Offices and other entities engaged to perform any part of a Hagar Australia-funded activity. These entities have agreed roles and responsibilities monitored by Hagar.
Whistleblower	An individual with inside knowledge of an organisation who reports misconduct or dishonest or illegal activity that may have occurred within that organisation (see ‘Eligible whistleblowers’).

Eligible whistleblowers	Whistleblower to whom the whistleblower protections apply (see Section 3.1).
Qualifying disclosure	A qualifying disclosure involves reporting a Disclosable Matter by Hagar Australia or Hagar Australia personnel. To qualify for protection, the Whistleblower must have reasonable grounds to suspect that the information they will disclose indicates misconduct. However, a Whistleblower does not need to prove their allegations and still qualifies for protection if their disclosure turns out to be incorrect.
Disclosable Matters	<p>Disclosable matters involve information that the Whistleblower has reasonable grounds to suspect concerns misconduct, an improper state of affairs or circumstances, or breach of the law, in relation to Hagar Australia.</p> <p>Examples of disclosable matters include:</p> <ul style="list-style-type: none"> <li>• theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;</li> <li>• fraud, money laundering or misappropriation of funds;</li> <li>• offering or accepting a bribe;</li> <li>• financial irregularities;</li> <li>• failure to comply with, or breach of, legal or regulatory requirements; and</li> <li>• engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.</li> </ul> <p>'Misconduct or an improper state of affairs or circumstances' may not involve unlawful conduct in relation to Hagar Australia but may indicate a systemic issue that ASIC should know about to properly perform its functions. It may also relate to organisational behaviour and practices that may cause harm to stakeholders, such as donors, partners, the people whom Hagar Australia works to support and/ or the public.</p>
Reasonable grounds	A reasonable person in the Whistleblower's position would also suspect the information indicates misconduct or a breach of the law.
Eligible recipient	<p>An eligible recipient is:</p> <ol style="list-style-type: none"> <li>(a) an officer (Board Director or Secretary) or senior manager (Executive Director) of Hagar Australia</li> <li>(b) the external auditor (including a member of an audit team conducting an audit) of Hagar Australia; and</li> <li>(c) a person authorised by Hagar Australia to receive disclosures that may qualify for protection.</li> </ol>
Public interest disclosure	<p>The disclosure of information to a journalist or a parliamentarian, where:</p> <ol style="list-style-type: none"> <li>(a) at least 90 days have passed since the Whistleblower made the disclosure to ASIC or another Commonwealth body prescribed by regulation;</li> <li>(b) the Whistleblower does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure;</li> <li>(c) the Whistleblower has reasonable grounds to believe that making a further disclosure of the information is in the public interest; and</li> <li>(d) before making the public interest disclosure, the Whistleblower has given written notice to the body to which the previous disclosure was made that: (i) includes sufficient information to identify the previous disclosure;</li> </ol>

	<p>and (ii) states that the Whistleblower intends to make a public interest disclosure.</p> <p>A Whistleblower must understand the criteria for making a public interest disclosure and should seek independent legal advice before making such a disclosure.</p>
Emergency disclosure	<p>The disclosure of information to a journalist or a parliamentarian, where:</p> <ul style="list-style-type: none"> <li>(a) a previous disclosure has been made to ASIC or another prescribed Commonwealth regulatory body;</li> <li>(b) the Whistleblower has reasonable grounds to believe that the information relates to a substantial or imminent danger to the health or safety of one or more persons or to the natural environment;</li> <li>(c) before making the emergency disclosure, the Whistleblower has given written notice to the body to which the previous disclosure was made that: (i) includes sufficient information to identify the previous disclosure; and (ii) states that the Whistleblower intends to make an emergency disclosure; and</li> <li>(d) the information provided in the emergency disclosure is no more than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.</li> </ul> <p>A Whistleblower must understand the criteria for making an emergency disclosure and should seek independent legal advice before making such a disclosure.</p>
Detrimental conduct	<p>This includes dismissal, harm or injury, demotion or alteration of position or duties to their disadvantage, discrimination, harassment, intimidation, disciplinary action, bias, threats, damage to property, reputation or financial position, or other unfavourable treatment because the Whistleblower made, may have made, proposes to make or could make a disclosure.</p> <p>Detrimental conduct does not include:</p> <ul style="list-style-type: none"> <li>• administrative action that is reasonable for the purpose of protecting a Whistleblower from detriment (for example moving a Whistleblower who has made a disclosure about their immediate work area to another office to prevent them from detriment); and</li> <li>• managing a Whistleblower's unsatisfactory work performance, in line with Hagar Australia's performance management framework.</li> </ul>

## 9. RELATED POLICIES AND PROCEDURES

- Child Safeguarding Policy
- Prevention of Sexual Exploitation, Abuse & Harassment Policy
- Prevention of Fraud & Corruption Policy
- Prevention of Terrorism Financing Policy
- Conflict of Interest Policy
- Environmental Management & Social Safeguards Policy
- Privacy Policy
- Feedback & Complaint Handling Policy
- Human Resources Policy

- Bullying, Harassment & Discrimination Policy
- Travel, Safety & Security Policy
- Workplace Management Guide
- Incident Reporting Procedure

## **10. POLICY REVIEW**

This policy will be reviewed at least every two years, or as required, incorporating lessons learned.

### **Contact:**

For questions about this policy, contact Hagar Australia's Executive Director on +61 3 9416 1960.

## Annex 1: Hagar Australia Code of Conduct

In keeping with its vision and values, Hagar Australia is committed to maintaining the highest degree of ethical conduct amongst its personnel, representatives and visitors. The Hagar Australia Code of Conduct provides to Board members, staff, consultants/ contractors, volunteers, representatives and visitors to Hagar Australia-funded projects overseas guidance on the mandatory standards of personal and professional conduct required of a representative of Hagar Australia at all times. These standards, in conjunction with all Hagar Australia policies, should inform decision-making that exemplifies Hagar Australia's values of Respect, Integrity, Compassion and Excellence; as well as transparency and accountability. Acknowledging the above, in my role with Hagar Australia,

### I WILL-

- Uphold the **integrity** and **reputation** of Hagar Australia by ensuring that my professional and personal conduct is consistent with the organisation's values and standards.
- Contribute to a **safe, fair, inclusive, equitable and collegial work environment** free from harassment and discrimination, where all people are treated with respect and dignity.<sup>1</sup>
- Comply with Australian and local **legislation** (including child<sup>2</sup> and adult labour laws), and immediately disclose all charges, convictions and other outcomes of any offences that relate to exploitation and abuse (particularly of children), terrorist activity, financial misconduct and/or discrimination, including those under traditional law; which occurred before or during my association with Hagar Australia.
- Comply with all Hagar Australia policies and **immediately report** any concerns or allegations of wrongdoing, exploitation and abuse (particularly of children); policy non-compliance, and/or breaches of this Code of Conduct to <https://hagar.org.au/reporting> and Hagar Australia's Quality Officer (Safeguarding & Reporting Focal Person) or Executive Director on +61 3 9416 1960. Please note: Making an allegation known to be false is considered a breach of this Code of Conduct and will be treated accordingly.
- Maintain an environment in which Hagar Australia personnel, partners, representatives, visitors, the people who are participants in, and are directly affected by, Hagar Australia-funded projects know expected standards of behaviour and how to **raise complaints and concerns without fear** of reprisal, harassment or victimisation.
- Be **accountable** for my behaviour and not place myself in a position where there is a risk of allegations being made, particularly avoiding actions or behaviours that could be perceived by others as exploitation and/or abuse.
- Wherever possible, ensure that **another adult is present** when working near children and adult beneficiaries<sup>3</sup> (the 'two adult rule').

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<sup>1</sup> Regardless of sex, gender, age, language, ethnicity, ability, sexual orientation, intersex status, religious or political beliefs, educational level, professional skills, work experience, cultural and socio-economic background.

<sup>2</sup> A 'child' is any person under the age of 18 years.

<sup>3</sup> 'Beneficiaries' or 'primary stakeholders' are the women and men, boys and girls who Hagar Australia seeks to support and are participants in, and are directly affected by, Hagar Australia-funded development initiatives.

- Exercise due care in all matters of official business and not disclose any **confidential information** received in the course of exercising official duties unless that disclosure has been authorised by Hagar Australia, or is required by law.
- Protect the organisation from **fraud, theft, waste and misuse** of resources.
- Be sensitive to **local values, culture and customs** when engaged in international contexts on behalf of Hagar Australia.
- Respect the **environment** by engaging in environmentally-friendly work practices.

*Regarding children & adult beneficiaries:*

- Be a **positive role model** and provide a **welcoming, inclusive and safe environment** for all children, young people and adult survivors.
- Encourage **open communication** between children, young people, parents and Hagar personnel, and allow children and young people to participate in the decisions that affect them.

When photographing or filming a child or adult survivor, or using their images for work-related purposes:

- Take care to ensure **local traditions** or restrictions for reproducing personal images are adhered to before photographing or filming a child or adult survivor.
- Obtain documented **informed consent**<sup>4</sup> from the child and parent(s) or guardian(s) of the child, as well as adult survivors, before photographing or filming a child and/ or adult survivor; and inform them of their rights to have a support person present, to withdraw consent at any point, to access information about them and seek its correction (if desired, unless there are legal or safety reasons to prevent this), and to make a complaint to the Hagar Program Office Executive Director, <https://hagar.org.au/reporting> or the Australian Council For International Development (ACFID) at [code@acfid.asn.au](mailto:code@acfid.asn.au) (marked 'Confidential').
- Ensure photographs, films, videos and DVDs present child and adult survivors in a **dignified and respectful manner**, and not in a vulnerable or submissive manner. Child and adult survivors should be adequately clothed, and not in poses that could be seen as sexually suggestive.
- Ensure images are **honest representations** of the context and facts.
- Ensure all images of child and adult survivors are obscured with **name changes**, no identifying **background features**, Global Positioning System **tracking** turned off and **stored securely**, in accordance with Hagar International's Communications Policy.
- Ensure file labels, meta data or text descriptions do not reveal **identifying information** about a child or adult survivor when sending images electronically or publishing images in any form.

*Regarding Prevention of Sexual Exploitation, Abuse & Harassment (PSEAH):*

- Inform the Executive Director or Board Chair if I become engaged in a **personal relationship** which may be perceived as inappropriate or exploitative.

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<sup>4</sup> Taking steps, in local language, to ensure that contributors (the people sharing their stories) understand: 1) Why Hagar wishes to document stories about them; 2) Who the audience is likely to be; 3) How their stories may be used now and in the future; 4) How their stories will be stored, how long for and how they will be destroyed.

*Regarding conflicts of interest:*

- Avoid (where possible), disclose and manage any actual, potential or perceived **conflicts of interest**.
- Notify of any known or perceived form of **corruption** and not offer, promise or accept bribes.
- Declare any financial, personal or family (or close intimate relationship) **interest** in matters of official business which may impact on the work of Hagar Australia.
- Refuse or return any **gift**, however minor, that appears to be given with an expectation of reward or influence.
- Seek permission before agreeing to being nominated as a **prospective candidate** or other official role for any political party.

*Regarding the safety, health & welfare of others:*

- Adhere to all **health and safety requirements** at my location of work.
- Comply with any **local security guidelines** overseas and be pro-active in informing management of any necessary changes to such guidelines.
- Behave in a manner which **avoids any unnecessary risk** to the safety, health and welfare of myself and others, including partner organisations and communities with whom we work.

*Regarding use of information, assets & resources during my engagement with Hagar Australia:*

- Notify Hagar Australia immediately if I become aware of **Hagar Australia property**, resources or funds being used other than for their authorised purposes.
- Ensure that I consider **value for money** (spending funds economically, efficiently, effectively and ethically) when procuring assets and resources on behalf of Hagar Australia.
- Ensure that I use the intellectual and physical **property, assets and resources** entrusted to me by Hagar Australia in a **responsible manner**, including treating and maintaining them with due care, securing them against theft and misuse, and accounting for all money and property.

I WILL NOT-

- Seek to make contact, spend time with and/or **develop relationships** with children, young people or adult beneficiaries outside of Hagar Australia-related work and work hours.
- Act in a way that shows unfair and **differential treatment** of children or adult beneficiaries, including through the provision of gifts, payment or inappropriate attention. This includes providing payment to another person to solicit any form of advantage or sexual favour from a child or adult beneficiary.
- Invite unaccompanied children or adult **beneficiaries into private residences** or other private location, unless they are at immediate risk of injury or in physical danger.
- **Hold, kiss, cuddle or touch** a child or adult beneficiary in inappropriate, unnecessary or culturally insensitive ways.
- Use **language or behaviour** (towards children and/or adults) that is harassing, abusive, sexually provocative, inappropriate, discriminatory/exclusionary or generally intended to shame, humiliate, belittle, degrade or exploit.
- **Misuse Hagar Australia property**, information or my status through my engagement with Hagar Australia for personal gain.

- Work under the influence of **alcohol** or use, or be in possession of, **illegal substances** on Hagar Australia premises or accommodation.
- Use computers, mobile phones, video cameras, photographic cameras or other technology inappropriately to **exploit or harass children**, in particular; or access and/or disseminate exploitative material, including but not limited to pornography or depictions of child abuse, through any medium.

*Regarding children:*

- Condone or engage in **behaviour that is illegal and/or unsafe**, including giving or allowing children to use illegal drugs, alcohol or restricted substances.
- Do things of a **personal nature** that a child can do for him/herself, such as assistance with toileting or changing clothes.
- Smack, hit, assault or **physically punish** children.
- Engage children in **sexual relationships** or any form of sexual intercourse or activity, including paying for sexual services (transactional sex). Mistaken belief that a child is over 18 years of age is not a defence.
- **Sleep close to unsupervised children**, including in the same area or bed, unless absolutely necessary, in which case the supervisor's permission must be obtained and another adult should be present if possible (noting that this does not apply to an individual's own children).
- **Hire children** for domestic or other labour: which is inappropriate given their age or developmental stage; which interferes with their time available for education and recreational activities; or which places them at significant risk of injury.

*Regarding Prevention of Sexual Exploitation, Abuse & Harassment (PSEAH):*

- Engage in **sexual relationships** with program participants or beneficiaries. These relationships are inherently based on unequal power dynamics and undermine the credibility and integrity of Hagar Australia.
- Engage in any conduct that may be considered, or has the potential to be considered, **sexual exploitation, abuse or harassment**, including fraternisation.<sup>5</sup>
- Exchange money, employment, goods or services for sex (**transactional sex**), including sexual favours. This includes any exchange of assistance that is due to beneficiaries and a prohibition on engaging the services of sex workers even when it is legal to do so. This further prohibits the procurement of sex for others or the use of a third party to do so.
- Use Hagar Australia or partner organisation facilities, vehicles, personnel, or **resources** for the purpose of arranging or facilitating access to sex workers by any person, including visitors to Hagar Australia or partner offices or programs.

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<sup>5</sup> Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.

*Regarding conflicts of interest:*

- Allow personal interests, or the interests of any associated person, to **conflict with the interests** of Hagar Australia.
- Be involved in awarding benefits, contracts for goods or services, employment or promotion within Hagar Australia, to any person with whom I have financial, personal or family (or close intimate relationship) **interests**.
- Accept **significant gifts or any remuneration** from governments, communities with whom we work, donors, suppliers and other persons, which have been offered to me as a result of my engagement with Hagar Australia and which appear to have been offered with an expectation of reward or influence.

*Regarding use of information, assets & resources during my engagement with Hagar Australia:*

- Use **Hagar Australia property**, resources or funds other than for their authorised purposes.
- Use Hagar Australia IT equipment, software or e-mail and social media platforms to **engage in activity that is illegal** under local or international law, or that encourages conduct that would constitute a criminal offence. This includes any activity that intimidates or harasses any group based on protected characteristics, or that encourages extremism.

**Breach of the Code of Conduct**

The Code of Conduct forms part of all Hagar Australia personnel contracts and a breach of this Code may be grounds for disciplinary action, including dismissal,<sup>6</sup> the ending of a relationship or contract with Hagar Australia, or the cancellation or ending of a visit to Hagar Australia, its partners and projects. Any breaches, if criminal in nature, will be reported to relevant law enforcement agencies, both in Australia and overseas, where it is safe to do so and in accordance with the wishes of victims/ survivors.

I declare that I have read and understood the Hagar Australia Code of Conduct, and agree to abide by its standards and behaviour protocols-

*Name:*

*Signature:*

*Date:*

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<sup>6</sup> A person will be dismissed after an investigation if a safeguarding incident is found to have occurred.

## Annex 2: Reporting and Investigation Procedure

- 1) *Initial review:* Upon notification of a suspected, alleged or actual incident – see sidebar, the Report Receiver (Safeguarding Focal Person, Executive Director, or Secretary or Chair of the Board) of Hagar Australia will promptly carry out an initial review (see sidebar) and determine potential support needs of the victim/survivor (if relevant) and whether further investigation is needed – see sidebar. If further investigation of a safeguarding incident is required, the person accused will be suspended/transferred to other duties for the duration of the investigation. The needs of victims/survivors will be prioritised, including identifying a support person, accessing medical care, counselling, legal support and/or finding a safe place to stay. If related to financial wrongdoing, relevant records and information may be removed, and placed in a secure location with limited access, and the individual suspected of committing the incident prevented from accessing them.
- 2) *Legal support:* The Report Receiver will seek limited disclosure permission from the victim/survivor/report-maker and coordinate the investigation (see sidebar) with the appropriate Head of Hagar office, local law enforcement officials or external investigator, depending on whether the incident took place in Australia/overseas and the wishes of the victim/survivor, within 3 working days. Internal or external legal representatives may be involved in the process, as deemed appropriate.
- 3) *Incident substantiated:* If a suspicion or allegation is substantiated by the investigation, disciplinary action, up to and including dismissal (or termination of an individual’s right to work as a contractor or volunteer), will be taken by the Executive Director or Board Secretary, and communicated to the offender, victim/survivor/report-maker and the Board, using de-identified information. The Board will discuss further action to be taken. Regarding property, Hagar Australia will pursue every reasonable effort, including court-ordered restitution, to obtain recovery of any losses from the offender.

Where a case has been established, the matter shall be referred to local authorities. If an allegation is made in good faith but not substantiated by the investigation, no action will be taken against the report-maker and, where the investigation relates to an employee, their file will not contain any record of the allegation, investigation or report. Hagar Australia will reflect on learnings to improve its own and partner practices.

### Actual or Alleged Incident

This may be related to child protection, sexual exploitation, abuse and harassment; fraud and corruption, health, safety and security; and/or breach of Hagar Australia’s Code of Conduct and/or any of its policies. It may also be in the form of whistleblowing.

### Initial Review

Initial review will involve assessing the report (without pre-judgement) and determining the immediate needs of the people involved, and the organisation.

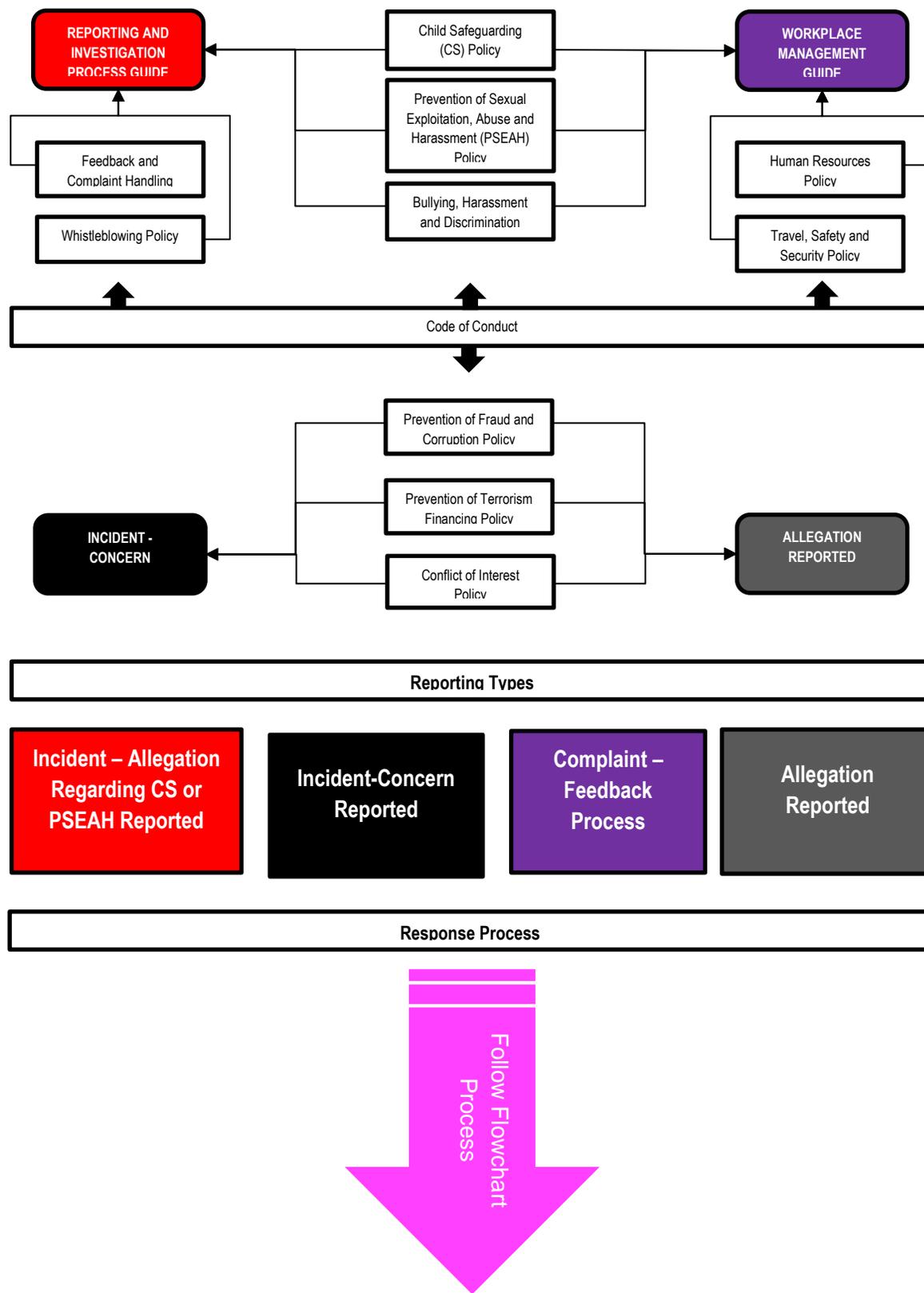
### Further Investigation

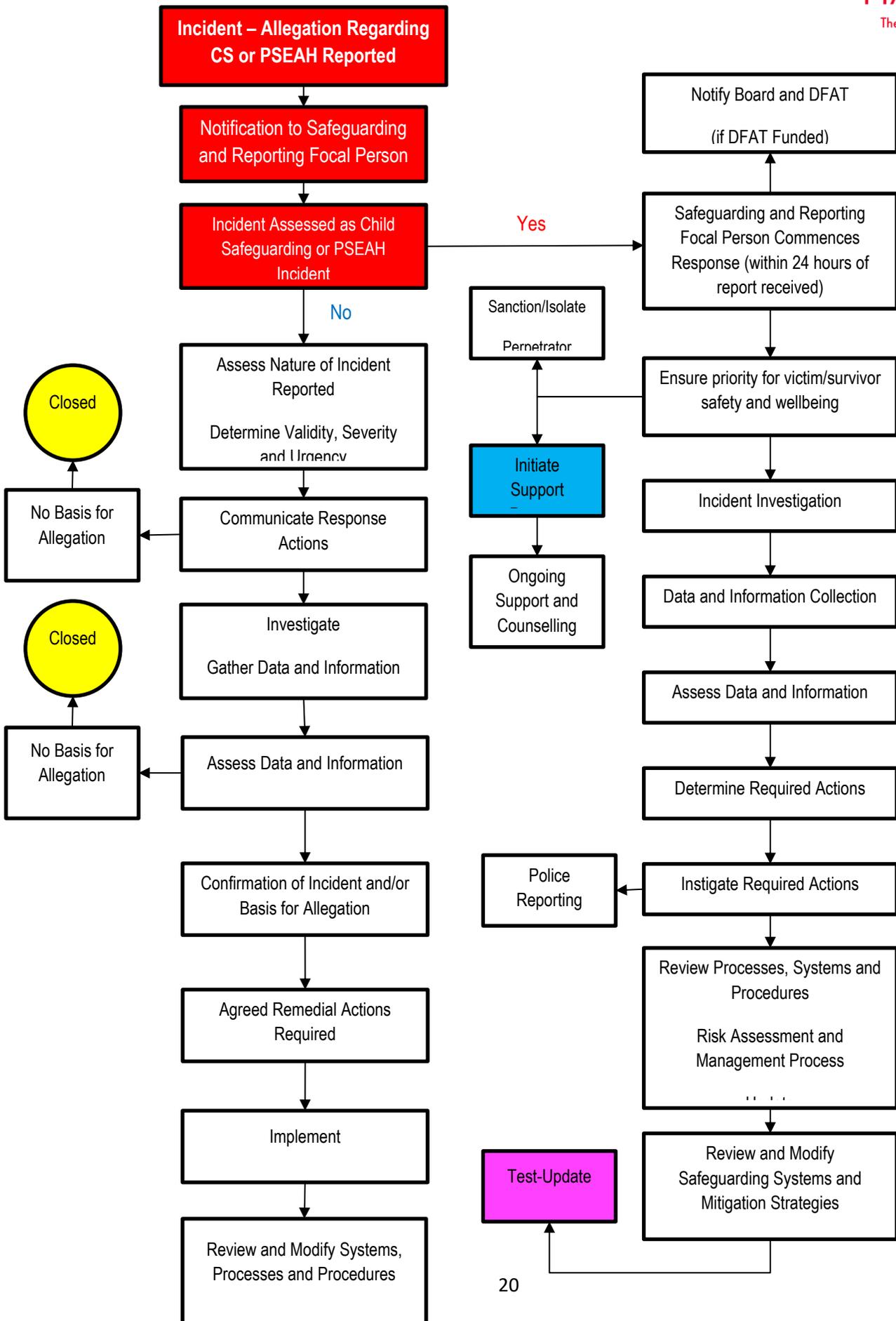
The threshold for ‘further investigation’ is if one or more of these answers is ‘yes’: ‘Does it require support outside of usual management processes?’, ‘Will business operations be affected for more than 24 hours?’, ‘Is it likely to become a critical incident or crisis?’, ‘Does the person responsible require support in making the decisions needed to contain or resolve the situation?’, ‘Is it medium risk or above?’, ‘Does it affect Hagar’s reputation?’

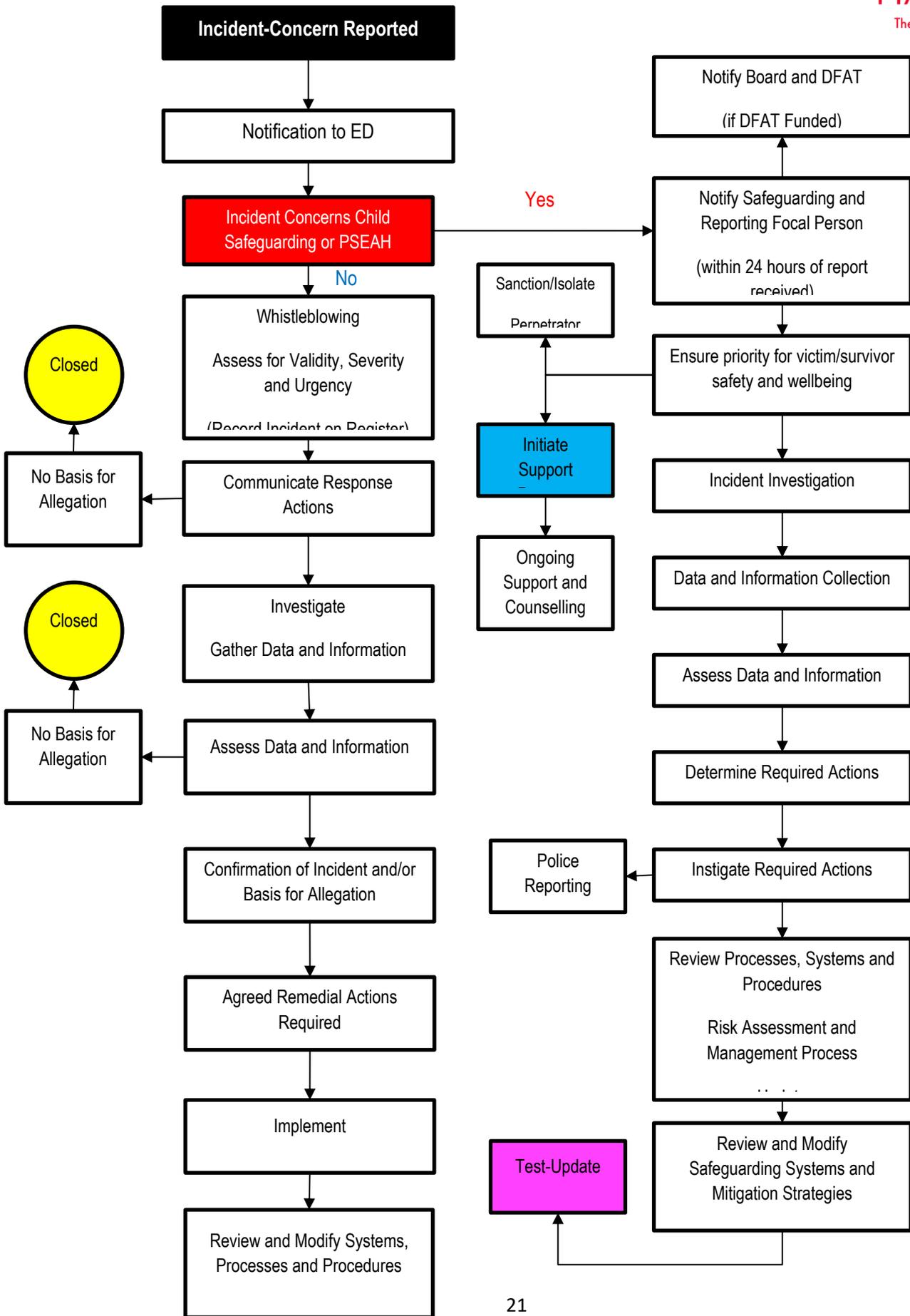
### Investigation Process

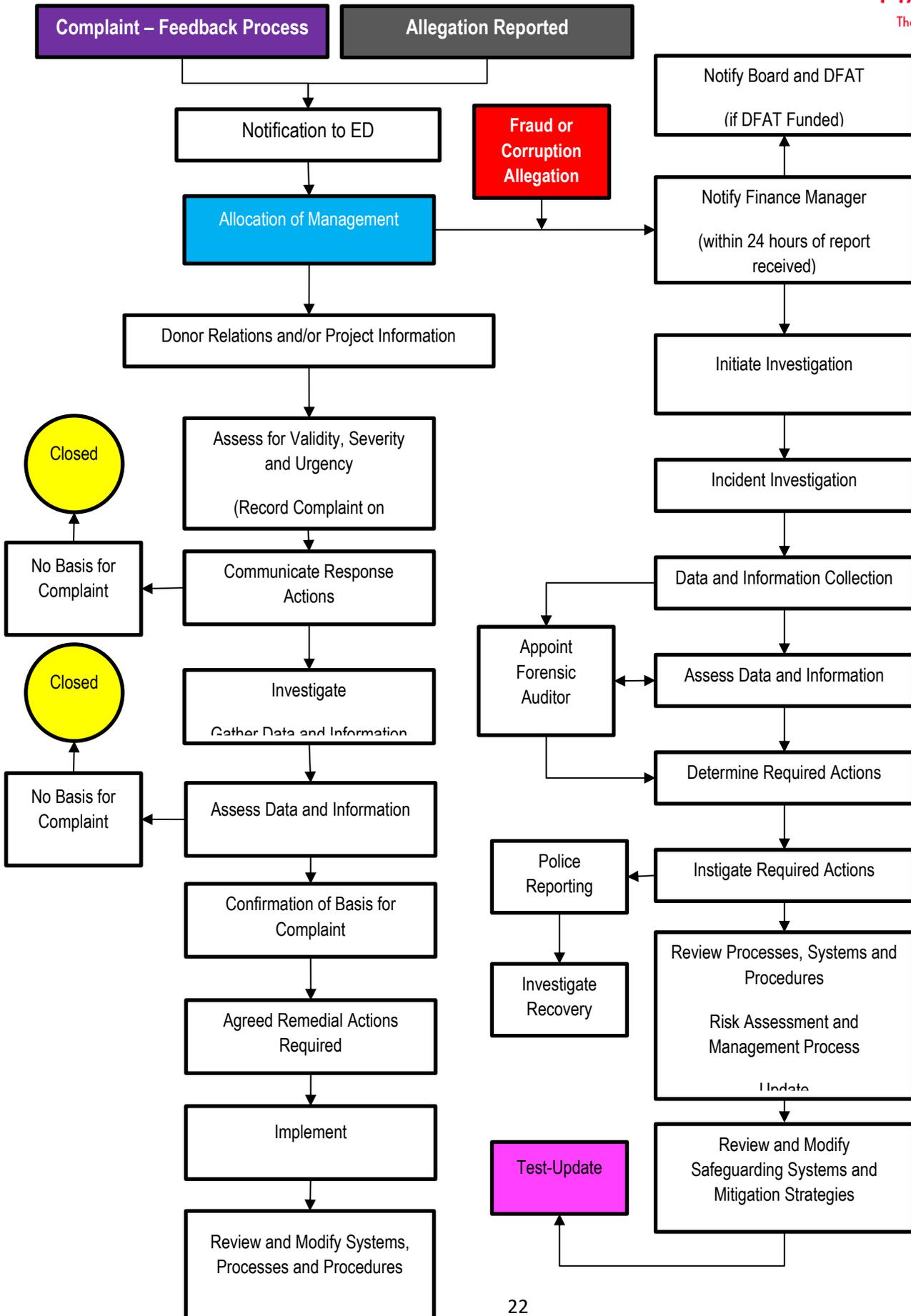
This investigation is to determine exactly what happened, when, where and who was involved/present by interviewing the person(s) who made the allegations and/or other witnesses to

# Quick Reference Guide to Reporting & Investigation









## Supporting Information

### 1) Reporting

Who has an obligation/ is able to report different matters?

			<b>Reporting Obligation/ Ability to Report</b>								
<b>Incident/ Concern</b>	<b>Reporting Requirement</b>	<b>Report Timing</b>	<b>Personnel</b>	<b>Contractors</b>	<b>Representatives</b>	<b>Visitors</b>	<b>Funded Partners</b>	<b>Suppliers</b>	<b>Associates</b>	<b>Family of Whistleblower</b>	<b>Public</b>
Child Safeguarding	Mandatory	Immediate	X	X	X	X	X				X
Sexual Exploitation, Abuse & Harassment (SEAH)	Mandatory	Immediate	X	X	X	X	X				X
Fraud & Corruption	"Must"	Prompt	X	X			X				X
Terrorism Financing	"Must"	Immediate	X	X			X				X
Whistleblowing			X	X	X		X	X	X	X	
Bullying, Harassment & Discrimination (BHD)			X	X	X	X					
Conflict of Interest (Col)	"Must"	Prompt	X	X							
Feedback/ Complaint			X	X	X	X	X	X	X		X

<b>Approved by:</b> Hagar Australia Board	<b>Date Policy Took Effect:</b> 16 <sup>th</sup> March, 2021
<b>Review Date:</b> 16 <sup>th</sup> March, 2023	<b>Responsible Person:</b> HAUS Board Secretary

Who should receive reports for different matters?

Incident/ Concern	Acknowledgement Response Time (Bus. Days)	Report Receiver							
		Safeguarding Focal Person	Executive Director	Board Secretary	Board Chair	ACFID	DFAT	Auditor	National Security Hotline
Child Safeguarding	1	X	X				X		
SEAH	1	X	X				X		
Fraud & Corruption	1		X	X					
Terrorism Financing	1		X	X					X
Whistleblowing	1		X	X				X	
BHD	1		X	X					
Col	1		X	X	X				
Feedback/ Complaint	5		X	X		X			

## Ways to report

- Website: <https://hagar.org.au/reporting>
- Email: [secretary@hagar.org.au](mailto:secretary@hagar.org.au)
- Phone: +61 3 9416 1960
- In person

## Process

1. *BHD & Col*: First step is to address the issue with the person concerned.
  - *BHD*: If not comfortable or behaviour continues, report to Executive Director or Board Secretary.
  - *Col*: Also report to Executive Director, Board Secretary or Chair.
2. Report receiver assesses report to determine whether formal, in-depth investigation is required, informs Board Chair of all serious matters and acts-
  - *Child Safeguarding, SEAH & BHD*: Also whether a child or adult is in immediate danger or has any other urgent needs;
  - *Whistleblowing*: Also whether the report qualifies for protection and whether a person is in immediate danger/ has other urgent needs;
  - *Fraud & corruption, terrorism financing & Col*: Also whether immediate request to the HAUS Finance Manager, HAUS bank and/or credit card company, and HI (if necessary) to freeze all resources is required. This may include funds to a partner organisation.

3. If report receiver determines an investigation is required, they will then decide:
- Nature and scope of the investigation
  - Person(s) within and/or outside of HAUS that may need to be consulted
  - Nature of any technical, financial or legal advice that may be required
  - Timeframe (considering any potential delays)

2) **Investigation**

*What are the follow-up times of investigators for different matters (depending on their urgency)?*

The Board Chair will be informed of all serious matters and, with whistleblower permission, may be involved in whistleblowing investigations:

Incident/ Concern	Follow-up Interview Response Time (Bus. Days)	Investigator							
		Safeguarding Focal Person	Manager/ ED	Board Sec	Board Chair	ACFID	DFAT	Auditor	National Security Hotline
Child Safeguarding	1-3	X	X		X		X		
SEAH	1-3	X	X		X		X		
Fraud & Corruption	1-3		X	X	X				
Terrorism Financing	1-3		X	X	X				X
Whistleblowing	3-5		X	X	X			X	
BHD	1-3		X	X	X				
Col	5		X	X	X				
Feedback/ Complaint	5		X	X	X	X			

What is the timeframe for reporting to institutional donors, particularly DFAT?

Incident/ Concern	DFAT Reporting (Bus. Days)	Contact	More Information (02) 6178 5100
Child Safeguarding	2	<a href="mailto:childwelfare@dfat.gov.au">childwelfare@dfat.gov.au</a> (use Child Incident Notification Form on website)	<a href="http://www.dfat.gov.au/childprotection">www.dfat.gov.au/childprotection</a>
SEAH	2 (alleged incident) or 5 (alleged policy breach)	<a href="mailto:seah.reports@dfat.gov.au">seah.reports@dfat.gov.au</a> (use SEAH Incident Notification Form on website)	<a href="http://www.dfat.gov.au/pseah">www.dfat.gov.au/pseah</a>
Fraud & Corruption	5	<a href="mailto:fraud@DFAT.gov.au">fraud@DFAT.gov.au</a> (use Fraud Referral Form at <a href="https://www.dfat.gov.au/about-us/publications/Pages/suspected-or-detected-fraud-referral-form">https://www.dfat.gov.au/about-us/publications/Pages/suspected-or-detected-fraud-referral-form</a> )	<a href="https://www.dfat.gov.au/about-us/corporate/fraud-control/Pages/fraud-control">https://www.dfat.gov.au/about-us/corporate/fraud-control/Pages/fraud-control</a>
Terrorism Financing	2	<a href="mailto:counter-terrorism.resourcing@dfat.gov.au">counter-terrorism.resourcing@dfat.gov.au</a>	<a href="https://www.dfat.gov.au/international-relations/security/counter-terrorism/terrorism-resourcing-risk-management-statement">https://www.dfat.gov.au/international-relations/security/counter-terrorism/terrorism-resourcing-risk-management-statement</a>
Environmental & Social Safeguards	2	<a href="mailto:aidsafeguards@dfat.gov.au">aidsafeguards@dfat.gov.au</a> (any project that has/ likely to have a significant environmental impact should be identified early and referred for advice under the EPBC Act).	<a href="https://www.dfat.gov.au/aid/topics/aid-risk-management/Pages/environmental-and-social-safeguards">https://www.dfat.gov.au/aid/topics/aid-risk-management/Pages/environmental-and-social-safeguards</a>

1. Report receiver contacts the report-maker and has a confidential discussion regarding (please de-identify notes)-
  - The investigation and resolution process (confidential, impartial, prompt, thorough)
  - Expected timeframe for action
  - The need for referral/ additional support (if necessary) and permitted investigation team (eg. ED/ Board Sec and external third party)
  - The report-maker's likely involvement in the process
  - Possible outcomes (report-maker will not be informed of details of disciplinary action)
  - *Child Safeguarding, SEAH, Whistleblowing, BDH & Feedback/ Complaints Policies:* What the report-maker and/ or the person involved (child/ adult/ associate of HAUS/ member of the public) want to happen (from possible outcomes).
  - Support the report-maker may need in relation to the report (what HAUS can do/ referral support)
  - *Whistleblowing:* Rights (eg. protection) and obligations (eg. non-disclosure); confidentiality (ie. how they wish to communicate- may be anonymous but investigation cannot proceed if HAUS unable to contact); permission to disclose identity to Board Chair/ ED to arrange work protection (if necessary) and/or specific third party for investigation purposes; help in identifying any aspects of their report that could inadvertently identify them.

- Avenues for review/ complaint:

Incident/ Concern	Board	ACNC	ASIC
Child Safeguarding	X	X	
PSEAH	X	X	
Fraud & Corruption		X	X
Terrorism Financing		X	X
Whistleblowing			X
BHD	X	X	
Col		X	
Feedback/ Complaint	X	X	

2. Report receiver:

- Assembles permitted investigation team
  - Arranges support for report-maker (including work modifications for whistleblower, if necessary)
3. Permitted investigation team reviews process and timeframe, and begins confidential, impartial, prompt yet thorough investigation (all notes with report-maker information de-identified).
  4. Report receiver updates report-maker at the start, part-way through, within 5 days of the investigation's completion and if timeframe is unable to be met, explaining any reasons for delay.
  5. Report receiver will advise individual who is subject of report regarding subject matter, as and when required by principles of natural justice and procedural fairness, and prior to action being taken; also offering appropriate support.
  6. The findings of the investigation will be documented, de-identified and reported to the Hagar Australia Board of Directors and relevant staff for learning and improvement of systems and processes.
- *Feedback & Complaints:* Review of Feedback & Complaints Register every Board meeting and annual process review, including number of complaints received, outcome and where resolved (eg. first point of contact), issues arising, systemic issues, and number of requests for review (internal/ external).

### 3) Sanctions

If it is determined that a person has engaged in wrongdoing, or a person or an organisation has failed to comply with Hagar Australia policies or Code of Conduct, then Hagar Australia will apply an appropriate sanction as follows:

Incident/ Concern	Warning	Counselling	Dismissal	Suspension	Transfer to other duties	Cancellation of contract	End of relationship	Termination of visit	Reporting to law enforcement (Aust &/or overseas)
Child Safeguarding			X			X	X	X	X
PSEAH			X			X	X	X	X
Fraud & Corruption			X	X	X	X	X		X
Terrorism Financing			X	X	X	X	X		X
Whistleblowing			X			X	X		X
BHD	X	X	X	X	X	X	X	X	X
Col			X			X	X		X
Feedback/ Complaint	X	X		X	X				

#### Sanctions apply for:

- Deliberately making a false allegation;
- Retaliating against anyone who raises a concern or makes a report in good faith, or assists/ participates in an investigation or other proceeding;
- *Child Safeguarding, SEAH, Fraud & Corruption, Terrorism Financing, Col*: Failing to report; or
- *Whistleblowing*: Breach of Whistleblower confidentiality.

*Fraud & Corruption, & Terrorism Financing*: HAUS will pursue every reasonable effort to recover losses and report any incident to relevant institutional donors, the ACNC and ACFID.

4) **Review**

After any incident, the systems strengthening questions that will be discussed at an operational level and reported on to the Board are:

1. How and why did the incident occur?
2. How can this be prevented in the future?