

NGS SUPER WHISTLEBLOWING POLICY

*Principles and process for reporting
improper workplace conduct*

POLICY DOCUMENT

16 NOVEMBER 2021

NGS Super has a strong commitment to ensuring that its business activities are carried out in a way that is both ethical and compliant. As part of NGS Super's culture of openness, integrity and accountability, individuals to whom this policy apply are encouraged to report any suspicious or improper conduct.

This policy outlines the principles and process for reporting improper conduct and how NGS Super will protect those who make such reports.

Who does this policy apply to?

This policy applies to:

- all NGS Super employees (full-time, part-time, casual and contract)
- former employees
- family members or dependants of employees
- Directors, independent advisers and appointees to the Board and Board Committees
- employees or principals of organisations that have a working relationship with NGS Super as customers, suppliers, advisers, agents, contractors
- any other person associated with NGS Super Pty Limited and its related entities.

What is a Whistleblower?

A **Whistleblower**¹ is an individual to whom this policy applies and who makes a disclosure of improper conduct.

What is improper conduct?

The following are examples of improper conduct:

- dishonest, fraudulent or corrupt activity
- illegal activities; for example, theft, drug sale, drug use, violence or threatened violence and criminal damage against property
- breach of legislation
- unsafe or inappropriate work practice
- unethical behaviour or wrongdoing including deliberate breaches of NGS Super policies
- corporate misconduct such as bribery, money laundering and/or terrorist financing
- conduct that is unlawful and discriminatory including bullying and harassment
- adverse impacts on internationally recognised human rights and matters that require disclosure under the *Modern Slavery Act 2018* (Cth)
- any activity that may cause financial or non-financial loss to NGS Super or be otherwise detrimental to the interests of NGS Super or its members.

Any report of improper conduct made under this policy will be treated as a **Whistleblowing Incident**.

Complaints made in accordance with the Fund's Complaints policy are not **Whistleblowing Incidents**.

1. This is a defined term. You can find the definition in s1317AAA of the Corporations Act 2001 (Cth).

ENSURING PROPER CONDUCT IN THE WORKPLACE

How to raise a Whistleblowing Incident

If you are an NGS Super employee, you should provide information in relation to improper conduct to your immediate manager in the first instance. Where this is not possible — for example, where your immediate manager is unavailable or may be involved in the alleged improper conduct — you may raise a **Whistleblowing Incident** with one or more of the **Whistleblowing Contacts** listed below.

All other individuals to whom this policy applies may raise concerns with the **Whistleblowing Contacts** below.

Whistleblowing Contacts

Chief Executive Officer:
Laura Wright

Chief People and Culture Officer:
Lynn Monk

Chief Risk and Governance Officer:
Natalie Previtera

The **Whistleblowing Contacts** may be reached by:

- emailing whistleblowingcontacts@ngssuper.com.au
- calling (02) 9273 9000 and asking to speak to one of the listed contacts above.

Where it is not possible to report improper conduct to one of the **Whistleblowing Contacts**, concerns may be raised with the Chair of the Risk, Audit and Compliance (RAC) Committee or the Chair of the Board. Contact details are available to employees via the internal email directory and can also be obtained from the **Whistleblowing Contacts**.

Anonymity and confidentiality

Individuals reporting improper conduct under this policy may choose to remain anonymous or restrict who will be informed of their disclosure.

Information received from an individual reporting improper conduct (or that could lead to their investigation) will be treated in strict confidence and will not be shared unless:

- the individual has provided prior consent
- concern is reported to the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA), the Tax Commissioner or the Australian Federal Police (AFP)
- concern is raised with a lawyer for the purpose of obtaining legal advice or representation.

In investigating a **Whistleblowing Incident**, NGS Super may disclose information that could lead to a **Whistleblower's** identification, but will take reasonable steps to reduce this risk. Any disclosures of a **Whistleblower's** identity or information likely to reveal a **Whistleblower's** identity will be made on a strictly confidential basis.

All files and records created from an investigation will be retained securely. Unauthorised release of information to someone not involved in the investigation (other than managers or Directors who need to know and who are involved in taking appropriate action, or for corporate governance purposes) without the **Whistleblower's** consent will be a breach of this policy. A release of information in breach of this policy will be regarded as a serious matter and will be dealt with in accordance with NGS Super's disciplinary procedures.

Where it is not possible to maintain anonymity for a **Whistleblower** who is an NGS Super employee, that employee may request a leave of absence which will be assessed by the Whistleblower Protection Officer.

INCIDENT INVESTIGATION AND ESCALATION

Investigation of Whistleblowing Incidents

The NGS Super Risk and governance team maintains **Whistleblowing** procedures to ensure that the key requirements of this policy are met.

The following roles are central to the investigation of a **Whistleblowing Incident**:

- **Whistleblower Protection Officer (WPO)** — The WPO safeguards the interests of the **Whistleblower** in accordance with this policy and legislation. The WPO is responsible for keeping the **Whistleblower** informed of the progress of any investigation (subject to considerations of the privacy of those against whom allegations are made). The WPO is the Chief People and Culture Officer. In the event of any perceived conflict, the alternative WPO is the Chief Executive Officer.
- **Whistleblower Investigation Officer (WIO)** — The WIO will investigate the substance of the **Whistleblowing Incident** to determine whether there is evidence in support of the matters raised or, alternatively, to refute the report made. The WIO is NGS Super's Chief Risk and Governance Officer. In the event of any perceived conflict, the alternate WIO is a senior member of the Risk and governance team.

The responsibilities of the WPO and WIO are separate and must be carried out by different persons other than in exceptional circumstances.

The WIO's investigation will be conducted in accordance with applicable legislation and in accordance with the following principles:

- Investigations will be conducted independently of the person or persons who are the subject of the allegations. Where appropriate, those persons who are the subject of the allegations will be informed of the allegations and provided with an opportunity to respond.
- The WIO will work closely with the WPO to ensure that in the conduct of the investigation, the **Whistleblower's** interests are safeguarded.
- The WIO will assess what expertise is required to conduct the investigation and may, if necessary, engage an external party to assist in the investigation.

The CEO will be informed of the **Whistleblowing Incident** unless the WPO determines that such disclosure would be contrary to the interests of the **Whistleblower**.

Nature of report and investigation time

The time taken to investigate a **Whistleblowing Incident** will be determined by the nature of the report. The WIO will commence the investigation as soon as practicable upon receiving the report. Once investigations have been concluded, the NGS Super Board will be informed of the outcome of the investigation and consulted as to a decision regarding the matter. Matters of serious misconduct will be escalated to the Chair of the Board, and/or Chair of the RAC Committee who will be kept informed of the progress of the investigation.

Escalation

A **Whistleblower** may request that the WPO escalate their concerns to either the Chair of the Board or the Chair of the RAC Committee if they are not satisfied with the findings of the investigation or the process undertaken.

The relevant Chair will determine what further action is required, which may include review by an independent mediator. It is desirable that all parties accept the determination of the independent mediator.

Protection and support for Whistleblowers

NGS Super will provide protection to **Whistleblowers** to whom this policy applies in accordance with applicable legislation. Where a report of improper conduct does not qualify for protection in accordance with applicable legislation, NGS Super will, to the extent practical, act in accordance with the principles of this policy to ensure the protection of the **Whistleblower**.

NGS Super prohibits all forms of retaliation against **Whistleblowers**.

NGS Super has the discretion to grant a **Whistleblower** who has not engaged in serious or unlawful conduct immunity from disciplinary proceedings relating to matters that come to light as a result of their disclosure.

Being personally disadvantaged includes, but is not limited to:

- dismissal, suspension or demotion
- alteration of an employee's position or duties to their disadvantage
- harm or injury, including psychological harm
- damage to a person's property, reputation, business or financial position
- any form of harassment or intimidation, including being threatened
- discrimination
- current or future bias
- any other conduct that constitutes retaliation.

Confidential counselling

A **Whistleblower** who is a current employee can access confidential counselling via the Employee Assistance Program (EAP).

Compensation and costs

Any compensation or other costs in support of a **Whistleblower** will be assessed on a case-by-case basis in accordance with the relevant legislation and the needs of the individual.

The CEO will be responsible for decisions in relation to compensation. In the event that it is inappropriate for the CEO to make determinations as to compensation, these will be made by the Chief People and Culture Officer.

A **Whistleblower** will also be indemnified from civil, criminal and administrative liabilities that they may face.

A **Whistleblower** will qualify for protection even where an investigation reveals that the **Whistleblower's** disclosure was incorrect.

Disclosure of **Whistleblowing** events to journalists and parliamentarians in circumstances permitted by applicable legislation will not disqualify a **Whistleblower** from protection under this policy.

A breach of this policy, including a deliberate or malicious false disclosure of suspicious or improper conduct, will be considered misconduct in accordance with the Fund's HR and Corporate policy.

Reporting to regulators

Nothing in this policy restricts an individual from raising a matter or providing information to a government agency, law enforcement body or regulator in accordance with the relevant law.

Policy availability

This policy is available on the Fund's website and, to support ongoing awareness, will also form part of staff training plans.

More information?

Contact us

You can contact us at
ngssuper.com.au/contact-us
or call us on **1300 133 177**
Monday to Friday, 8.00am–8.00pm
(AEST/AEDT).

Phone number for callers outside
Australia: **+61 3 8687 1818**

Fax: **(03) 9245 5827**

Postal address:

**GPO Box 4303
MELBOURNE VIC 3001**

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