



# WHISTLEBLOWER POLICY

DECEMBER 2020

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## I. BACKGROUND AND PURPOSE

Australia and New Zealand Banking Group Limited (**ANZ**) has a strong values based culture that encourages openness, integrity and accountability.

ANZ's Whistleblower Policy has been developed so that you can freely and without fear of detriment raise concerns regarding situations where you believe that ANZ, including any of its controlled entities or related bodies corporate, globally (together, the **ANZ Group**), or anyone connected to the ANZ Group, have acted in a way that constitutes misconduct (as set out below). The Whistleblower Policy and program are vitally important in helping to identify misconduct that may not be uncovered unless there is a safe and secure means for disclosing misconduct.

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This Policy explains how you can report such concerns, the protections that will apply to you (and others), how your concerns will be investigated, what you can expect, and other sources of information that may be helpful to you in reporting your concerns.

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This Policy will be made available on the ANZ public website and on the intranet (**MAX**) for ANZ staff.

## 2. PRINCIPLES



### 1. Speak Up and Report It!

If you are a current employee of ANZ, please consider whether you would prefer to report your concern via another channel such as your line manager, skip line manager, the Risk, Compliance, or Talent & Culture teams (including to Employee Relations via People Assist). To check if these options are for you, please refer to [Report It!](#) and [Action/Raise a concern \(Talent & Culture\)](#) on MAX.



### 2. Protection from Detrimental Conduct

ANZ does not tolerate detrimental conduct, that causes or is intended to cause harm to you because of the fact that you or someone else has made, or intend to make, or are suspected as having made a report (or because you or someone else might or could make a report).



### 3. Confidentiality and Consent

ANZ will maintain confidentiality of all reports made under this Policy and your identity as a reporter to the fullest extent possible. While ANZ encourages you to identify yourself to the Whistleblower Program, you can also report on an anonymous basis.



### 4. ANZ's expectations of you

ANZ expects you to act honestly and ethically, and to make a report on reasonable grounds.



### 5. Investigations and Outcomes

All investigations will be conducted in a timely manner, in accordance with the principles of fairness and natural justice and appropriately documented. Where appropriate, ANZ will update you on the status and outcome of your report.



### 6. Higher Standard

This Policy is designed to comply with ANZ's legal obligations. If anything in this Policy is inconsistent with any law imposed on ANZ, including laws of any country in which ANZ operates, that legal obligation or the "higher standard" will prevail over this Policy.



### 7. Regulators

You have the right to communicate with regulators and law enforcement authorities at any time in relation to your concerns or any matter relating to this Policy.

## 3. SCOPE

### A. CAN I MAKE A REPORT UNDER THIS POLICY?

#### 1. You can make a report under this Policy if you are a current or former:

- a) employee of the ANZ Group;
- b) person who is providing, or has provided goods or services to the ANZ Group, whether paid or unpaid (e.g. volunteering), and this includes contingent workers and suppliers;
- c) employee or a sub-contractor of a person identified in (b) above;
- d) officer or an associate of the ANZ Group, for example, a director or secretary of ANZ or of a related body corporate of ANZ; or
- e) relative or family member of any of the individuals identified at (a) to (d) above; **AND**
- f) Your concern is not one of the Excluded Matters outlined below:
  - i. You do not feel safe or comfortable to raise your concern via ANZ's other channels as outlined in Principle 1 above; **AND**
  - ii. You have a reasonable and genuine concern about actual or suspected misconduct within or by ANZ, or the ANZ Group and anyone at, or connected with, the ANZ Group.

Examples of what might constitute misconduct include:

1. breaches of [ANZ's Code of Conduct](#);
2. practices or behaviours of concern relating to compliance with policies, procedures or the law (i.e. including anything you think may be illegal);
3. unethical or unprofessional behaviour, including conduct that does not meet ANZ's commitment to do the right thing by its customers, third parties, regulators, shareholders and or the community;
4. issues of honesty or integrity, including internal fraud, theft, bribery and corruption;
5. conflicts of interest, including those relating to outside business interests, relationships, improper payments and donations;
6. breaches of privacy or confidentiality, including in relation to ANZ and customer information;
7. breaches of modern slavery legislation and/or human rights standards;
8. concerns that pose a risk to public safety, or the stability of, or confidence in the financial system;
9. misconduct or an improper state of affairs or circumstances in relation to the ANZ Group generally, including the tax affairs of the ANZ Group; and
10. a practice or behaviour of concern that relates to your current or past employment within the ANZ Group that has significant implications for the ANZ Group, presents a danger to the public or financial system, or is otherwise a breach of law.

## B. EXCLUDED MATTERS

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While everyone is encouraged to speak up and report any concerns to ANZ, not everyone nor all types of concerns are intended to be covered by this Policy. Examples of the matters that are generally not intended to be covered by this Policy are:

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### Exclusion 1: Customer Complaints

If you are a customer and are concerned with the way ANZ has handled any matter, product, or service, including an existing complaint, please contact ANZ with your concern via phone, email, online or post: <https://www.anz.com.au/support/contact-us/compliments-suggestions-complaints/>.

### Exclusion 2: Personal Work-related Grievances

If you are a current or former employee of ANZ and want to report a grievance that directly affects you personally (and only you) in the context of your current or past employment, please contact ANZ's Employee Relations team via [ANZ People Assist](#). Examples may include: an interpersonal conflict between you and another employee, a decision relating to your employment, transfer or promotion, a decision about the terms and conditions of your employment, and a decision to suspend or terminate your employment or otherwise discipline you based on your conduct, behaviour or performance. These matters are excluded from the Policy as, generally speaking, they are not matters that the whistleblower laws are intended to protect, unless they have broader implications for ANZ (as described in example 10 above) or they relate to detrimental conduct (as described in section 7 of this Policy).

ANZ has other dedicated processes in place available to employees through which it may be more appropriate to report a particular concern. Please refer to Principle 1 above.

## 4. HOW DO I MAKE A REPORT OR FIND OUT MORE INFORMATION ABOUT THE PROCESS?

You can find out more information about the reporting process, or make a report via email, telephone, post, or using our external service. Whichever method you choose below, a Whistleblower Protection Officer will be assigned to your report and will work with the Whistleblower Program Team to assess your report and arrange for an investigation, if appropriate. The different ways you can make a report or find out more information, are:

### WHISTLEBLOWER PROTECTION OFFICER (WPOS)

You can contact a WPO directly to make a report. A WPO is an individual within ANZ who has specific responsibilities under this Policy including protecting those who make a report. In all cases, one of the below WPOs will be assigned to your report so that it is assessed and where appropriate, investigated:

- a) Whistleblower Program Lead
- b) Chief Compliance Officer
- c) Group General Manager Internal Audit
- d) Financial Crime Governance and Oversight Lead
- e) Head of Group Integrity

### WHISTLEBLOWER PROGRAM TEAM (WP TEAM)

You can contact the WP Team directly via email:

✉ [whistleblowing@anz.com](mailto:whistleblowing@anz.com)

The WP Team includes the Whistleblower Program Lead and forms part of the Group Compliance function at ANZ.

## DELOITTE

You can make a report through ANZ's External Whistleblower Reporting Service which is managed by Deloitte. You can make a report (including an anonymous report) via:

Website: [www.anz.deloitte.com.au](http://www.anz.deloitte.com.au)

## HOTLINE

Australia: 📞 1800 997 448 (Toll Free)

New Zealand: 📞 0800 376 325 (Toll Free)

Other International: 📞 +61 3 9667 3731

## POSTAL MAIL

✉ ANZ Whistleblower Service  
Reply Paid 12628  
A'Beckett Street, Melbourne,  
Victoria Australia 8006

## QR CODE

You can also access this website via the below QR code but you will need a QR reader (which you can download online):



## OTHER ELIGIBLE RECIPIENTS (OER)

There are other individuals at ANZ who are also eligible to receive reports and who are required to handle that information in accordance with this Policy. This includes members of the Executive Committee (ExCo), officers of the ANZ Group, certain members of Group Tax and Internal Audit and internal actuaries performing actuarial services on behalf of the ANZ Group. Ultimately all reports received by OERs internal to ANZ will be referred to a WPO and the WP Team unless there are exceptional circumstances. ANZ therefore recommends that you make your report using one of the other methods outlined above.

## ADDITIONAL SUPPORT FOR ANZ EMPLOYEES

For ANZ employees and their immediate families, who have made a report, or are thinking about making a report, and wish to seek additional support, the **Employee Assistance Program (EAP)** provides free, confidential, short term wellbeing support services by qualified professionals face to face, over the phone or over the internet. The program consists of a number of services which can be found [here](#).



## 5. WHAT ARE MY PROTECTIONS UNDER WHISTLEBLOWER LAWS?

ANZ applies the standards under this Policy, however this does not extend to providing independent legal advice as to the application of the law and protections under the law for your specific circumstances.

If you require further information regarding the application of the law, we encourage you to seek independent legal advice. For further information on Australian whistleblowing laws, please see the **Country Schedule** for **Australia**.

## 6. WHAT IF MY CONCERNS RELATE TO CONDUCT, PEOPLE OR OPERATIONS OUTSIDE OF AUSTRALIA?

You can make a report regardless of where you are or where the conduct is occurring. If your report concerns conduct, people, or operations located outside of Australia, there may be some specific requirements, depending on

which country is involved. Please see the **Country Schedules**. If there is no separate Country Schedule for a country, the general provisions of this Policy apply in full.

## 7. I HAVE MADE A REPORT UNDER THIS POLICY. WHAT NEXT?

### A. PROTECTION FROM DETRIMENTAL CONDUCT (PRINCIPLE 2)

ANZ does not tolerate any detriment that is inflicted on you because of the fact that you or someone else has made a report, or due to someone suspecting that you or someone else might make a report, regardless of whether you have or are intending to do so. ANZ will take all reasonable steps to protect you from detrimental conduct and will take appropriate action where such conduct is identified.

Examples of what may be considered detrimental conduct include:

- a) retaliation, dismissal, suspension, demotion, or having your employment or engagement with ANZ otherwise terminated;
- b) harassment, threats or intimidation;
- c) discrimination, being subjected to current or future bias, or derogatory treatment;

- d) injury or harm, including psychological harm;
- e) damage or threats to your property, business, financial position or reputation;
- f) revealing your identity as a Whistleblower without your consent or contrary to law; or
- g) threatening to carry out any of the above actions.

These protections apply to you regardless of whether any concerns raised in a report are substantiated, provided that you are acting honestly and ethically and made the report on reasonable grounds. These protections also apply to individuals conducting, assisting or participating in an investigation.

If someone at ANZ, including any supplier to ANZ, engages in detrimental conduct against you, please **immediately** contact your WPO, the Whistleblower Program Lead, the [WP Team](#), either directly or through ANZ's External Whistleblower Reporting Service managed by Deloitte (contact details above).

**This includes where you have felt you:**

- are disadvantaged or have suffered detriment because of the fact that you or someone else has made a report, or due to someone suspecting that you or someone else might make a report or because someone believes you have or may make a report;

- are disadvantaged or have suffered detriment for participating in or assisting an investigation; or
- have any concerns regarding your safety for having made a report or in considering making a report.

Where the detrimental conduct against you involves the WPO, you should report the matter to the ANZ Chief Compliance Officer, or the Group General Manager of Internal Audit if the WPO is the Chief Compliance Officer.

It is very important that you report any such detriment immediately, as it will help ANZ better protect you to the extent possible. Reports of detrimental conduct will be treated confidentially. Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of employment, engagements or contracts, as applicable. They may also be subject to legal consequences in the form of civil and criminal penalties.

It is important to note, that ANZ also views the misuse of the Whistleblower channel seriously and a disclosure that is deliberately dishonest could give rise to disciplinary or other action.

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It is very important that you report any such detriment immediately, as it will help ANZ better protect you to the extent possible. Reports of detrimental conduct will be treated confidentially.

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## B. CONFIDENTIALITY AND CONSENT (PRINCIPLE 3)

When you make a report under this Policy or shortly after, ANZ will seek your consent in relation to how you would prefer information about your identity, including any information that is likely to identify you, to be handled (we use the term your **Identity** to refer to this information below).

More information will be provided when you make a report, but in general terms, you can select one of three options below for protecting your Identity. Regardless of the option you choose, ANZ will keep information in relation to your Identity and your report confidential to the fullest extent possible:

**Confidential** - this means that you consent to the WPO and WP Team knowing your Identity and for the WPO and WP Team to disclose your Identity for the purposes of investigating, and for reporting to relevant stakeholders (e.g. a Whistleblower Investigator or an internal lawyer).

This is the preferred option because ANZ will be best placed to fully investigate the matter, and provide you with ongoing protection and support. Practical steps ANZ may take to protect confidentiality may include, but are not limited to:

- referring to a reporter using gender neutral language;
- removing information that might lead to the identity of a reporter from written material; or
- consulting with a reporter in relation to any further measures that might be taken in order to maintain confidentiality.

**Partially Anonymous** - this means that you have consented to only the WPO and WP Team knowing your Identity.

This approach may create some limitations for investigative purposes which the WP Team can talk to you about.

**Anonymous** - this means you haven't identified yourself to ANZ, the WP Team or the WPO. You can choose to remain anonymous at the time of making a report, over the course of the investigation and after the investigation is finalised.

You can refuse to answer questions that you feel could reveal your Identity at any time, including during follow-up conversations and you can omit information from your report that you are concerned may reveal your Identity.

ANZ welcomes anonymous reports when you are not comfortable to disclose your Identity, but they can present some challenges, as ANZ may not be able to seek further information from you, update you, and in some circumstances, it could be difficult to investigate the matter fully or even at all. Knowing your Identity may assist ANZ to investigate the matters you have raised, improve the effectiveness of the investigation and enable ANZ to communicate, support and protect you better. For these reasons, if you wish to remain anonymous it is important that you maintain ongoing communication with ANZ either via the WP Team, the WPO or the Deloitte service so ANZ can ask follow-up questions, provide support or provide feedback on any investigation challenges and provide updates.

If you make an anonymous report, ANZ will protect you in the following ways:

- maintaining communication through anonymous telephone hotlines and anonymised email addresses;
- limiting any interviews to phone interviews and information gathering to email or via the Deloitte service, as appropriate and only where you have consented; and
- not taking deliberate steps to identify you during an investigation.

Note that for legal and regulatory reasons, where your Identity is known to ANZ, ANZ may need to disclose your Identity to lawyers, regulators and or law enforcement authorities, regardless of the level of consent you have provided. In some cases, ANZ may also need to disclose information likely to identify you where it is reasonably necessary for the purposes of an investigation and where reasonable steps have been taken to protect your Identity.

To help protect you and your Identity, please don't share details of the matter, your report, or what ANZ tells you with others outside of the WP Team. Of course, you have the right to communicate with regulators and law enforcement authorities at any time (see Principle 7 in Part 2 above).

## C. INVESTIGATION AND OUTCOMES (PRINCIPLE 5)

After receiving a report from you, ANZ will:

- Assign a WPO to your report;
- Assess your report to determine if it will be managed under this Policy;
- Determine whether and how to investigate;
- Consider any conflicts of interest prior to investigating; and
- Appoint a Whistleblower Investigator, if appropriate.

Whistleblower Investigators are predominantly from ANZ's Group Integrity and/or Employee Relations teams but may include others with the appropriate skills and subject matter expertise as required. Whistleblower Investigators are briefed on your report and their confidentiality obligations. Investigations are to be conducted in a timely, fair and impartial manner, and investigators are required to act independently and competently and to treat all those involved in a report fairly so that each case is evaluated on its merits.

ANZ will ensure the fair treatment of individuals mentioned in reports by handling reports under this Policy confidentially and sensitively. Where appropriate, individuals who are accused of misconduct in a report (a **Respondent**) will have an opportunity to respond to allegations before any adverse findings of fact in any investigation are made and, for Employee Respondents, before any disciplinary action (if appropriate) is taken.

If you make a report about a matter that has already been investigated by or on behalf of ANZ, (for example by Employee Relations or Group Integrity) the WP Team will assess the report to determine if further investigation is necessary.

The Whistleblower Investigator may need to contact you for further information for the purpose of the investigation and, where necessary and subject to confidentiality obligations, may also need to speak to other individuals who may have relevant information regarding the matters reported. If you have not provided your consent to be contacted, or if you decline or can't provide further information, this may limit ANZ's ability to investigate the matter fully, and in some circumstances, could mean that an investigation is not possible. We will endeavour to let you know if this is the case.

The method for documenting and reporting the findings of any investigation will depend on the nature of the report. The report and any investigation records will be securely retained.

For investigated reports, the WPO, the WP Team or the Whistleblower Investigator will provide you with updates on progress and any investigation outcomes, where appropriate and subject to any confidentiality constraints. These updates may be written or verbal, depending on the circumstances. There may be circumstances where it is not appropriate to provide details of the outcome of the investigation to you.

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As noted above, if you have made a report anonymously, it is very important that you check back in on the status of your report, as ANZ may have left messages for you in an attempt to update you on the investigation, or to let you know what further information is needed that may be critical to progressing the investigation.

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Each report will have a unique identifier which will be provided to you so you can liaise with the WPO assigned to you in order to seek feedback on the status or outcome of your report.

If you are not satisfied that your report has been investigated and acted upon appropriately, you may contact the Chief Compliance Officer to request a review. Where a request to review a report is made and the WPO assigned to the report is the Chief Compliance Officer, the review will be conducted by the Group General Manager of Internal Audit.



## COUNTRY SCHEDULES



## 1 AUSTRALIA

**A.** This schedule sets out a summary of the legal protections that may be available under Australian law. ANZ will apply the standards set out in the Policy. Some aspects of the Policy may be broader than the legal protections available under Australian law. ANZ is unable to advise you on how the law will apply to your specific circumstances. If you require further information on the application of the law, please seek independent legal advice.

### **B. ELIGIBILITY FOR STATUTORY PROTECTIONS UNDER AUSTRALIAN LAW**

The *Corporations Act 2001 (Cth)* and *Taxation Administration Act 1953 (Cth)* provide special protections to eligible whistleblowers who make disclosures that qualify for protection (**Statutory Protections**).

#### **Eligibility for protections under Australian law**

The Statutory Protections may be available in Australia if each of the following conditions are satisfied:

- A) You are one of the following:
  - i. employee of the ANZ Group;
  - ii. person who is providing, or has provided goods or services to the ANZ Group, whether paid or unpaid (e.g. volunteering), and this includes contingent workers and suppliers;
  - iii. employee of a person identified at (ii) above;
  - iv. officer or an associate of the ANZ Group, for example, a director or secretary of ANZ or of a related body corporate of ANZ; or
  - v. relative or family member of any of the individuals identified at (i) to (iv) above.

- B) Your report is made to any of the following:
- i. A person nominated by ANZ to receive reports, this includes the WPOs, the External Whistleblower Reporting Service managed by Deloitte and the WP Team inbox;
  - ii. Directors and secretaries of entities in the ANZ Group;
  - iii. Senior managers of entities in the ANZ Group (this is the *Corporations Act* definition, not a reference to the ANZ role title);
  - iv. Identified senior managers of Group Tax (Group General Manager Taxation; Head of Tax Operations; Head of Tax Advisory; Head of Tax Institutional; Manager Tax Hubs; Tax Specialist; Head of Tax Group Functions; and Head of Australia Indirect Taxes) or a registered tax agent or BAS agent who provides tax agent or BAS services to ANZ;
  - v. An internal or external auditor of ANZ Group, including a member of the Internal Audit team in the ANZ Group (other than administrative assistants);
  - vi. An internal or external actuary of the ANZ Group; and
  - vii. ASIC, APRA, the Commissioner of Taxation or another Commonwealth body prescribed by regulation. Further information is publicly available on the relevant bodies' websites.
- C) You have reasonable grounds to suspect that the information you disclose concerns misconduct, or an improper state of affairs or circumstances, in relation to the ANZ Group or anyone connected with the ANZ Group and the report does not concern an Excluded matter. (At Part 3-A of the Policy, ANZ has set out the kinds of conduct that it will treat as within scope of the Policy. However, not all matters within the scope of Part 3-A will necessarily qualify for the Statutory Protections).

Disclosures that do not concern misconduct or an improper state of affairs or circumstances will not qualify for the Statutory Protections, however they may be protected under other legislation such as the *Fair Work Act 2009 (Cth)*. A report that contains a mix of allegations of personal work-related grievances and misconduct or an improper state of affairs or circumstances will qualify for the Statutory Protections.

You will also be protected if you make a disclosure to a lawyer for the purposes of receiving legal advice or representation in relation to the Statutory Protections (even if the legal practitioner concludes that the Statutory Protections are not available, for example if your concern is a personal work-related grievance). Where you are seeking legal advice, please approach an independent lawyer and not a lawyer who works for ANZ Group.

If you meet the above criteria, the Statutory Protections are available to you even if you make the report anonymously.



## PUBLIC INTEREST AND EMERGENCY DISCLOSURES

Statutory Protections may also be available if you make a public interest or emergency disclosure to a journalist or member of Parliament. It is important to understand the criteria for making a public interest or emergency disclosure, which is set out below:

Public Interest Disclosure	Emergency Disclosure
A previous report has been made to ASIC or APRA	
90 days has passed since making the report	(No wait period)
You have reasonable grounds to believe that...	
...making a further disclosure of the information would be in the public interest	...the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment
You give the body to which the previous disclosure was made a written notification that includes sufficient information to identify the previous disclosure and states that you intend to make an emergency disclosure	
You then make a disclosure to a journalist, a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory	
The extent of the information disclosed is no greater than is necessary to inform the recipient of the...	
...misconduct or improper state of affairs or circumstances	...substantial and imminent danger

You should seek independent legal advice before making a public interest or emergency disclosure.

## C. STATUTORY PROTECTIONS PROVIDED

Where a report is protected under Australian law, the Statutory Protections are as follows:

- a) anyone who engages in detrimental conduct as described at Part 7-A of the Policy may be guilty of an offence and may be liable for damages;
- b) a person who receives the report commits an offence if they disclose your identity or information likely to lead to your identification unless one of the following exceptions applies:
  - i you consent to the disclosure of your identity;
  - ii the disclosure of details likely to lead to your identification is reasonably necessary for the effective investigation of the matter and all reasonable steps are taken to reduce the risk of your identification;
  - iii the concern is reported to ASIC, APRA, the AFP or a person or body prescribed by regulation or for tax affairs is reported to the Commissioner of Taxation;
  - iv the concern is raised with a lawyer for the purpose of obtaining legal advice or representation;
- c) you are protected from certain civil liability in relation to making the report (e.g. any legal action against you for breach of an employment contract, duty of confidentiality or another contractual obligation);
- d) you are protected from certain criminal liability in relation to making the report (e.g. attempted prosecution of you for unlawfully releasing information, or other use of the disclosure against you in a prosecution (other than for making a false disclosure)); and
- e) you are protected from certain administrative liability in relation to making the report (e.g. disciplinary action for making the disclosure).

The Statutory Protections do not grant immunity for any misconduct you have engaged in that is revealed in your disclosure or as a consequence of it.

## COMPENSATION FOR DETRIMENTAL CONDUCT

You (or any other employee or person) may be able to seek compensation and other remedies through the courts if you (or any other employee or person) suffer loss, damage or injury because of detrimental conduct (described at Part 7-A of the Policy) and ANZ failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

## 2 AMERICAN TERRITORIES (GUAM AND AMERICAN SAMOA)


### A. FURTHER REQUIREMENTS

In addition to the Policy, please note the following if you are reporting from Guam or American Samoa, or your concern or report relates to anyone or conduct connected to ANZ Guam Inc. (**ANZ Guam**), ANZ Amerika Samoa Bank, the ANZ branches in American Samoa, or the ANZ Group's business in those regions:

#### Part 2 (Principles), Principle 7 (Regulators)

A reminder that if you are reporting from the American Territories or your concern or report relates to the ANZ Group's business in that region, you are entitled to escalate your report to the financial regulator, **Federal Deposit Insurance Corporation (FDIC)**

Phone:  1-800-964-3342

Email:  [oighotline@fdicoig.gov](mailto:oighotline@fdicoig.gov)

Website:  <https://www.fdicoin.gov/whistleblower-protection>

#### Roles and Responsibilities

##### A. Whistleblower Protection Officer (WPO)

In addition to the roles and responsibilities set out in the internal Policy, the WPO must also inform the Head of Compliance (**HoC**) and the Money Laundering Reporting Officer (**MLRO**) of ANZ Guam, where a report is related to fraud, bribery, or corruption. The HoC and MLRO are responsible for official reporting to ANZ Guam Board of Directors and regulators as required.

##### B. Head of Compliance of ANZ Guam (HoC)

The HoC is responsible for consulting with the WPO in relation to appropriate measures and steps to be taken to address any misconduct identified in a report.

### B. AMERICAN TERRITORIES POLICY ADMINISTRATION

The Board of ANZ Guam is committed to noting the body of the Policy and approving this American Territories Schedule to the Policy.



## 3 FIJI

### A. FURTHER REQUIREMENTS

In addition to the Policy, please note the following if you are reporting from Fiji, or your concern or report relates to anyone or conduct connected to the ANZ Group's business in Fiji:

#### Part 2 (Principles), Principle 7 (Regulators)

A reminder that you are entitled to escalate your report or raise your concern directly to the below regulators/agencies at any time:

##### Reserve Bank of Fiji (RBF):

Phone:  (679) 331 3611

Email:  [info@rbf.gov.fj](mailto:info@rbf.gov.fj)

Website:  <https://www.rbf.gov.fj/Contact-Us-Feedback>

##### Fiji Financial Intelligence Unit:

Phone:  (679) 322 3333

Email:  [info@fijifu.gov.fj](mailto:info@fijifu.gov.fj)

Website:  <https://www.fijifu.gov.fj/Contact-Us.aspx>

##### Fiji Independent Commission Against Corruption:

Phone:  (679) 331 0290

Email:  [info@ficac.org.fj](mailto:info@ficac.org.fj)

Website:  <https://ficac.org.fj>

### B. FIJI POLICY ADMINISTRATION

Copies of this Policy and any revisions will be submitted to the RBF within 30 days after the changes have been approved by the ANZ Board.

## 4 FRANCE

### A. FURTHER REQUIREMENTS


In addition to the Policy, please note the following if you are reporting from France or your concern or report relates to anyone or conduct connected to the ANZ Group's business in France (**ANZ France**):

#### Part 2 (Principles), Principle 7 (Regulators)

A reminder that you are entitled to raise your concerns and make a report directly to the French banking regulator at any time regardless of whether you have already made a report under this Policy:

#### Autorité de Contrôle Prudentiel et de Résolution (ACPR)

Email:  [2780-SIGNALEMENTS-UT@acpr.banque-france.fr](mailto:2780-SIGNALEMENTS-UT@acpr.banque-france.fr)

Post:  Secrétariat général de l'Autorité de contrôle prudentiel et de résolution  
SAIDP - Signalements  
75436 PARIS CEDEX 09

In addition to the examples of misconduct provided in the Policy, in France, the other reportable events are as follows:

#### A Reportable Concern to the Whistleblowing channel is:

A possible malfunction in the effective implementation of:

- obligations specific to banking and financial activities, whether legislative or regulatory; national or directly applicable European regulation;
- professional and ethical standards; or
- specific instructions/directions from the supervisory body by effective managers.

#### A Reportable Concern (breach or violation) to the ACPR is:

A potential and proven breach or infringement of:

- CRR Regulation (EU) No 575/2013;
- the provisions about banking services providers of the French Monetary and Financial Code (MFC) (Title 1 of Book V);
- a regulation adopted for their application; or
- any other legislative or regulatory provision the lack of which results in that of the aforementioned CRR and MFC provisions.

## Part 4 (What if My Concerns Relate to Conduct, People, or Operations Outside of Australia?)

Please be aware that reports made from France via the whistleblowing channel are subject to French law and the guidelines of the data protection authority, Commission Nationale de l'Informatique et des Libertés (CNIL) guidelines, and must comply with the following requirements:

- a) You must use the whistleblowing channel in a disinterested (unbiased) manner;
- b) The whistleblowing channel must be used in good faith. Consequently, a malicious report may result in disciplinary action and civil and/or criminal prosecution. Conversely, the mere fact that a concern reported proves to be unfounded, inaccurate or is not further processed or investigated, will not expose the whistleblower to such action if the report has been submitted in good faith.
- c) Further to Principle 4 set out in Part 2 of the Policy (ANZ's expectations of you), whereby ANZ expects you to act honestly and ethically and make a report on reasonable grounds, in France, there are further requirements that dictate what types of reports will be considered. These are reports that, where possible:
  - i. requires all necessary precautions to be taken in order to preserve the confidentiality of your identity, and that of any person involved in the matter; and
  - d) requires to be reported on in an objective matter. No one will face any consequences for not using the whistleblowing channel.
- e) While anonymous reporting is generally not encouraged in France, the CNIL recommends that an anonymous report can be dealt with under the following conditions:
  - i. the seriousness of the facts is established; and
  - ii. the report is sufficiently documented.

If these conditions are met, your report will be handled with special precautions under French law.

If an anonymous report is found to be malicious, this may result in disciplinary action and prosecution as per item b) listed above.

Notwithstanding the fact that anonymous reporting may not be allowed in your specific case, your identity will of course be processed and kept confidential by the individuals specifically in charge of receiving and investigating the reports within ANZ and its provider as set out in the Policy. Those individuals are limited in number, specifically trained to receive and investigate those reports, and subject to strong contractual confidentiality obligations.

- f) In any case, your identity as a whistleblower will not be disclosed without your consent, except to a judicial authority.

The same confidentiality obligations apply to the identity of any other individuals concerned in a report and will only be disclosed to the judicial authority, where appropriate.


Note, however, that Deloitte, in its capacity as data processor and service provider managing a whistleblowing channel for ANZ, will have access to the identity of the whistleblower and of the other individuals concerned by a report, to the extent necessary to carry out its work in relation to the management of the whistleblowing channel and in accordance with its confidentiality obligations.

### Your Personal Data

For further information in relation to how your personal data will be handled, please contact ANZ's Data Protection Representative:

By email:  [gdpreurope@anz.com](mailto:gdpreurope@anz.com)

By telephone:  +44 (0) 203 229 2595

By post:  ANZ Bank, 40 Bank Street, London E14 SEJ

## B. FRANCE POLICY ADMINISTRATION

The ANZ Paris branch will submit this Policy to the ACPR as part of its Internal Control Report on an annual basis.

## 5 GERMANY

### A. FURTHER REQUIREMENTS


In addition to the Policy, please note the following if you are reporting from Germany or your concern or report relates to anyone or conduct connected to the ANZ Group's business or branch in Germany (**ANZ Germany**):

#### Part 2 (Principles), Principle 7 (Regulators)

A reminder you are entitled to escalate your report to the German banking regulator, **Federal Financial Supervisory Authority (BaFin)** directly at any time:

Phone:  +49 (0) 22 84 10 82 355

Email:  [https://www.bafin.de/SharedDocs/Kontakt/EN/BaFin/Kontakt/kontakt\\_bafin\\_hinweisgeberstelle\\_en.html?nn=8119390](https://www.bafin.de/SharedDocs/Kontakt/EN/BaFin/Kontakt/kontakt_bafin_hinweisgeberstelle_en.html?nn=8119390)

Post:  Bundesanstalt für Finanzdienstleistungsaufsicht  
Hinweisgeberstelle  
Graurheindorfer Straße 108  
53117 Bonn

By electronic whistleblowing system:  <https://www.bkms-system.net/bkwebanon/report/clientInfo?cin=2BaF6&language=eng>

#### Part 7 (I Have Made A Report Under This Policy. What Next?), Section B (Confidentiality and Consent)

In addition to the process set out in the Policy after you have made a report, if you are reporting from Germany, you will receive an acknowledgement of receipt of the report within seven days.

#### Your Personal Data

For further information in relation to how your personal data will be handled, please contact ANZ's Data Protection Representative:

By email:  [gdpereurope@anz.com](mailto:gdpereurope@anz.com)

By telephone:  +44 (0) 203 229 2595

By post:  ANZ Bank, 40 Bank Street, London E14 5EJ





## 6 HONG KONG (HK)

### A. FURTHER REQUIREMENTS

In addition to the Policy, please note the following if you are reporting from Hong Kong, or your concern or report relates to anyone or conduct connected to the ANZ Group's business in HK:

#### Roles and Responsibilities

##### A. Whistleblower Protection Officer (WPO)

In addition to the roles and responsibilities set out in the internal Policy:

- Where a report relates to fraud, deception, theft, forgery, corruption or other illegal activity, the WPO must contact the HK Compliance team (or alternatively the Hong Kong Legal team) immediately (to the extent permitted by law); and the HK Compliance team (or Hong Kong Legal Team) will work with the WPO to determine if the matter needs to be reported to the HK regulator, the Hong Kong Monetary Authority (HKMA); and
- Where a report contains allegations in relation to suspected external or internal fraud, and or where an investigation confirms or suspects external or internal fraud, that could lead to material potential financial loss to ANZ, its customers, or have significant impact on ANZ's reputation, the WPO must notify the HK Compliance Head (or Hong Kong Legal Head) immediately (to the extent permitted by law), who may in turn be required to notify the HKMA on the same day.



## 7 NEW ZEALAND




### A. FURTHER REQUIREMENTS

In addition to the Policy, please note the following if you are reporting from New Zealand or your concern or report relates to anyone or conduct connected to the ANZ Group's business in New Zealand i.e. ANZ Bank New Zealand Limited (ANZNZ); ANZ New Zealand Investments Limited; or ANZ Investments Services (New Zealand) Limited (together, the ANZNZ Group):




#### Part 2 (Principles), Principle 7 (Regulators)


A reminder that if you are reporting from New Zealand or your concern or report relates to the ANZNZ Group, you are entitled to escalate your report to the following regulators:

##### g) Reserve Bank of New Zealand

Phone:  +64 4 471 3657  
Email:  [whistleblowing@rbnz.govt.nz](mailto:whistleblowing@rbnz.govt.nz)  
Write:  PO Box 2498, Wellington 6140, New Zealand

##### h) Financial Markets Authority

Phone:  0800 434 567, +64 4 472 9830  
Email:  [questions@fma.govt.nz](mailto:questions@fma.govt.nz)  
Write:  PO Box 1179, Wellington 6140.

In some circumstances, you may also escalate your report to the New Zealand Ombudsman. Please see:  <http://www.ombudsman.parliament.nz/what-we-do/protecting-your-rights/protected-disclosures-whistle-blowing>

### **Part 3 (Scope) Section A (Can I Make a Report Under this Policy?)**

The Policy contains examples of what might constitute reportable misconduct. This list is not intended to be exhaustive and there may be other examples. For example, in New Zealand, other types of misconduct could include any acts, omissions, or courses of conduct that are or could be:

1. a serious risk to public health, public safety or the environment; or
2. a serious risk to the maintenance of New Zealand law, including the prevention, investigation, and detection of offences and the right to a fair trial.

### **Part 3 (Scope) Section B (Excluded Matters)**

#### **Exclusion: Customer complaints**

If you are a customer and are concerned with the way that ANZ NZ or any company within the ANZ NZ Group has handled any matter, product, or service, including an existing complaint, please contact ANZ NZ: [https://help.anz.co.nz/app/answers/detail/a\\_id/117/~lodge-a-complaint](https://help.anz.co.nz/app/answers/detail/a_id/117/~lodge-a-complaint)

### **Part 7 (I Have Made A Report Under This Policy. What Next?) Section A (Protection from Detrimental Conduct)**

In addition to the protections outlined in the Policy, if you are an employee of the ANZ business to which a report relates, and you voluntarily provide supporting information in relation to that report so that the serious misconduct can be investigated, both the information and your identity will be protected under this Policy. Voluntarily providing information does not include where you have been compelled to do so by ANZ NZ or the ANZ Group, law or otherwise.

### **Roles and Responsibilities Whistleblower Program Team**

The manner of reporting for ANZ NZ is:

1. De-identified reports to each NZ Board Conduct and Culture Committee, or as requested by the NZ Board, and general reporting to the NZ Executive Conduct and Culture Management Committee as required.

## **B. NEW ZEALAND POLICY ADMINISTRATION**

The Board of ANZ NZ is committed to noting the body of the Policy and approving material changes to this New Zealand Schedule to the Policy.

## 8 PAPUA NEW GUINEA (PNG)

### A. FURTHER REQUIREMENTS


In addition to the Policy, please note the following if you are reporting from PNG, or your concern or report relates to anyone or conduct connected to Australia and New Zealand Banking Group (PNG) Limited (**ANZPNG**):

#### Part 2 (Principles), Principle 7 (Regulators)

A reminder you are entitled to escalate your report to the financial regulator directly at any time regarding your concern: **Bank of Papua New Guinea (BPNG)**

Phone:  +675 322 7200

Fax:  +675 321 1617

Write:  PO Box 121, Port Moresby 111,  
National Capital District, Papua New Guinea

Website (online contact form):  <https://www.bankpng.gov.pg/about-us/contact-us/>

#### Part 3 (Scope) Section A (Can I Make a Report Under this Policy?)

While we encourage any of the persons listed in Part 3.1.A of the Policy to speak up if they have concerns relating to ANZPNG, it is important to note that only employees of ANZPNG are eligible to make reports which qualify for protection under PNG's Whistleblower Act 2020 (**the PNG Act**).

The PNG Act applies to disclosures of 'impropriety' in the workplace by employees. In addition to the examples listed in Part 3.A.2 of the Policy, the following would amount to impropriety under the PNG Act:

- a) a miscarriage of justice;
- b) endangering the health or safety of an individual;
- c) environmental damage;
- d) unfair discrimination; and
- e) deliberately concealing any of the above conduct.

Further, in order for a disclosure to qualify as a 'protected disclosure' under the PNG Act, the disclosure must be made in good faith. It is an offence to make an intentionally false or misleading disclosure and may be subject to a fine of up to K10,000.00 or six months' imprisonment with hard labour. A disclosure will also not be protected if you commit an offence by making it.

#### **Part 4 (How do I Make a Report or Find out More Information about the Process?)**

In addition to the subject matter and good faith requirements noted above, in order for a report to qualify as a protected disclosure under the PNG Act, it must be made to:

- a) a lawyer who holds a current practising certificate issued under the PNG Lawyers' Act 1986; or
- b) any of the persons or channels set out in Part 4 of the Policy.

#### **Part 7 (I Have Made a Report under this Policy, What Next?) Section A (Protection from Detrimental Conduct)**

In addition to the protections set out in Part 7.A of the Policy, under the PNG Act an employer must not subject an employee to 'occupational detriment' as a result, or partly as a result, of the employee making a protected disclosure. Occupational detriment means:

- a) being subjected to any disciplinary action;
- b) being dismissed, suspended, demoted, harassed or intimidated;
- c) being transferred to a different position against your will;
- d) being refused transfer or promotion;
- e) being subjected to a term or condition of employment or retirement which is altered to your disadvantage;
- f) being refused a reference or being provided with an adverse reference;
- g) being denied appointment to any employment or office;
- h) being threatened with any of the above; or
- i) being adversely affected in respect of your employment, profession or office in any other way.

Under the PNG Act, if you have made a protected disclosure and you reasonably believe that, as a result of making that disclosure, you have or will be subject to occupational detriment, you may request a transfer to another position within ANZPNG in which you will not be subject to occupational detriment. ANZPNG must comply with that request if it is reasonably practicable to do so.

If you have been subjected to occupational detriment as a result of making a protected disclosure, you may apply to a competent PNG court for appropriate relief.

## **Roles and Responsibilities**

### **A. Whistleblower Protection Officer (WPO)**

In addition to the roles and responsibilities set out in the internal Policy, the WPO must inform the Chair, the Chair of the Audit Committee or Audit and Risk Committee. The Chair (or such other appropriate person) must report to the BPNG any matter where:

- j) there are serious prudential concerns; or
- k) where the illegal, unethical or questionable practices related to the Chair or senior staff.

### **B. PNG POLICY ADMINISTRATION**

The Board of ANZPNG is committed to noting the body of the Policy and approving this PNG Schedule to the Policy.



## 9 SINGAPORE

### A. FURTHER REQUIREMENTS

In addition to the Policy, please note the following if you are reporting from Singapore or your concern or report relates to anyone or conduct connected to the ANZ Group's business in Singapore:

#### **Part 7 (I Have Made A Report Under This Policy. What Next?)**

You should know that in addition to the confidentiality and consent processes set out in the Policy, ANZ is required to comply with certain requirements, known as the Banking Secrecy Requirements, in Singapore. The WPO assigned to your matter will handle the information as set out below.

#### **Roles and Responsibilities**

##### **A. Whistleblower Protection Officer (WPO)**

In addition to the roles and responsibilities of the WPO set out in the internal Policy, where ANZ would need to disclose any customer data or employee data to third parties for the purposes of managing or investigating a report (for example, ANZ being required to disclose such information for the purposes of obtaining legal advice or otherwise required by a regulator), WPO will consult with ANZ's Singapore Compliance and Legal teams with respect to such proposed disclosure to ensure that any requirements by the Monetary Authority Singapore (MAS) and/or any other regulator are met.

## 10 TAIWAN

### A. FURTHER REQUIREMENTS

In addition to the Policy, please note the following if you are reporting from Taiwan, or your concern or report relates to anyone or conduct connected to the ANZ Group's business in Taiwan:

#### **Roles and Responsibilities**

##### **A. Whistleblower Protection Officer (WPO)**

In addition to the roles and responsibilities set out in the internal Policy, where the WPO considers a report may potentially constitute a material reportable event or illegal activity, the WPO must contact Taiwan Compliance team (or alternatively Taiwan Talent & Culture) and the Taiwan Compliance team (or alternatively Taiwan Talent & Culture) will work with the WPO to determine if the matter needs to be reported to the Financial Supervisory Commission, Central Bank of the R.O.C., Central Deposit Insurance Corporation and/ or other concerned authority.

For a material reportable event, the amount of financial loss is not the absolute determinant of Material Reportable Events. Any incident that endangers the normal operation of a financial institution and impact the order of financial industry is considered a material reportable event. For examples of what constitutes a material reportable event please seek further guidance from the Taiwan Compliance Team.





## 11 UNITED KINGDOM



### A. FURTHER REQUIREMENTS

In addition to the Policy, please note the following if you are reporting from the United Kingdom (UK) or your concern or report relates to anyone or conduct connected to the ANZ Group's business in the UK (ANZ UK).




#### Part 2 (Principles), Principle 7 (Regulators)

You are entitled to escalate your report to the following regulators directly at any time provided the concern or report constitutes a 'Reportable Concern' (as defined below):

##### a) Financial Conduct Authority (FCA)

Ph:  +44 (0)20 7066 9200  
Email:  [whistle@fca.org.uk](mailto:whistle@fca.org.uk)  
Write:  Intelligence Department (Ref PIDA), Financial Conduct Authority, 12 Endeavour Square, London, E20 1JN.

##### b) Prudential Regulation Authority (PRA)

Ph:  +44 (0)203 461 8703  
Email:  [PRAwhistleblowing@bankofengland.co.uk](mailto:PRAwhistleblowing@bankofengland.co.uk)  
Write:  Confidential Reporting (Whistleblowing), PRA CSS, 20 Moorgate, London, EC2R 6DA.

#### A Reportable Concern is:

- a) anything that would be a "UK Protected Disclosure", which is a disclosure made on reasonable grounds and on the basis that the person making the disclosure believes it to be substantially true, it is in the public interest, and contains information that one or more of the following has been, is being, or is likely to be, committed:

- i a criminal offence;
  - ii a failure to comply with any legal obligation;
  - iii a miscarriage of justice;
  - iv the putting of the health and safety of an individual in danger;
  - v damage to the environment; or
  - vi deliberate concealment relating to any of (i) to (v); or
- b) anything that is a breach of ANZ's policies and procedures; or
- c) behaviour that harms or is likely to harm the reputation or financial well-being of ANZ.

A reportable concern can relate to a matter that occurred, occurs or would occur in the UK or another country.

## **Roles and Responsibilities**

In addition to the responsibilities set out for the WPO in the internal Policy, the WPO has the following additional responsibilities with respect to disclosures arising from or in relation to the ANZ Group's business in the UK.

### **A. Whistleblower Protection Officer (WPO)**

- Report at least annually to the ANZ London Branch Executive Committee where a Report has been made by an UK-based employee or contingent Worker;
- Ensure ANZ London Branch reports to the FCA about each case brought by a UK-based employee that was contested but lost before an employment tribunal where the claimant successfully based all or part of their claim on detriment suffered as a result of making a Protected Disclosure (UK);
- Where a report relates to an employee of ANZ UK, advise the Head of Compliance, Europe as soon as a report is made, so an assessment can be conducted to determine whether the matter must be reported to the FCA and/or PRA. In the event of a conflict, the Chief Risk Officer, Europe & America or the Head of Legal, Europe & America should be notified; and
- where a report relates to a Senior Manager of ANZ UK, would have a material impact on ANZ UK or the reporting requirements under the Banking Executive Accountability Regime (BEAR), advise the Head of Legal, Europe & America as soon as a report is made.

In addition to the Roles and Responsibilities in the internal Policy, there is also the following roles applicable in the ANZ London branch.

### **B. Whistleblower Champion (UK)**

The Whistleblower Champion for the ANZ London branch is a registered as a Senior Manager under UK regulation and has the following roles and responsibilities:

- Ensuring and overseeing the integrity, independence and effectiveness of the whistleblowing policy applicable to the ANZ London Branch;

- Where appropriate, ensuring that the Whistleblower Program Lead reports at least annually to the governing body of ANZ London Branch (ANZ London Branch Executive Committee) where a report has been made by a UK based employee or contingent worker, if appropriate; and
- Ensuring that ANZ London Branch reports to the FCA about each case brought by a UK based Employee that was contested but lost before an employment tribunal where the claimant successfully based all or part of their claim on detriment suffered as a result of making a UK Protected Disclosure.

While the Whistleblower Champion does not need to have a day-to-day operational role in handling disclosures from whistleblowers or commencing investigations, he or she must have a level of independence and access to independent legal advice and sufficient information to carry out their responsibilities.




### C. UK line managers (UK-based managers & managers of UK-based employees)

All UK-based line managers and line managers of UK-based employees must undergo appropriate training specifically on:

- how to recognise when there has been a disclosure of a reportable concern by a whistleblower;
- how to protect whistleblowers and ensure their confidentiality is preserved;
- how to provide feedback to a whistleblower, where appropriate;
- steps to ensure fair treatment of any person accused of wrongdoing by a whistleblower; and
- sources of internal and external advice and support on the matters referred to in (a) to (d).

### Your Personal Data

For further information in relation to how your personal data will be handled, please contact ANZ's Data Protection Representative:

- By email:  [gdp@anz.com](mailto:gdp@anz.com)  
 By telephone:  +44 (0) 203 229 2595  
 By post:  ANZ Bank, 40 Bank Street, London E14 5EJ

## B. UNITED KINGDOM POLICY ADMINISTRATION

<b>Internal Approval Body</b>	The Whistleblower Champion for ANZBGL London Branch (for oversight of preparation of the UK Annual Whistleblowing Report).
<b>External Approval Body</b>	ANZBGL London Branch is required to prepare a Whistleblowing activity report ( <b>UK Annual Whistleblowing Report</b> ) to the ANZBGL Board which must also be made available to the FCA or PRA on request, but not made public.

## 12 UNITED STATES (U.S.)

### A. FURTHER REQUIREMENTS


In addition to the Policy, please note the following if you are reporting from the U.S. or your concern or report relates to anyone or conduct connected to the ANZ Group's business or branch in the U.S.

Employees located in ANZ's New York office have whistleblower and anti-retaliation protections under a number of U.S. federal, state and local laws (**U.S. Whistleblower Laws**), including laws that relate specifically to securities and financial services organizations.

#### Part 2 (Principles), Principle 7 (Regulators)


A reminder that if you are reporting from the U.S. or your concern or report relates to the ANZ Group's business or branch in the U.S., you are entitled to escalate your report to the following regulators directly at any time (this includes cooperating with, responding to any inquiry from or providing testimony to any regulatory or investigatory agency or authority), and you are entitled to remain anonymous in doing so:

a) **Financial Industry Regulatory Authority (FINRA) Office of the Whistleblower**

Phone:  1-866-96-FINRA (1-866-963-4672)


Website:  [www.finra.org/whistleblower](http://www.finra.org/whistleblower)

b) **United States Department of Labor: Occupational Safety and Health Administration (OSHA)**

Phone:  1-800-321-OSHA (6742)

Website:  <https://www.osha.gov/whistleblower/WBComplaint.html>

c) **United States Securities and Exchange Commission (SEC) Office of the Whistleblower**

Phone:  (202) 551-4790

Website:  <https://www.sec.gov/whistleblower/submit-a-tip>

d) **New York State Department of Labor**

Phone:  (888) 581-5812

Website:  <https://labor.ny.gov/ui/claimantinfo/ContactInfo.shtm>

e) **U.S. Commodity Futures Trading Commission**

Phone:  (866) 873-5675

Website:  <https://www.whistleblower.gov/overview/submitatip/>

### **Part 3 (Scope), Section A (Can I Make A Report Under This Policy?)**

There may be additional persons who may be a whistleblower under the U.S. Whistleblower Laws. Please contact FINRA for further information.

### **Part 3 (Scope), Section B (Excluded Matters)**

#### **Exclusion 2: Personal Work Related Grievances**

There are also a number of U.S. Whistleblower Laws related to your personal-work related grievances that are covered in separate policies. To the extent that there are any inconsistencies between this Policy, and the U.S. Whistleblower Laws, the U.S. Whistleblower Laws will apply, as stated in Principle 6 of this Policy.

### **Part 7 (I Have Made A Report Under This Policy. What Next?), Section A (Protection from Detrimental Conduct)**

The U.S. Whistleblower Laws recognise that retaliation is one of the primary risks associated with whistleblowing. In addition to ANZ's prohibition on detrimental conduct which includes retaliation (in any form, including among others, demotion, discharge, suspension or harassment against any staff who makes a report internally or externally), there may be further protections provided to the whistleblower under the U.S. Whistleblower Laws.

Under U.S. law, you have a private right of action if you feel you have suffered retaliation because of any lawful act of making a whistleblower report. You may contact the applicable agency directly under your Legally Protected Communication rights (see below).

#### **a) Legally-Protected Communications**

In general, no offer letter, employment, severance, arbitration (in certain cases), confidentiality or other agreement may prevent, restrict, limit, impede or otherwise interfere with your rights to:

- engage in legally-protected employee communications, including without limitation protections under Section 7 of the U.S. National Labor Relations Act;
- file a charge or complaint or initiate an investigation with the applicable government agency;
- report a possible violation of any law to a government agency;
- make other disclosures that are protected under U.S. Whistleblower Laws, including for example, to the extent applicable, reporting possible violations of law in accordance with Section 21F of the U.S. Securities Exchange Act of 1934 and related rules;
- respond to a lawful subpoena;
- comply with any other legal obligation;

- communicate with any government agency or otherwise participate in any investigation or proceeding that may be conducted by any government agency, including providing documents or other information, without notice to or permission by ANZ; or
- receive any award for information provided to any government agency.

#### **b) Protections under the Sarbanes Oxley Act of 2002 (SOX)**

SOX provides certain legal protection to covered whistleblowers. The following applies to companies' subject to SOX and their officers and employees:

- SOX Section 806 contains the first federally-imposed, broad-based whistleblower protection. Any company with securities registered under Section 12 of the Securities Exchange Act is subject to civil penalties if an employee is discharged, demoted, suspended, threatened, harassed or otherwise discriminated against because such employee provided information, caused information to be provided or otherwise assisted with an investigation related to fraudulent acts. SOX Section 1107 provides criminal penalties of up to 10 years' imprisonment plus a fine for any retaliation resulting from the cooperation with a law enforcement officer for providing truthful information relating to the commission or possible commission of any federal offense.
- In addition, vendors, suppliers and agents cannot discharge, demote, suspend, threaten, harass, or in any other manner discriminate or retaliate against employees who provide information in investigations – including internal investigations – into certain types of violations of the securities laws and regulations, or who file proceedings relating to similar violations. Also, under SOX Section 1107, any person who knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing a law enforcement officer any truthful information relating to the commission or possible commission of any federal offense, may be fined under such title or imprisoned not more than 10 years, or both. SOX Whistleblower Protections do not apply to employees who work outside the U.S.

## **B. U.S. POLICY ADMINISTRATION**

This Policy has been reviewed and approved by ANZ, and this U.S. Country Schedule has been reviewed and approved by ANZSI's Supervisory Management Group and ANZSI Chief Compliance Officer and will be periodically reviewed and approved thereafter. ANZ's independent auditors will make a quarterly report to the appropriate ANZSI committee of:

- (1) the number of disclosures made;
- (2) the number of investigations commenced in response to disclosures;

- (3) the number of wrongdoings discovered; and
- (4) all disciplinary actions taken in response to matters discovered through disclosures.

This policy will be reviewed periodically by the ANZSI committee after consultation with the senior compliance officer, taking into account the effectiveness of the policy in promoting reports, but with a view to minimizing the opportunities to cause improper investigations.

U.S. Annexure Owner	ANZSI Chief Compliance Officer
<b>Related policies</b>	ANZ Whistleblower Policy
<b>Supporting guidelines to U.S. Annexure</b>	FINRA Rule 13201 Section 11(c) of the OSH Act Section 748 and 922 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. SEC Rule 21F-2(b)(1)(iii) Section 740 of the New York Labor Law The Freedom of Information Act –FOIA Sections 806 & 1107 of Sarbanes-Oxley Act - SOX Section 23 Commodity Futures Trading Commission – CFTC Section 7 of the U.S. National Labor Relations Act
<b>Review and Approval Body</b>	ANZSI Supervisory Management Group

## 13 VANUATU

### A. FURTHER REQUIREMENTS

In addition to the Policy, please note the following if you are reporting from Vanuatu, or your concern or report relates to anyone or conduct connected to ANZ Bank (Vanuatu) Limited.

#### **Part 7 (I Have Made a Report Under This Policy. What Next?)**

You should know that in addition to the confidentiality and consent processes set out in the Policy, ANZ is required to comply with certain requirements, under the Anti-Money Laundering and Counter-Terrorism Financing Act and Official Secrets Act CAP 111. The WPO assigned to your matter will handle the information as set out below.

#### **Roles and Responsibilities**

##### **A. Whistleblower Protection Officer (WPO)**

In addition to the roles and responsibilities set out in the internal Policy:

1. The WPO must inform ANZ Vanuatu Compliance (or where appropriate the ANZ Vanuatu Chief Risk Officer) where a report is related to suspicious transactions or activity involving a customer, fraud, bribery, and corruption; and/or
2. The WPO will consult with ANZ Vanuatu Compliance (or where appropriate the ANZ Vanuatu Chief Risk Officer) where information contains 'classified material' as defined under the Official Secrets Act CAP 111 to ensure compliance to the Official Secrets Act.



ANZ Vanuatu Compliance are responsible for official reporting to the regulators as required and/or ensure that any obligations under the Official Secrets Act or the Anti-Money Laundering and Counter-Terrorism Financing Act are met.

Term	Definition under the Official Secrets Act CAP 111
Classified material	<ul style="list-style-type: none"> <li>(a) any official code, plan, article or document relating to the affairs of the Government,               <ul style="list-style-type: none"> <li>(i) which is classified for security purposes by the appropriate department or authority within the Government as top secret, secret, confidential or restricted material; or</li> <li>(ii) the use or possession of which without lawful authority would or might, by virtue of the contents or nature of the material, directly or indirectly prejudice the safety or interests of the Government or the Republic;</li> </ul> </li> <li>(b) any official information, of a secret, confidential or restricted nature relating to the affairs of the Government and which if contained in a document would properly be classified as in paragraph (a)(i) of this definition;</li> <li>(c) any confidential material or information lodged or registered in accordance with any law;</li> </ul>
Code	a code, code word, cipher or any group of letters or figures or both constituting part of a code
Government	the Government of the Republic of Vanuatu

**Note:** Printed versions of this document may be obsolete. Please check [www.anz.com](http://www.anz.com) or MAX for the latest version.

