



## Speak Up Policy

WA Return Recycle Renew Ltd Limited (“WARRRL”)

Last approved date: 25 March 2024

<b>Written by:</b>	Head of Scheme Integrity	<b>Date submitted:</b>	17/01/2022
<b>Authorised by:</b>	Board	<b>Date Authorised:</b>	25/03/2024
<b>Next Review Date:</b>	25/03/2026		

Version Control		
Version	Responsible	Date
2.0	Reviewed by Audit and Risk Committee	24/01/2022
2.0	Board approval	28/02/2022
3.0	Policy revision and retitling	14/03/2024
3.0	Reviewed by Audit and Risk Committee	18/03/2024
3.0	Board approval	25/03/2024



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## 1. Overview

- 1.1 The purpose of this policy is to foster a culture of trust and transparency the WA Container Deposit Scheme (Scheme) so that people can speak up about things that concern them.
- 1.2 This policy is an important tool to help WA Return Recycle Renew Ltd (WARRRL) identify wrongdoing that may not be uncovered unless there is a safe and secure means for speaking up. This aligns with WARRRL's value of accountability, transparency, and integrity.
- 1.3 This policy is WARRRL's 'Whistleblower' policy and outlines the principles and approach of WARRRL regarding engaging with people who speak up (make disclosures).
- 1.4 This policy explains how WARRRL receives, manages, and responds to information when people speak up about matters that they are concerned about.
- 1.5 Speaking up protects everyone, which could include information about fraud, potential breach(s) of the law, criminal activity, dangers to the public, manipulation of financial systems, work health and safety breaches endangering public safety, underpayment of Scheme participants, modern slavery or any other misconduct or other improper dealings involving the Container Deposit Scheme or WARRRL.

## 2. Definitions

<b>Board</b>	means the board of Directors of WARRRL.
<b>CEO</b>	means the Chief Executive Officer of WARRRL.
<b>Chairperson</b>	means the Chair of the WARRRL Board.
<b>Confidentiality</b>	Access to the information is controlled and the information does not have to be of a personal nature.
<b>Detriment</b>	<p>May include any of the following:</p> <ul style="list-style-type: none"> <li>• Unfair dismissal of an employee</li> <li>• Injury of an employee in their place of employment</li> <li>• Alteration of an employee's position or duties to their disadvantage Discrimination between an employee and other employees of the same employer</li> <li>• Harassment or intimidation of a person</li> <li>• Harm or injury to a person, including psychological harm</li> <li>• Damage to a person's property</li> <li>• Damage to a person's reputation</li> <li>• Damage to a person's business or financial position</li> <li>• Any other damage to a person</li> </ul>
<b>Director</b>	means a director of WARRRL.
<b>Discloser</b>	An individual who is an eligible whistleblower, as defined in clause 4, or customer of the Scheme who makes a disclosure to an eligible recipient.
<b>Eligible recipient</b>	An individual designated to receive a disclosure and includes a Director, executive team member, or auditor of WARRRL.
<b>Employees</b>	Includes directors, employees (full time, part time and casual), contractors, subcontractors, employees or labour hire companies, who are assigned jobs with WARRRL, consultants, apprentices, work experience students, volunteers, temporary employees and visitors (as the context may require)
<b>Policies</b>	Means all policies, procedures, guidelines and protocols of WARRRL
<b>Scheme participants</b>	<p>Scheme participants are entities that are a party to a Scheme agreement (other than WARRRL), including but not limited to:</p> <p>a) first responsible suppliers (Beverage suppliers);</p>



	<ul style="list-style-type: none"> <li>b) an exporter;</li> <li>c) a refund point operator (RPO);</li> <li>d) a material recovery facility (MRF) operator;</li> <li>e) a logistics service provider;</li> <li>f) a processing services provider; or a</li> <li>g) recycler.</li> </ul>
<b>WARRRL</b>	means WA Return Recycle Renew Ltd ACN 629 983 615
<b>Whistleblower</b>	means someone who speaks up and reports reportable A Discloser.
<b>Whistleblower Disclosure Committee (WDC)</b>	The WDC consists of a minimum of three representatives from WARRRL's executive team, with the Head of Scheme Integrity as committee chair.
<b>Whistleblower Protection Officer (WPO)</b>	The nominated employee at WARRRL within the Scheme Integrity team designated to receive and triage information when people speak up, the Assurance Manager.

### 3. Policy statement

- 3.1 WARRRL maintains a culture of ethical conduct and takes disclosures very seriously.
- 3.2 WARRRL treats every report seriously, confidentially, and fairly, and will take appropriate action in all instances of substantiated fraud or other misconduct either internally or with respect to the Scheme.
- 3.3 WARRRL provides protection to people who speak up such that they can make a disclosure without fear of detrimental conduct, reprisal or breach of identity without consent.
- 3.4 This policy will be made available on the WARRRL and Containers for Change websites and in any other ways that will ensure that it is made available to persons to whom this policy applies. It will also be made available to officers and employees of Scheme participants and suppliers.

### 4. Who can speak up?

- 4.1 Anyone can speak up - this policy applies to WARRRL employees and their relatives, WARRRL suppliers, Scheme Participants and their employees, Scheme customers, community members and any other stakeholder. All people who make a report are considered eligible whistleblowers as defined within the Corporations Act 2001.
- 4.2 Customers of the Scheme who speak up will be treated with the same considerations as eligible whistleblowers under the *Corporations Act 2001*, however may not generally be offered the same protections through the *Corporations Act 2001*.
- 4.3 WARRRL will receive, assess and manage all information when people speak up (disclosures) through the same process.

### 5. What can be reported? (Reportable Conduct)

- 5.1 People can speak up under this policy if they have reasonable grounds to believe that a WARRRL director, officer, employee, contractor, supplier, Scheme participant or other person who has business dealings WARRRL has engaged in conduct which is:
  - (a) a breach of the *Corporations Act 2001 (Cth)*;
  - (b) a breach of any other applicable law (including any criminal offence such as theft, fraud,



dealing in or use of illicit drugs, violence or threatened violence and criminal damage to property);

- (c) any circumstance that represents a danger to the public or the financial system;
- (d) attempted or actual manipulation of the Scheme infrastructure or systems;
- (e) dishonest, fraudulent or corrupt;
- (f) unethical, including any breach of the WARRRL's policies such as the code of conduct policy;
- (g) oppressive or grossly negligent;
- (h) potentially damaging to the WARRRL, its employees or a third party; and
- (i) misconduct or an improper situation.

## 6. What about other topics?

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- 6.1 If you are an employee, this policy does **not** cover personal work-related grievances. These grievances should be reported to a manager in accordance with the code of conduct policy and issue resolution process within the employment policy.
- 6.2 A personal work-related grievance is a grievance about any matter in relation to a staff member's current or former employment, having implications (or tending to have implications) for that person personally and that do not have broader implications for the WARRRL.
- 6.3 Examples of personal work-related grievances are as follows:
  - (a) An interpersonal conflict between the staff member and another employee;
  - (b) A decision relating to the engagement, transfer or promotion of a staff member,
  - (c) A decision relating to the terms and conditions of engagement of a staff member.
  - (d) A decision to suspend or terminate the engagement of a staff member, or otherwise to discipline a staff member.
- 6.4 These types of Concerns do not qualify for protection under Whistleblower laws that cover this Speak Up policy, but may be protected under other legislation, including Employment Law.
- 6.5 In some exceptional circumstances, a personal work-related grievance may qualify for protection if:
  - (a) it is a mixed Concern that also raises matters that qualify for protection under the legislation
  - (b) it also has significant implications for WARRRL (for example a systems error that has resulted in systemic underpayment of remuneration)
  - (c) it relates to conduct that constitutes a breach of Employment Laws punishable by imprisonment for a period of 12 months or more (including certain work, health and safety offences)

If you are unsure, contact [speakup@warrl.com.au](mailto:speakup@warrl.com.au)



## 7. Speaking up (making a disclosure)

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- 7.1 WARRRL relies on its employees, suppliers and Scheme participants to maintain a culture of honest and ethical behaviour. Accordingly, if a person becomes aware of any reportable conduct, it is expected that they feel empowered to speak up.
- 7.2 A report can be made to WARRRLs Whistleblower Protection Officer (WPO) at any time by emailing [speakup@warrri.com.au](mailto:speakup@warrri.com.au).
- 7.3 Internal employees and those external to the WARRRL, including customers of the Scheme, are encouraged to disclose information through WARRRL's external reporting service 'Whispli' (Speak Up Hotline Service) which can receive reports 24 hours a day, 7 days a week via the website <https://containersforchangewa.whispli.com/lp/speakup>, the Speak Up hotline +61 (08) 7625 2946 or by scanning the following QR code.



- 7.4 'Whispli' is not linked to WARRRL and ensures that anonymity is maintained at all times.
- 7.5 A submission through 'Whispli' will be processed as follows:
- (a) The person speaking up is required to provide information about the report by answering a set of questions, they will then have the opportunity to review the information provided prior to submitting their report.
  - (b) The WPO is supplied with a report of the disclosure, and in the case of a disclosure made through the hotline, a voice recording that is frequency modified to ensure the disclosers voice is not able to be recognised.
  - (c) Any information contained in the report will be kept confidential, except as required by law or where disclosure is necessary to regulatory authorities, law enforcement agencies or professional advisors to WARRRL.
- 7.6 If a report is made directly to the WPO, the person speaking up must state:
- (a) their intention to make a disclosure under this policy;
  - (b) the way in which they want their identity to be managed by:
    - (i) consenting to their identity and other potentially identifying information being disclosed to the extent necessary for the purpose of investigation and handling of the disclosure; and/or
    - (ii) not consenting to their identity being disclosed, as such this information will be kept strictly confidential.
- 7.7 The WPO is responsible for ensuring ongoing engagement with the discloser whilst their disclosure is being dealt with, as follows:
- (a) At least monthly, or more frequently depending on the nature of the disclosure, the WPO shall provide verbal or written updates to the discloser about the status of the investigation, as determined by the WDC.
  - (b) Should a circumstance arise where the discloser wishes to remain anonymous to the WARRRL, then a separate process will be followed:



- (i) If the discloser has provided contact details to the WARRRL's external service provider (Whispli), then the WPO will provide any updates to the discloser through this service.
- (ii) If the discloser has not provided any contact details, the discloser will be given the identification number of their report and may contact the WPO, no more than monthly, to receive a pre-prepared update.

7.8 The WPO is also responsible for assessing the level of risk to the individual whilst the disclosure is being dealt with. Consideration is given through this to ensure appropriate support is offered and protections are upheld.

7.9 All communication between the WPO and the discloser is recorded and kept in a secure repository (Whispli).

## 8. Who are eligible recipients?

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8.1 If for any reason the discloser is unable to make a disclosure to the WPO or Whispli, a report can be made to an 'eligible recipient' including:

- (a) a Director of WARRRL;
- (b) an executive team member of WARRRL; and/or
- (c) an auditor of WARRRL.

8.2 Disclosures to an eligible recipient can be made during business hours by telephone 13 42 42 or if a face to face meeting is requested this is to be arranged with the eligible recipient. Prior to making a disclosure, the discloser must inform the eligible recipient of their intention to make a whistleblowing disclosure under this Speak Up policy. An eligible recipient may direct the discloser to make the disclosure to the WPO or Whispli if they consider it appropriate in the circumstances.

## 9. Speaking up to Regulators

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9.1 An individual may also make a disclosure to a regulator including the:

- (a) Australian Securities and Investments Commission (ASIC); or
- (b) Australian Prudential Regulation Authority (APRA); or
- (c) Federal or WA Police.

9.2 Individuals will be encouraged to contact the regulator directly to confirm the available reporting channels.

## 10. Protection for disclosers

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10.1 Protection of confidentiality

- (a) When making a disclosure, an individual may do so anonymously.
- (b) It may be difficult for WARRRL to properly investigate the matters disclosed if a report is submitted anonymously and therefore WARRRL will encourage disclosers to share their identity when making a disclosure, however they will not be required to do so.
- (c) Where a discloser provides consent to the disclosure of their identity, this information may be provided to the WPO to facilitate investigation and handling of the matter. The



information will only be disclosed to third parties that have a need to know the information for the proper performance of their functions under this policy, or for the proper investigation of the disclosure. All reasonable steps will be taken to preserve confidentiality, this includes ensuring that written records of any disclosures are stored securely with restricted access.

- (d) WARRRL is committed to ensuring that any person who makes a disclosure is treated fairly and does not suffer detriment and that confidentiality is preserved in respect of all matters raised under this policy.

## 10.2 Exceptions to confidentiality

- (a) Information about a discloser's identity and information that is likely to lead to the identification of the discloser may be disclosed in the following circumstances:
  - (i) Where the information is required by law to be disclosed to ASIC, APRA, the Australian Federal Police.
  - (ii) Where the information is necessary to be disclosed to a legal practitioner under legal professional privilege for the purpose of obtaining legal advice in relation to the operation of applicable whistleblower protection laws.
  - (iii) Where a court or tribunal deems it necessary in the interests of justice or for the purpose of legal action to do so.
  - (iv) Where the discloser consents.
- (b) Whilst the discloser's identity will be protected, as agreed with the discloser, there are limited circumstances where information that is likely to lead to the identification of the discloser can be disclosed without the discloser's consent, provided that:
  - (i) it is necessary for the investigation of the matter under circumstances whereby the nature of the disclosure is such that WARRRL has safety or legal obligations requiring the matter to be addressed; and/or
  - (ii) all reasonable steps are taken prior to providing any details, to reduce the risk that the discloser will be identified.

## 10.3 Protection from legal action

- (a) A discloser will not be subject to any civil, criminal or disciplinary action for making a disclosure under this policy, or for participating in any subsequent investigation by WARRRL. Further, a discloser must not be subject to any detrimental conduct due to having made a disclosure under this policy.
- (b) The disclosure protections are not an indemnity and do not prevent civil, criminal or administrative liability for conduct of any person that is revealed by the disclosure and for which sufficient proof is identified via a thorough investigation.
- (c) Any information a discloser provides will not be admissible in any criminal or civil proceedings other than for proceedings in respect of the falsity of the information.

## 10.4 Protection against detrimental conduct

- (a) WARRRL (or any person engaged by WARRRL) will not engage in 'detrimental conduct' against a discloser when a disclosure is made under this policy.
- (b) Detrimental conduct includes causing, or threatening to cause, detriment to a person because they have made, or are intending to make, a whistleblower disclosure.





- (c) Detrimental conduct includes the following (without limitation):
  - (i) Termination of employment.
  - (ii) Injury to employment including demotion, disciplinary action.
  - (iii) Alternation of position or duties.
  - (iv) Discrimination.
  - (v) Harassment, bullying or intimidation.
  - (vi) Victimisation.
  - (vii) Harm or injury including psychological harm.
  - (viii) Damage to person's property.
  - (ix) Damage to a person's reputation.
  - (x) Damage to a person's business or financial position.
  - (xi) Any other damage to a person.
- (d) If a discloser believes that they have been subject to detrimental conduct because they have made a disclosure under this policy, or because they have participated in an investigation, they should immediately report this to the WPO or an eligible recipient.
- (e) For the avoidance of doubt:
  - (i) a disclosure relating to detrimental conduct of a discloser under this policy is not a personal work-related grievance and shall be managed under the terms of this policy; and
  - (ii) detrimental conduct will be considered a threat if the person intends, or is reckless, to cause the discloser to feel that the threat will be implemented.
- (f) WARRRL will take all reasonable steps to protect a discloser from detrimental conduct and will take necessary action where such conduct is identified.
- (g) WARRRL also strictly prohibits all forms of detrimental conduct against any person who is involved in an investigation of a matter disclosed under the policy in response to their involvement in that investigation.
- (h) A discloser may also seek remedies including compensation, civil penalties or reinstatement where they have been subject to any detrimental conduct under the *Corporations Act 2001 (Cwth)*.
- (i) A discloser may also seek compensation if WARRRL failed to take reasonable precautions and exercise due diligence to prevent detrimental conduct under the *Corporations Act 2001 (Cwth)*.

## **11. Fair treatment of persons implicated**

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- 11.1 Any investigation and/or disciplinary action regarding WARRRL employees will be conducted in line with the disciplinary and performance management processes outlined in the Employment Policy.
- 11.2 Any disclosures that implicate an employee must be kept confidential, even if the discloser has consented to the disclosure of their identity and should only be disclosed to those persons who have a need to know the information for the proper performance of their functions under this policy, or for the proper investigation of the disclosure.



- 11.3 A person who is implicated in a disclosure has a right to be informed of the allegations against them and must be given an opportunity to respond to those allegations and provide additional information, if relevant, in the course of an investigation into those allegations (subject to the discloser's right to anonymity as set out in this policy and applicable laws).
- 11.4 While details of disclosures will remain confidential, employees of contractors and suppliers will be governed by the policies of their employer, which will take precedence over this policy.

## 12. Support available

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- 12.1 WARRRL has a range of support available for both disclosers and employees that may be implicated in disclosures, which include:
- (a) appointing an independent support person, WARRRL's People & Culture Consultant, to discuss any ongoing concerns they may have (for WARRRL employees);
  - (b) access to WARRRL's Employee Assistance Program (EAP) which is a free and confidential counselling service (for WARRRL employees); and
  - (c) connecting the person with third party support providers such as Lifeline (13 11 14, [www.lifeline.org.au](http://www.lifeline.org.au)) and Beyond Blue (1300 22 4636, [www.beyondblue.org.au](http://www.beyondblue.org.au)).
- 12.2 Use of these support services by a discloser may require the discloser to consent to disclosure of their identity or information that is likely to lead to the discovery of their identity to the support party providing the service.

## 13. Investigation of disclosures

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- 13.1 After a disclosure has been received, the information is provided to the Whistleblower Protection Officer (WPO) for logging and initial assessment.
- 13.2 If the WPO, or their delegate, is allegedly involved or implicated in the disclosure, or any other circumstance exists that may give rise to an actual or potential conflict of interest, the matter is instead reported to the Head of Scheme Integrity, the CEO or Whispli.
- 13.3 After the matter has been logged and assessed, the information is provided to the Whistleblower Disclosure Committee (WDC), on the following basis.:
- (a) Where consent is provided, all the information relating to the disclosure may be reported to the WDC to help them decide how best to deal with it and to maintain communication with the discloser.
  - (b) If the discloser does not consent to their identity being disclosed, the recipient of the disclosure will disclose only information that is reasonably necessary for the purposes of investigating the matter and will maintain the confidentiality of the discloser's identity. All reasonable steps must be taken to reduce the risk of the discloser being identified from this information.
- 13.4 An initial case assessment will be made by the WDC, and a decision will be made on whether to investigate the disclosure or to take no further action. The discloser may be requested to provide further information or clarify details in order to assist this decision-making process.
- 13.5 A high-level summary of each disclosure (with no identifying details) will also be provided to the Board as part of WARRRL's compliance reporting process.
- 13.6 For any disclosures which are assessed, and deemed as requiring an investigation, the WDC is responsible for allocating the matter to an appropriately qualified and suitable investigator (externally) and being the point of contact for the investigation. All investigations are required



to comply with the principles of natural justice and procedural fairness as captured in the terms of agreement with the external investigative service provider.

- 13.7 On a case-by-case basis, depending on the matter and the level of anonymity requested, the identity of the discloser and those implicated in the matter may be withheld. This request may include refraining from providing their identity to senior management or Board of WARRRL or the investigator. If the discloser has not consented to disclose their identity, the investigator will be required to take reasonable steps to reduce the risk of the discloser being identified as a consequence of the investigation.
- 13.8 Awareness and training.
- (a) Persons covered in the scope of this policy will be made aware of the policy through various means including inductions, notices at Scheme participant facilities and periodic communications.
  - (b) Training will be provided to eligible recipients on how to receive disclosures and the guidelines on how to manage disclosures.
  - (c) This policy will be accessible via a link on WARRRL's website to ensure that it can be accessed by disclosers.

## **14. Basis of policy (WARRRL employees)**

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- 14.1 This policy is not contractual and does not constitute any term or condition of employment. To the extent that this policy requires an employee to do or refrain from doing any act it constitutes a direction from WARRRL with which its employees must comply.
- 14.2 Any breach of this policy will be taken seriously and may result in disciplinary action, up to and including termination of employment.
- 14.3 In so far as this policy imposes any obligations on WARRRL, those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees, they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.
- 14.4 WARRRL may unilaterally introduce, vary, remove or replace this policy at any time recognising that any change to the policy needs to meet its regulatory obligations.
- 14.5 Employees are encouraged to read this policy in conjunction with other relevant WARRRL policies, including:
- (a) Code of Conduct Policy.
  - (b) Fraud and Corruption Control Policy.

## **15. Review of policy**

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- 15.1 This policy will be reviewed every two (2) years.
- 15.2 This policy is owned by Scheme Integrity. For further information contact [audit@warrri.com.au](mailto:audit@warrri.com.au).