



Whistleblower Policy

As at June 2025

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1. Introduction and Purpose

BNK Banking Corporation Ltd (BNK) is committed to promoting a culture of integrity, accountability and ethical behaviour across all areas of the bank where decisions, actions and conduct reflect and reinforce our corporate values and code of conduct. BNK's Whistleblower Policy (Policy) is designed to encourage 'speaking up' by reporting of concerns about misconduct and wrongdoing, and to ensure that if a whistleblower raises a concern, they can do so without fear of detriment and retaliation. By raising concerns, you help us to identify and address wrongdoing.

The policy sets out:

- who the policy applies to;
- matters the policy applies to;
- how to make a disclosure;
- who can receive a disclosure;
- the support and protection available, including legal protections, if you report to the Whistleblower Program (Program); and
- how BNK investigates a disclosure.

BNK has established the Program as an independent function. The Whistleblower Program Officer (Program Officer) has responsibility for the Program and has direct escalation and reporting lines to BNK's Board Risk and Compliance Committee (BRCC).

2. Policy Operation

2.1 Qualifying for protection

You can qualify for protection as a whistleblower under the Corporations Act if you are an eligible whistleblower in relation to BNK and:

- (a) you have made a disclosure of information relating to a 'disclosable matter' directly to an 'eligible recipient' or to ASIC, APRA, or another Commonwealth body prescribed by legislation;
- (b) you have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act; or
- (c) you have made an 'emergency disclosure' or 'public interest disclosure'.

These terms are described and explained below.

2.2 Reporting wrongdoing concerns

Who can report wrongdoing concerns? (*'eligible whistleblower'*)

You can disclose wrongdoing that qualifies for protection as soon as you become aware of it or have reasonable grounds to suspect it, if you are a:

- current or former employee, officer or associate of BNK;
- current or former BNK suppliers (paid or unpaid), employee of a Group supplier, contractor, subcontractor, or volunteer; or
- relative, dependent, or spouse of the above.

Types of wrongdoing that can be reported (*'disclosable matter'*)

If you have a reasonable belief that wrongdoing has occurred, we encourage you to report it. You do not need to have proof. You will not be penalised and may be eligible for protection, even if the information is incorrect.

The types of wrongdoing that can qualify for protection are set out in Appendix B. The following is a list of examples of wrongdoing that can be reported including, but not limited to:

- conduct leading to unfair customer outcomes;
- access of BNK systems or customer information without justification or authority;
- fraud (e.g., deliberate falsification, money laundering or misappropriation of funds);
- corrupt behaviour (e.g., bribery or acting dishonestly);
- unethical behaviour or misconduct that is accompanied by a personal workplace grievance (e.g., discrimination or harassment)
- modern slavery or human trafficking;
- legal or regulatory non-compliance;
- illegal accounting or auditing practices;
- illegal conduct (e.g., theft, dealing or using illicit drugs, violence, or criminal damage against property);
- information that indicates a significant risk to public safety of the stability of, or confidence in, the financial system;
- concealment of any wrongdoing; or
- misconduct or an improper state of affairs or circumstances relating to BNK, including tax affairs.

Types of wrongdoing not covered by this Policy

If you have a concern, we encourage you to speak up about it. Not all concerns are covered by this Policy and may not qualify for protection under the law, including:

- **Personal work-related grievances:** Personal work related grievances including interpersonal issues and conflict between colleagues such as bullying and harassment or grievances related to your employment including transfers, promotions or disciplinary action generally do not constitute a reportable matter but may be managed by other policies such as the Code of Conduct, Workplace Behaviour Policy and the Grievance Policy.
- **Customer complaints:** If you are a BNK customer and have concerns about a product or service, you can provide feedback to 1300 265 226 (Monday to Friday 7am-5pm AWST) or lodge a complaint via complaints@bnk.com.au.

Who can receive a disclosure of wrongdoing (*'eligible recipient'*)

There are specific types of people within and outside BNK who can receive a disclosure that qualifies for protection. Making a disclosure to BNK in the first instance means that BNK can investigate, manage, rectify and remediate the wrongdoing as quickly as it can. We encourage you to first raise your concerns with your manager, if it is appropriate to do so. Other individuals who can receive wrongdoing disclosure (eligible recipients) include:

Internal eligible recipients

- Board members;
- An appointed Whistleblower Program Officer
- Executive Leadership Team;
- Company Secretary;
- Chair of the Board Risk and Compliance Committee;
- Chair of the Board; or
- Internal auditor (currently externally provided EY)

Positions appointed as a Whistleblower Program Officer are Chief Risk Officer and Company Secretary.

External eligible recipients

- legal practitioners;
- BNK's external auditor;
- regulatory bodies and other external parties (e.g., ASIC, APRA, other Commonwealth bodies prescribed by regulation, and for tax matters, the Commissioner of Taxation); and
- journalists and members of Commonwealth, state or territory parliaments (in the event of 'emergency disclosures' or 'public interest disclosures', see Appendix C for guidance).

You can qualify for protection by reporting disclosable matters to any of the above eligible recipients. The report will be referred to the Program to enable investigation, unless there are exceptional circumstances. Any referral to the Program will be subject to limitations under the law regarding the sharing of your report (see clause 2.3 for protections).

How can disclosures be made under this Policy?

An Eligible Whistleblower may make a disclosure directly to any of the above Eligible Recipients or by sending an email to whistleblower@bnk.com.au.

Anonymous disclosures

You can remain anonymous when reporting wrongdoing concerns, although it can limit our ability to effectively investigate your concerns and protect and support you. If you choose to remain anonymous, you are still entitled to protections under Australian law if you meet the criteria in clause 2.3.

You do not have to answer questions that may reveal your identity during follow-up conversations or the investigation process, including the finalisation of the investigation however, you can still choose to receive progress updates and the investigation outcome by contacting the Program Officer.

Whistleblower Program Officer

You are also able to raise suspected misconduct directly with the Whistleblower Program Officer (Program Officer). Colleagues can seek advice from the Program Officer prior to or after making a report. The role of the Program Officer is to be responsible for protecting or safeguarding the whistleblower and ensuring the integrity of the reporting mechanism. The Program Officer will also be able to provide confidential advice and information to the person making the disclosure.

2.3 Legal protections for disclosers

Confidentiality of your identity

When a BNK eligible recipient receives a wrongdoing disclosure, we must not disclose your identity or information that will likely lead to your identification, except in the following circumstances:

- to ASIC, APRA or the Australian Federal Police;
- to a legal practitioner (to obtain legal advice or legal representation);
- to a person or body prescribed by regulations; or
- with your consent.

We can disclose the information contained in a disclosure you make with or without your consent if:

- the information does not include your identity;

- we have taken all reasonable steps to reduce the risk that you will be identified from the information; and
- it is reasonably necessary for investigating the issues raised in the disclosure.

It is illegal to identify a discloser or disclose information that is likely to lead to the identification of a discloser (outside of the exceptions above). If there is a breach of confidentiality, you can lodge a complaint with us whistleblower@bnk.com.au or with a regulator such as ASIC, APRA or the ATO.

Protection from detrimental acts or omissions

BNK will not tolerate any reprisal or threat of reprisal against you for raising, or proposing to raise, a disclosure that qualifies for protection. Additionally, BNK will not tolerate any reprisal or threat of reprisal against anyone involved in an investigation of a wrongdoing disclosure. Examples of a reprisal include the following detrimental conduct:

- dismissal, suspension, or involuntary alteration of an employment position;
- injury of an employee in their employment;
- discrimination between an employee and other employees of the same employer;
- harassment, threats or intimidation;
- harm or injury, including psychological harm;
- ostracism by colleagues;
- damage to a person's property, reputation, business or financial person; or
- any other damage to a person.

BNK make take actions that are not detrimental to you, including:

- administrative action that is reasonable for the purpose of protecting you from detriment (e.g., moving you to another office or location); and
- managing a discloser's unsatisfactory work performance, if this is in line with BNK's performance management framework and provided it is not undertaken in retaliation of your disclosure.

Where an administrative or management action is taken, we will endeavour to ensure that you understand the reason for this action.

If a person carries out or threatens a reprisal, they will be subject to disciplinary action and potentially be subject to criminal liability. If you feel that you have suffered any reprisal or threat of reprisal because of a wrongdoing disclosure, please contact an eligible recipient or the Whistleblower Program.

Compensation and other remedies

A discloser, other employee or person can seek compensation and other remedies through the courts if:

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

If you have suffered loss, damage or injury because of a disclosure, we encourage you to seek independent legal advice.

Civil, criminal and administrative liability protection

Protections available under Australian law in relation to civil, criminal and administrative liability, may apply to disclosures of wrongdoing made in accordance with this Policy. In order for your disclosure to qualify for protection under the Corporations Act or the Taxation Administration Act, the following conditions detailed in clause 2.2 and Appendix B must apply. This includes:

- you must be an eligible whistleblower;
- the disclosure of information must relate to a ‘disclosable matter’;
- your disclosure must be made to an ‘eligible recipient’ which includes both internal and external eligible recipient.

A discloser may not be eligible for protections under Australian law if:

- they have engaged in any misconduct that is revealed in the disclosure;
- they do not have reasonable grounds to believe the disclosure is true;
- they knowingly gave false or misleading information within a disclosure report;
- they disclose information relating to a wrongdoing report to someone not authorised to receive it (e.g., the media without meeting the required criteria); or
- they disclose information that could be used to identify someone who made a wrongdoing disclosure or about whom a wrongdoing disclosure has been made.

Please do not make disclosures that you know to be untrue or misleading, otherwise you will not be covered by the Whistleblower protections and BNK may take disciplinary action against you.

2.4 Support and practical protection for disclosers

BNK’s Program has measures in place to support disclosers and protect disclosers from detriment.

Maintaining your confidentiality

BNK takes your confidentiality seriously and has the following measures in place to protect your confidentiality.

Reducing the risk a discloser will be identified

- all personal information or reference to you witnessing an event will be redacted;
- you will be referred to in a gender-neutral context;
- where possible, you will be contacted to help identify certain aspects of your disclosure that could inadvertently identify you; and
- disclosures will be handled and investigated by qualified staff.

Secure record-keeping and information-sharing processes

- all paper and electronic documents and other materials relating to disclosures will be stored securely;
- access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- a discloser’s identity (or identifying information) will only be shared with those directly involved (subject to the discloser’s consent);
- investigation-related communications and documents relating will not be sent to a shared email account or printers; and
- each person who is involved in handling/investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a discloser’s identity may be a criminal offence.

Please note that despite these measures, it may be possible for people to guess your identity if, for example:

- you have mentioned to other people that you are considering or will make a disclosure;
- you are one of a very small number of people with access to the information disclosed; or
- your disclosure relates to information that you were previously told privately and in confidence.

If you do not wish to disclose your identity, there are external counselling, professional and legal services that may be of assistance.

Whistleblower protection

When you make a disclosure and choose to share your identity with the Program, the Program Officer will:

- assist you in maintaining your wellbeing such as identifying support services (including counselling, or other professional and legal services) that are available to disclosers;
- work with you to identify and manage any risk of reprisals;
- provide an open line of communication for you to report any act of reprisal;
- seek to deter any reprisals or threats of reprisals;
- ensure your workplace arrangements are appropriate and safe while the disclosure is investigated;
- provide you with regular progress updates and the investigation outcome as appropriate;
- ensuring management is aware of their responsibilities to maintain the confidentiality of a discloser, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a discloser;
- protect your identity and information likely to lead to your identification; and
- intervene and address any detriment you may have already suffered.

These protections are extended to people who are involved in the investigation of a wrongdoing disclosure.

If a person carries out or threatens a reprisal, they will be subject to disciplinary action and potentially be subject to criminal liability. If you feel that you have suffered any reprisal or threat of reprisal because of a wrongdoing disclosure, please contact an eligible recipient or whistleblowing@bnk.com.au. Following receipt of the complaint, an investigation will commence as a separate matter to the disclosure. A Complaints Officer will be assigned to the matter, and the investigation findings will be provided to the Risk and Compliance Committee. A discloser may also seek independent legal advice or contact regulatory bodies such as ASIC, APRA, or the ATO, if they believe they have suffered detriment.

2.5 Investigating a disclosure

a. What happens when the Program receives a wrongdoing report?

When the Program receives a report of wrongdoing, we will:

- contact you within 2 business days to acknowledge your report and check on your wellbeing (if you have provided your name and contact details);
- engage with you to implement measures to support and protect you (as outlined in clause 2.4);
- conduct preliminary inquiries to assess whether your report qualifies for protection and whether an investigation is required; and
- if so, appoint an internal or external investigator (Whistleblowing Investigation Officer) with the right experience, background, and independence to investigate your report.

If it is unclear whether the report qualifies for protection, the Program may decide to treat you as if you were protected as a Whistleblower while the initial investigation is completed.

If the Program considers that the report does not fall within the scope of applicable Whistleblower legislation, it can determine that a report will not be dealt with under this Policy (for example, if it is a personal workplace grievance or customer complaint).

b. Preliminary inquiries

Following a report to an Eligible Recipient, the Program will conduct initial inquiries to assess whether the report qualifies for protection and determine whether an investigation is required.

The Program will provide a written report of its inquiry to the Chair of the Risk and Compliance Committee within fourteen (14) days of receipt of the report.

c. What happens during the investigation?

The objective of the investigation is to determine whether there is enough evidence to substantiate the wrongdoing matters that have been reported. The Program will oversee the investigation and will:

- determine the nature and scope of the investigation;
- determine whether any technical, financial, or legal advice is required to support the investigation;
- ensure it is conducted in a timely, fair and independent manner;
- determine the timeframe for the investigation (noting that the aim is to conclude the investigation within 4 to 8 weeks, though timeframes may vary depending on the circumstances of each investigation)
- unless permitted by law, ensure your identity, or any information that would likely lead to your identification, is not disclosed without your consent;
- aim to provide you with regular updates;
- ensure appropriate action is taken to address any issues identified; and
- not tolerate any person interfering, intervening or influencing the investigation.

While the Program will endeavour to investigate a disclosure, the process may be limited if it is not able to contact the discloser (e.g., if a disclosure is made anonymously). Even if a disclosure is made anonymously, the Program may still be able to conduct an investigation if sufficient information has been provided.

d. Keeping you informed

The Program will keep you informed and updated during various stages of the investigation. The following are approximate timeframes for when you can expect to receive an update:

- Preliminary inquiry: 14 days after receipt of report.
- Investigation: Approximately every 10 business days from the date of commencement.
- Conclusion: Within 2 business days of the conclusion of the investigation.

If you have chosen to provide a report anonymously, we may still be able to provide you with updates using anonymous channels. When providing regular updates, we will ensure that your anonymity is not compromised.

e. Consent

Without your consent, BNK cannot disclose information that is likely to lead to your identification as part of the investigation, except for the reasons set out in Clause 2.4.

Additionally, by making a report of wrongdoing, the Program may need to use the information you have provided to conduct its investigation. Your report will not be disclosed, but the information contained within might need to be disclosed to other persons within the Program such as the Whistleblower Committee, the Board Audit Committee, and/or the Board Risk and Compliance

Committee. The Program may request that you provide consent to a limited disclosure of the information you have provided.

The Program may also need to share the information you provided to any person(s) who is the subject of your report. Where this occurs, we will ensure that your identity, or information that would allow you to be identified, is not disclosed to that person(s). You may choose to place restrictions on our use of the information in your report, however, if you do this, it may restrict our ability to investigate the matter.

f. Completion of an investigation

The findings of an investigation will be documented by the Whistleblower Investigation Officer and reported to the Board Risk and Compliance Committee (BRCC) along with recommendations for further action. The findings will preserve your confidentiality in line with clause 2.4.

Following an investigation, the Program will attempt to contact you to inform you of the outcome. Please note that due to confidentiality and the need to protect the interests of all parties to an investigation, information provided to you about the outcome may be limited. You will not receive a copy of the investigation report. Prior to closing your case, we will ensure any reprisal concerns have been addressed.

g. Remediation

Where an investigation has revealed misconduct, BNK is committed to taking appropriate remedial action to stop the wrongdoing and prevent its recurrence. This may include implementing corrective measures such as policy changes, strengthening internal controls, enhancing training, disciplinary action, reports to relevant authorities, and taking legal action where appropriate to address any harm caused by the misconduct and to protect BNK and its stakeholders.

h. Complaints

If you have any of the following concerns, they can be raised with the Whistleblower Investigation Officer or the Program Officer including where you believe:

- this Policy has not been followed;
- the investigation outcome is inappropriate; and/or
- an act, or threat, of reprisal was not adequately addressed.

The Program may undertake a review to determine whether BNK's policies, processes and procedures were adhered to during the investigation. The review will be conducted by an officer not involved in the initial investigation, and any findings will be reported to the BRCC.

BNK is not obliged to reopen an investigation, and it can conclude a review if it finds the investigation was conducted properly, or new information is not available or would not change the findings of the investigation.

You may lodge a complaint with a regulator if you are not satisfied with the outcome of the investigation.

2.6 If you are an Eligible Recipient, what should you do?

If you are listed in clause 2.2 as an Eligible Recipient, you must treat a wrongdoing report seriously and in confidence. You must understand and adhere to your obligations in relation to the report, especially regarding confidentiality of the discloser.

If you receive a wrongdoing report, you must not disclose the report or any information about it to anyone outside the Program, without the consent of the discloser. You must not discuss the report with any person(s) who are the subject of the report. There are potential civil and criminal liabilities under Australian law if you do not handle the report appropriately.

If you are uncertain, please contact the Program for advice and guidance. If the discloser does not want to raise their concern with the Program, or provide consent for you to do so, the Program can facilitate your access to independent legal advice where appropriate.

2.7 Treatment of individuals mentioned in a disclosure

What are your rights?

BNK will ensure fair treatment of its colleagues who are mentioned in a disclosure that qualifies for protection, including those who are the subject of a wrongdoing report. The Program will ensure that:

- you will receive fair treatment and an independent investigation;
- you will be entitled to a presumption of innocence within the usual framework of the law;
- your identity as the subject of a wrongdoing report will be protected and kept confidential where practical and appropriate, subject to the law and this Policy;
- you will be:
 - advised about the subject matter of the disclosure; and
 - given a reasonable opportunity to respond to the allegations;
- we will conduct a wellness check before you are interviewed about the allegations against you;
- you may utilise BNK's employee assistance program; and
- you will be formally advised as to the outcome of the investigation.
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2.8 Access to policy

This Policy is available to colleagues on BNK's risk management software (Protecht). For individuals external to BNK, the Policy is also available on the BNK website.

Education on the Policy and Program is provided to all new colleagues as part of their induction training and is an ongoing mandatory annual training for all colleagues. Training will include operation of this Policy and on the Whistleblower laws.

The Program actively promotes itself to raise awareness about the Policy and Program.

3. Policy Compliance

This Policy ensures BNK is compliance with the applicable laws and regulations, including:

- the *Corporations Act 2001*: Pt 9.4AAA; and
- ASIC's Regulatory Guide 270: Whistleblower policies.

4. Breach of Policy

A breach of this Policy must be made known immediately to the Policy Owner.

Failure to comply with ASIC's RG 270 or the relevant sections of the Corporations Act may result in significant consequences including monetary fines, regulatory or legal action for BNK.

5. Associated Documents

- Code of Conduct
- Anti-Bribery and Corruption Policy
- Fraud and Scam Risk Management Policy
- AML/CTF Program
- Complaints and Dispute Resolution Policy
- Fit & Proper Policy
- Privacy policy
- Risk Management Framework
- Information Risk Management
- Grievance Policy
- Workplace Behaviour Policy

6. Policy Governance

Policy Owner:	Chief Executive Officer
Policy Approval Committee:	Audit Committee (As per CPS510 Governance Paragraph 63 approval committee needs to change from BRCC to Audit)
Policy Review Frequency:	Annual
Next Review Due:	April 2026
Policy Exemption Authority	Audit Committee

7. Material Revisions

Version No.	Approval Date	Effective Date	Nature/Purpose of Review/Details of Amendment
WBP001		July 2020	
WBP002		February 2022	Annual review
WBP003	January 2025	April 2025	Policy review and update in-line with regulatory requirements and industry best practice

8. Appendix A - Definitions

Detriment has the meaning given in s1317ADA of the Corporations Act which includes dismissal, injury in employment, alteration of an employee's position or duties to their disadvantage, discrimination between and employee and other employees, harassment or intimidation, harm or injury including psychological harm, damage to a person's property, reputation, business or financial position, and/or any other damage to a person.

Detrimental conduct means conduct, or a threat to engage in conduct that causes detriment to a discloser.

Disclosable matter means information to which the whistleblower protections apply.

Discloser means an individual who discloses wrongdoing or an eligible whistleblower.

Disclosure means a disclosure of information relating to wrongdoing or a disclosable matter.

Disclosures qualifying for protection means disclosures pertaining to tax matters.

Eligible recipient means an individual who can receive a disclosure.

Eligible whistleblower means an individual to whom the whistleblower protections apply.

Emergency disclosure means the disclosure of information to a journalist or parliamentarian, where the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment.

Personal work-related grievance means a disclosure that relates to the discloser's current or former employment, which has implications for the discloser personally, but does not:

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

Public interest disclosure means the disclosure of information to a journalist or a parliamentarian, where the discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest. The disclosure must meet certain criteria to qualify.

Whistleblower means a discloser who has made a disclosure that qualifies for protection under the Corporations Act.

Whistleblower investigation officer means the role under BNK's Whistleblower Policy that is responsible for investigating disclosures.

Whistleblower program officer means the role under BNK's Whistleblower Policy that is responsible for protecting disclosers, ensuring the integrity of the reporting mechanism, appointing Whistleblower investigation officers, overseeing the investigation of a wrongdoing report and reporting out the findings and recommendations of the investigation to the BRCC.

9. Appendix B – Wrongdoing reports that qualify for protection

Disclosable Matters under Australian Law

Disclosable matters involve information that you have reasonable grounds to suspect:

- concerns misconduct, or an improper state of affairs or circumstances relating to BNK, including the tax affairs of BNK; or
- indicates that BNK, a member of BNK, or an officer or employee of BNK, has engaged in conduct that:
 - constitutes an offence against, or a contravention of, a provision of any of the following:
 - the *Corporations Act 2001*;
 - the *Australian Securities and Investments Commission Act 2001*;
 - the *Banking Act 1959*;
 - the *Financial Sector (Collection of Data) Act 2001*;
 - the *Insurance Act 1973*;
 - the *Life Insurance Act 1995*;
 - the *National Consumer Credit Protection Act 2009*;
 - the *Superannuation Industry (Supervision) Act 1993*;
 - constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
 - represents a danger to the public or the financial system (even if it does not involve a breach of a particular law); or
 - is prescribed by regulations.

Disclosable matters include conduct that may not involve a contravention of a particular law. For example, 'misconduct or an improper state of affairs or circumstances' may not involve unlawful conduct in relation to BNK but may indicate a systemic issue that the relevant regulator should know about to properly perform its functions. It may also relate to dishonest or unethical behaviour and practices, conduct that may cause harm, or conduct prohibited by the BNK's policies and Code of Conduct.

Personal Work-Related Grievances

Generally, disclosures that solely concern personal work-related grievances do not qualify for protection under Australian whistleblower law.

In some circumstances, disclosure of a personal work-related grievance may qualify for protection, including where:

- a. the information disclosed concerns alleged conduct that would otherwise amount to a disclosable matter as described above;
- b. the information disclosed has significant implications for BNK, which do not relate to you. For example, if BNK generally has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct **beyond the discloser's personal circumstances**; or
- c. the disclosure concerns an alleged contravention of the prohibition against reprisals and you suffer from or are threatened with detriment as a result of raising concerns about a disclosable matter. Refer to clause 2.3 for additional information.

If you need assistance in determining whether your grievance is whistleblowing concern please contact the Program Officer.

10. Appendix C – Reporting concerns outside BNK

You must take care before making a Public Interest Disclosure or an Emergency Disclosure to ensure that the disclosure is covered by the whistleblower protections.

BNK strongly recommends that you obtain independent legal advice before you make a Public Interest Disclosure or an Emergency Disclosure.

You will qualify for protection as a whistleblower under Australian law if you are someone who can report under this Policy (see clause 2.1) and you make:

- a. a disclosure about a ‘disclosable matter’ to ASIC, the Australian Prudential Regulation Authority (APRA), the Commissioner of Taxation or a Commonwealth body prescribed by regulation;
- b. a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of whistleblowing laws in Australia;
- c. a Public Interest Disclosure, that is the disclosure of information to a journalist or a parliamentarian, where:
 - i. the discloser has previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation (the ‘previous disclosure’);
 - ii. at least 90 days have passed since the discloser made the previous disclosure;
 - iii. the discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their previous disclosure;
 - iv. the discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest;
 - v. before making the Public Interest Disclosure, the discloser has given written notice to the body to which the previous disclosure was made that:
 - includes sufficient information to identify the previous disclosure; and
 - states that the discloser intends to make a Public Interest Disclosure; and
 - vi. the extent of the information disclosed in the Public Interest Disclosure is no greater than is necessary to inform the recipient of the previous disclosure of the misconduct or improper state of affairs.
- d. an Emergency Disclosure, that is the disclosure of information to a journalist or parliamentarian, where:
 - i. the discloser has previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation (the ‘previous disclosure’);
 - ii. the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
 - iii. before making the emergency disclosure, the discloser has given written notice to the body the body to which the previous disclosure was made that:
 - includes sufficient information to identify the previous disclosure; and
 - states that the discloser intends to make an emergency disclosure; and
 - iv. the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.