# WHISTLEBLOWER PROCEDURE

## Business owner: Enforcement, PAD Legal

April 2023 – Version 3.0

POLICY

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# Policy

| | |
|---|---|
| Name | Whistleblower Procedure |
| Approval date | 16 May 2023 |
| Approved by | Executive Board |
| Business owner | Enforcement – PAD Legal |
| Reviewed by | Renée Roberts and Clare Gibney – Executive Director, Policy & Advice<br>Lucinda McCann – General Counsel, Legal<br>James Calveley – Deputy General Counsel, Legal |
| Author | Section 22 – Whistleblower Manager, Enforcement, PAD Legal<br>Section 22 – Analyst, Enforcement, PAD Legal |
| Version no. | 3.0 |
| Purpose | To outline the procedure for dealing with a disclosure from a purported whistleblower in relation to APRA-regulated institutions |

## Revision history

| | |
|---|---|
| Version no. | 2.0 |
| Author | Section 22 |
| Revision date | 4 December 2020 |
| Summary of changes | To reflect the change in ownership to the Investigations Team and the changes made as a result of that transition |

| | |
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| Version no. | 1.1 |

| | |
|---|---|
| Author | Section 22 |
| Revision date | 28 June 2019 |
| Summary of changes | To reflect the legislative changes that came into effect on 1 July 2019 |

| | |
|---|---|
| Version no. | 1.0 |
| Author | Section 22 |
| Revision date | 29 March 2019 |
| Summary of changes | Creation of Whistleblower Procedures |

# Chapter 1 - Overview

## 1.1 Purpose

To provide a procedure for all staff within APRA regarding the appropriate handling of information ('**disclosures**') provided by potential whistleblowers (**Whistleblowers**) in relation to APRA-regulated entities.

This procedure is designed to ensure that information provided to APRA by whistleblowers about APRA-regulated institutions is responded to consistently and appropriately, and accurately recorded.

## 1.2 Scope

These procedures apply to all whistleblower disclosures received by APRA that are relevant to APRA-regulated institutions. The procedures relate to:

- the capture and recording of the Whistleblower's contact details and information disclosed;
- the ongoing tracking and reporting of each whistleblower disclosure to the closure of the whistleblower matter; and
- the disclosure of information to peer regulators.

These procedures do not provide guidance on supervisory action that APRA supervisors should take in relation to a whistleblower disclosure.

## 1.3 Whistleblower Policy

The Whistleblower Policy sets out APRA's interpretation of how the Corporations Act 2001 (Cth) (**Corporations Act**) defines:

- an eligible whistleblower;
- a regulated entity; and
- disclosable matters.

For further information regarding APRA's position on whistleblower disclosures that may qualify for whistleblower protections under the Corporations Act, please see the Whistleblower Policy.

## 1.4 Assessing whistleblower disclosure status

Whistleblower disclosures are managed by a team drawn from Enforcement, Legal Group (**Whistleblower Team**). Upon receiving a whistleblower disclosure, the Whistleblower Team

will make an assessment, based on the information available to APRA, as to whether the whistleblower disclosure likely qualifies for protection under the Corporations Act. Enterprise & Corporate, Legal, will be consulted if the Whistleblower Team are not able to clearly assess whether a particular disclosure is a qualifying or non-qualifying disclosure under the Corporations Act.

The Corporations Act provides that there is no requirement for an individual to disclose their identity to qualify for whistleblower protections. Further, there is no requirement that the individual themselves asks for whistleblower protections to qualify.

If there is insufficient information to assess whether the individual disclosing information qualifies for whistleblower protections, the following steps must be followed:

- If possible, the Whistleblower Team will contact the complainant and seek further information that may assist in determining eligibility for whistleblower protections;
- Attempts to contact the complainant must be recorded in the Whistleblower Tracking Spreadsheet (see paragraph 2.3);
- If it is not possible to obtain further information to determine eligibility for whistleblower protections, the individual will be treated as if they do qualify for whistleblower protections. The information provided to APRA must still be considered by the relevant Supervision team. The disclosure may contain useful information relevant to a prudential concern or be otherwise relevant to APRA's regulatory role; and
- The information disclosed is to be stored in the relevant restricted folder on IM along with any related documents.

## 1.5 General Q&As for staff

### How can a whistleblower disclosure be made?

A whistleblower can provide information to APRA through a variety of means, including:

- via telephone to APRA's Whistleblower line on Section 22 ;
- via email to APRA's public email address: whistleblower@apra.gov.au;
- via an APRA supervisor or any other APRA staff member;
- by hand delivery/in person to an APRA office; and
- by letter to an APRA postal address.

### Where should a whistleblower disclosure be referred within APRA?

Regardless of how a whistleblower contacts APRA, the Whistleblower or the information they provide must be referred to the Whistleblower team (by email: whistleblower@apra.gov.au) so the matter can be handled and reported in accordance with APRA's whistleblower procedures.

## Can a whistleblower disclosure be made anonymously?

Yes, a disclosure can be made on an anonymous basis. The individual is not required to disclose their identity to qualify for whistleblower protections under the Corporations Act. However, it is preferable that the **name, position and contact details** of a whistleblower are provided to assist APRA with any investigation into the matter as it may be more difficult to investigate or take any action in response to an anonymous disclosure.

APRA is required under section 1317AAE of the Corporations Act to keep the identity or any information that is likely to lead to the identification of the Whistleblower confidential, unless the disclosure of the Whistleblower's identity is made:

- with the consent of the Whistleblower;
- to ASIC or the Australian Federal Police (**AFP**); or
- to a Commonwealth authority, or a State or Territory authority, for the purpose of assisting the authority in the performance of its functions or duties.

Unauthorised disclosure of a Whistleblower's identity, or information that could lead to their identification, **is an offence** under section 1311(1) of the Corporations Act.

## Sharing whistleblower information with a Third Party

APRA's initial response to a Whistleblower acknowledging receipt of a disclosure will advise the Whistleblower that the disclosure may be shared with ASIC, the AFP or a Commonwealth, State or Territory authority for the purpose of assisting the authority in the performance of its functions or duties.

Where APRA considers it necessary to disclose the identity of the Whistleblower, or information that is likely to lead to the identification of the Whistleblower, to a third party other than ASIC, the AFP or a Commonwealth, State or Territory authority (**Third Party**), the Whistleblower will be asked to consent to the information being disclosed. If the Whistleblower does not consent to the information being disclosed, the disclosure to the Third Party may not take place.

Where APRA considers it necessary to disclose information to a Third Party that does not identify the Whistleblower, the Whistleblower will be asked if they have any concerns regarding the information being shared with the third-party.

When deciding whether a Whistleblower disclosure should be referred to a Third Party, APRA must:

- consider whether the Whistleblower has consented to the disclosure, or expressed concern with the disclosure being shared;
- consider whether it is necessary for APRA to share the disclosure with the Third Party to further its investigation of the issues raised within the disclosure and no alternatives are available; and

- take all reasonable steps to ensure any disclosure to a Third Party does not lead to a Third Party being able to identify the identity of the Whistleblower, unless the Whistleblower's identity has been disclosed to the Third Party in line with the exceptions set out in 1317AAE of the Corporations Act (referred to above).

## If a disclosure is classified as non-qualifying does APRA still consider it?

Yes, all disclosures should be carefully considered by the relevant Supervision team irrespective of whether the disclosure qualifies for whistleblower protections. The disclosure may still contain useful information that could relate to an issue that needs to be addressed with the entity or otherwise be relevant to APRA's regulatory role.

All disclosures, even if they do not qualify for whistleblower protection, are to be stored in the relevant restricted folder on IM along with any related documents.

## Which T-Sheets category do I use to log my work on whistleblower matters?

When completing timesheets, the following activity category should be used to log hours worked on whistleblower matters: *Protected Today >Operational management>Whistleblowers.*

Only the Industry and Risk Type sub-categories should be completed. The entity name or any other information that may disclose a whistleblower's identity, or information that could lead to their identification, should not be recorded.

# Chapter 2 - Procedure

Below are the procedural steps for handling a whistleblower disclosure, covering the following areas:

2.1 Initial collection of information;

2.2 Assessment of whistleblower disclosure status;

2.3 Recording the steps undertaken to address whistleblower concerns;

2.4 Handling and protection of whistleblower information; and

2.5 Disclosure of whistleblower information to other parties.

## 2.1 Initial collection of information

### *Responsibility: All APRA staff*

The Whistleblower Team acts as the central repository for information which may qualify for whistleblower protection. Once the Whistleblower Team receives a disclosure, the team must, within 2 business days:

- Create a restricted folder within IM;
- Create an entry in the Whistleblower Tracking Spreadsheet;
- Assign a case officer to assess whether the Whistleblower disclosure likely qualifies for protection under the Corporations Act; and
- If applicable, inform the Supervision team responsible for the regulated entity which is the subject of the disclosure.

Any APRA staff member may receive information from a person who may be eligible for whistleblower protection. It is important that any information received from a person who may be eligible for whistleblower protection is sent to the Whistleblower Team at whistleblower@apra.gov.au.

Whistleblower disclosures are likely to be made to APRA in the following forms:

### Email

Email disclosures can be received from the public through the whistleblower email address: whistleblower@apra.gov.au.

If information is emailed to an APRA staff member from a person who may be eligible for whistleblower protection, the email must be forwarded to whistleblower@apra.gov.au. Information on how APRA assesses eligibility for whistleblower protections can be found in the Whistleblower Policy.

## Letter

If information is sent to APRA by letter, the recipient must:

- notify the Whistleblower Team;
- scan the hard copy document, including both sides of the letter and any enclosed materials, as well as both sides of the envelope;
- verify that the digital copy is the functional equivalent to the original hard copy; and
- forward the scanned material to the Whistleblower Team.

The Whistleblower Team will set up and save the material to a restricted folder in IM.

Once the digital copy is verified and saved to a restricted folder in IM, the original hard copy is to be securely destroyed.

## Verbal Communication

If an individual chooses to provide information verbally, the mandatory script below should be read to the Whistleblower prior to any disclosure being made.

Mandatory information to be provided to all potential Whistleblowers:

- Information can be provided to APRA on an anonymous basis. However, it is preferable that your contact details are provided to APRA to assist in any investigation into the matter.
- APRA cannot provide legal advice, and you may wish to consider seeking your own legal advice, including advice in relation to whether you are protected under the whistleblower provisions of the Corporations Act.
- The secrecy provisions in the APRA Act (s.56) prevent APRA and its officers from disclosing information relating to the supervision of APRA regulated entities. As a result, any feedback from APRA to you (the Whistleblower) on your disclosure will be very limited.
- If you disclose conduct that amounts to a serious indictable offence, APRA will be required by law to report this to the appropriate authority.[1]

[1] It is an offence to conceal a serious indictable offence under NSW criminal legislation, and an offence for APRA to accept a benefit in exchange for not reporting an offence or crime under other State and Territory criminal legislation (see section 316 of the *Crimes Act 1900* (NSW), section 44 of the *Crimes Act 1914* (Cth), section 326 of the *Crimes Act 1958* (Vic), sections 133-134 of the *Criminal Code Act 1899* (Qld), section 136 of the *Criminal Code* (WA), section 102(1) of the *Criminal Code 1924* (Tas), section 104(1) of the *Criminal Code Act* (NT) and section 716 of the *Criminal Code 2002* (ACT). In NSW, under section 316(1) of the *Crimes Act 1900* (NSW), a person commits an offence if they know or believe that a person has committed a serious indictable offence and fails to bring information to the attention of the police when that information may be of material assistance in apprehending the person for the serious indictable offence).

- If you disclose information that is relevant to another authority, we may share that information.
- You can provide further information to APRA at any time.

After the mandatory script has been read, the potential whistleblower should be asked whether they understand what was said in the script. Only when they are comfortable with the caveats listed out in the mandatory script should information be obtained from the potential whistleblower.

When obtaining information from the potential whistleblower, the following questions should be asked as part of the conversation:

- Are you a current or former employee of the entity?
- What is your position in the entity, or relationship with the entity?
- Can you firstly provide an overview of what has occurred?
- When did this issue occur?
- Who was involved?
- How did you become aware of the issue?
- Who else is aware that this issue has taken place?
- Are you comfortable with APRA directly raising this issue with the relevant entity, or are you concerned it may reveal that you have provided information to APRA?
- What has happened as a result of this issue occurring? (i.e. any damage or loss?)
- Is there any further information about this issue that you have not told me yet?
- How would we be able to find further information regarding this issue?
- Are there any other issues that you would like to raise?
- What is the best way to contact you should we have any further questions?

The conversation must be recorded in a file note. The file note should also record that the mandatory information has been read to the whistleblower. Once the file note is finalised, it should be sent to the Whistleblower Team at whistleblower@apra.gov.au.

## 2.2 Assessment of Whistleblower Status

### *Responsibility: Legal (Enforcement and Enterprise & Corporate)*

As stated above, all disclosures should be sent to the Whistleblower Team at whistleblower@apra.gov.au. The Whistleblower Team will conduct an initial assessment as to whether the disclosure is eligible for whistleblower protections.

When the Whistleblower Team is unable to assess whether a disclosure is likely eligible for whistleblower protections, the disclosure will be referred to the Enterprise & Corporate legal practice group for advice as to whether a particular disclosure is likely a qualifying or non-qualifying disclosure under the Corporations Act. Enterprise & Corporate Legal will provide their advice as soon as practicable (expected to be within 3 business days) to the Whistleblower Team

Once an assessment has been made, either by the Whistleblower Team or Enterprise & Corporate Legal, the Whistleblower Team will provide the assessment to the responsible Supervisors. The responsible Supervisor can be found on APRAnet once the entity has been identified.

## 2.3 Recording the steps undertaken to address whistleblower concerns

*Responsibility: Enforcement and Supervision*

### Whistleblower Tracking Spreadsheet

The Whistleblower Tracking Spreadsheet is saved in a public Investigations IM folder and records updates from Supervision, Legal Group and other areas. As this spreadsheet is accessible to all members of APRA, confidential information (including any information that may lead to the identification of the whistleblower) must not be recorded in this document.

Both Supervision and Enforcement have the responsibility to ensure their matters logged on the spreadsheet are up to date.

**Enforcement**

All qualifying and non-qualifying whistleblower disclosures must be recorded in the Whistleblower Tracking Spreadsheet by the Whistleblower Team.

**Supervision**

As each whistleblower matter progresses, updates and feedback from Supervision divisions are to be recorded in the Whistleblower Tracking Spreadsheet. All supervisors have access to this public spreadsheet to track the progress of each whistleblower disclosure, any subsequent actions taken, and any feedback received from the relevant entity.

The Whistleblower Tracking Spreadsheet will contain the following information:

- a disclosure reference number;
- the entity or entities in respect of which the disclosure is made;
- whether the disclosure is made anonymously or not (but no contact details are to be recorded);
- brief details of the information provided by the Whistleblower in respect of the entity;

- an assessment from Legal Group on whether the disclosure likely qualifies for whistleblower protections under the Corporations Act;
- a list of APRA staff and teams to whom the disclosure has been referred;
- Supervision updates that detail action taken as a result of the disclosure;
- whether investigating the disclosure remains open or closed;
- whether Legal Group have undertaken a final review of the handling of the disclosure; and
- any additional comments relevant to the disclosure.

Divisional Business Managers are required to ensure supervisory actions have been followed up and updated, and that disclosures are appropriately escalated within Supervision. Business Managers will obtain monthly progress updates from teams responsible for managing open disclosures within their division. The Whistleblower Team reports on compliance with this monthly update KPI to divisions on a quarterly basis and annually to the Executive Committee. All updates will be noted in the Whistleblower Tracking Spreadsheet.

## Investigating whistleblower disclosures

Supervision is responsible for the assessment of whistleblower disclosures to determine whether the information disclosed presents prudential concerns. If prudential concerns are identified, Supervision are responsible for formulating a supervisory strategy to address those concerns.

If, while interrogating information provided to APRA, Supervision has concerns that there has been a breach of legislation or prudential standards, or the disclosure raises materially significant prudential concerns, the concerns should be escalated within the relevant division. Supervisors, in consultation with the Enforcement team, should consider APRA's Enforcement Approach when determining whether a matter should be escalated.

If it is determined, following consultation with Legal Group, that a formal or informal investigation should be conducted into the suspected breaches or concerns, Enforcement will be responsible for conducting the investigation.

## Quarterly Reviews

The Whistleblower Team will undertake quarterly (March, June, September, December) reviews of whistleblower disclosures to ensure actions and information in the Whistleblower Tracking Spreadsheet is up to date and complete.

Updates will be provided to the PAD ED and to the PAD Executives Meeting as necessary and required.

## Annual Paper

An annual paper will be presented by the Whistleblower Team to the Executive Committee for reporting on whistleblower statistics, including:

- the total number of whistleblower disclosures received over the previous financial year;
- compliance with key performance indicators; and
- root causes of long-standing open matters (over six months).

## Closure

A whistleblower matter is considered ready for closure when Supervision has formed a view that the matters raised by a Whistleblower:

- no longer present a prudential concern; or
- have been, or will be, addressed by Supervision and/or the entity, and Supervision is confident that those steps will resolve or address APRA's prudential concerns.

Whistleblower matters ought to be closed as soon as practicable once this view has been formed and, where possible, within six months of the disclosure being received by APRA.

To close a matter, Supervision is required to draft a memo to decision maker (the responsible Supervision General Manager) recommending either that no further action be taken with respect of the disclosure or setting out the steps planned to resolve APRA's concerns. The memo must include the following information:

- an overview of the disclosure;
- whether the disclosure qualified for whistleblower protections under the Corporations Act;
- details of Supervision's review of the disclosure;
- any action that Supervision and/or the entity has taken, or will take, to resolve or address the allegations made by the Whistleblower;
- whether the disclosure has been referred to a peer regulator (for example, ASIC);
- whether there are any remaining prudential concerns and, if relevant, how those concerns will be managed going forward;
- a recommendation that APRA take no further action with respect to the disclosure, or an explanation of the further steps planned; and
- links to relevant documents including:
    - the initial disclosure to APRA;
    - the Whistleblower Team's assessment of the Whistleblower's status;
    - if applicable, referrals to peer regulators (for example, ASIC, AUSTRAC, AFP)
    - if applicable, file notes of any meetings with the Whistleblower;

- if applicable, file notes of prudential meetings with the relevant entity during which the issue or allegations were discussed; and

- any other documents relevant to closure of the matter.

The memo is reviewed by the Whistleblower Team and the decision to close the matter must be made by the responsible Supervision General Manager. An example whistleblower closure memo is attached at **Appendix 3** below.

## 2.4 Handling and protection of whistleblower information

### *Responsibility: All APRA staff*

Unauthorised disclosure of a Whistleblower's identity, or information that could lead to their identification, is an offence under section 1311(1) of the *Corporations Act 2001*.

All disclosures, even if they do not qualify for whistleblower protection, are to be stored in restricted folders on IM along with any related documents. This material must never be stored in a public IM workspace.

For all disclosures, the Whistleblower Team is responsible for creating folders in the restricted IM workspace and providing access to the relevant Supervision team.

All information relevant to a disclosure must be saved in the restricted folder.

All internal and external correspondence sent in relation to a disclosure, including emails, must not name or otherwise include information that could lead to the identification of a Whistleblower. At no time should documents related to the disclosure be shared as attachments to emails. Emails about the disclosure should instead provide links to documents related to the disclosure.

## 2.5 Disclosure of information to a Third Party

### *Responsibility: Supervision and Legal Group*

There are circumstances in which it may be necessary for APRA to disclose Whistleblower information to a Third Party. Disclosure of information in a Whistleblower's disclosure, other than the Whistleblower's identity or information that is likely to lead to the identification of the Whistleblower, may be made, for instance:

- where there is an exception to section 56 of the APRA Act that allows for the disclosure of confidential information (e.g. to a Royal Commission); and

- if a person disclosed information to APRA that provides evidence of a serious indictable offence, and APRA fails to report this to the appropriate authority, APRA's conduct could amount to an offence under State and Territory criminal legislation.

APRA cannot disclose a Whistleblower's identity, or information that is likely to lead to the identification of the Whistleblower, unless, in accordance with section 1317AAE of the Corporations Act, the disclosure of the Whistleblower's identity is made:

- with the consent of the Whistleblower;
- to ASIC or the AFP; or
- to a Commonwealth authority, or a State or Territory authority, for the purpose of assisting the authority in the performance of its functions or duties.

If it is proposed to disclose the Whistleblower's identity, or information that is likely to lead to the identification of the Whistleblower, the Whistleblower's consent should therefore be sought prior to disclosure unless one of the exceptions set out in section 1317AAE of the Corporations Act apply. If the Whistleblower does not consent to the information being disclosed, the disclosure to the Third Party may not take place.

APRA does not have immunity from prosecution in respect of offences under the whistleblower victimisation provisions relating to actions it takes in relation to qualifying disclosures.

Disclosures of protected whistleblower documents and/or information (**Protected Whistleblower Material**) to financial sector supervisory agencies and other agencies specified in the Regulations for the purposes of subsection 56(5)(a) of the APRA Act (including ASIC, the ATO and AUSTRAC, as well as Commonwealth and State police) require approval by the Senior Manager of the relevant Supervision team. The decision must be documented in a memo to decision maker and reviewed by the Whistleblower Manager before approval of the relevant Senior Manager is sought. A case officer from the Whistleblower Team will assist the responsible supervisor to draft the memo.

When disclosing Protected Whistleblower Material to 'another person' for the purposes of subsection 56(5)(b) of the APRA Act, Enterprise & Corporate Legal team must be consulted for advice on whether conditions should be imposed on the release of the Protected Whistleblower Material, and assistance in drafting the instrument of release. These disclosures must be approved by the General Manager in the relevant Supervision team.

Where APRA considers it necessary to disclose whistleblower information to a Third Party, the Whistleblower will be informed and asked if they have any concerns regarding the information being shared with the Third Party. The Whistleblower's response will be considered when determining whether information will be shared.

Factors to be considered when recommending that APRA disclose Protected Whistleblower Material include:

- in the case of disclosures to ASIC:
    - whether the protected information or documents will assist ASIC in the performance of its functions or duties;
    - whether ASIC should be notified that the Whistleblower has expressed concerns with their disclosure and/or identity being shared with ASIC;
    - whether the disclosure indicates potential whistleblower victimisation (as the relevant provisions in the Corporations Act are administered by ASIC); and

- whether APRA ought to impose further conditions on the release of the Protected Whistleblower Material, to be complied with by ASIC.

- in the case of disclosures to the AFP; or to a Commonwealth authority, or a State or Territory authority:

  In respect of referrals to the AFP and/or State police:

  - whether the alleged conduct or issue relates to the commission of an offence against Commonwealth or State criminal laws;

  For all disclosures:

  - whether the Protected Whistleblower Material will assist the agency in the performance of their functions or duties; and

  - whether APRA ought to impose further conditions on the release of the Protected Whistleblower Material, to be complied with by the agency.

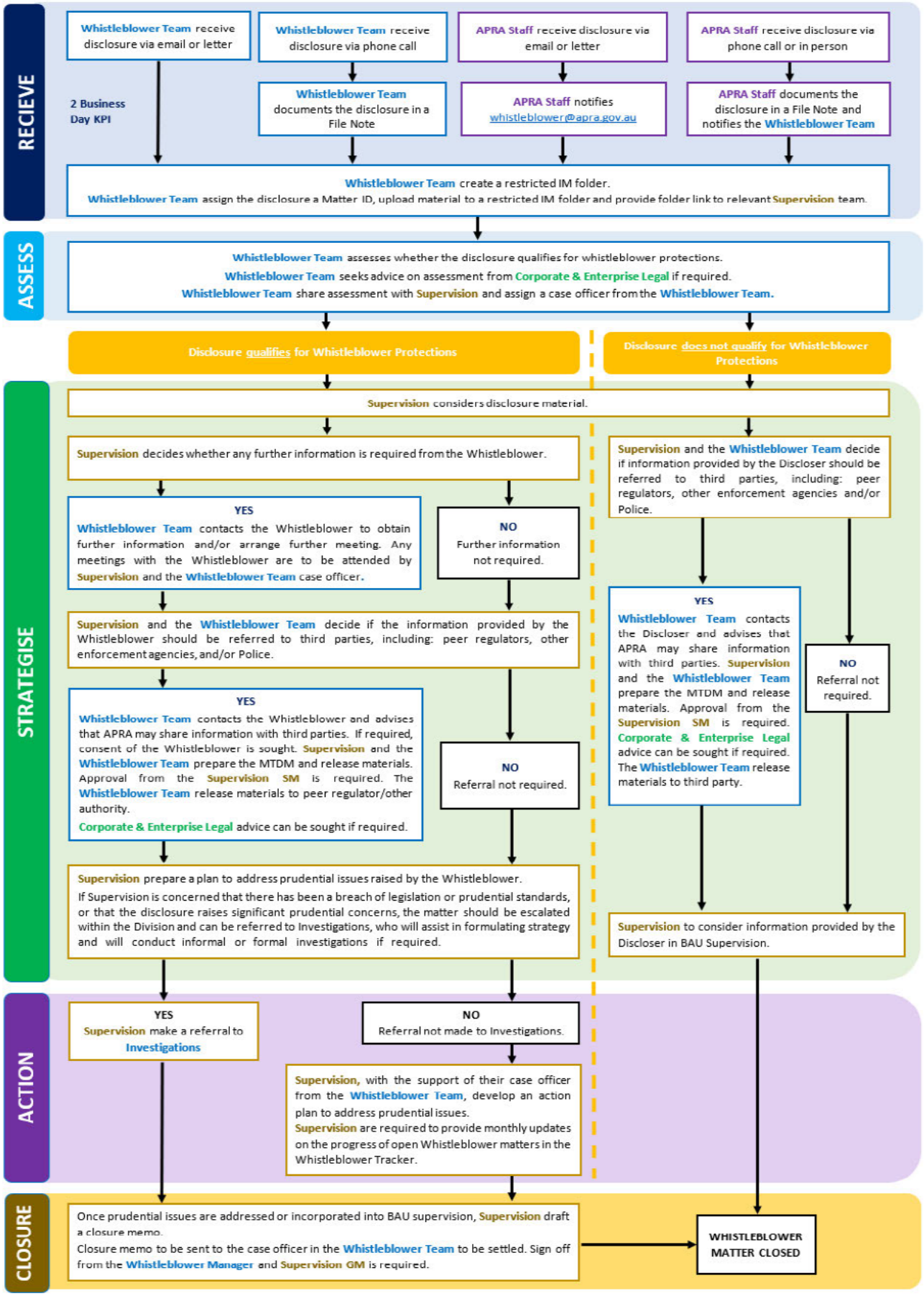
- in the case of disclosures to another person:

  - whether the Whistleblower has consented to their identity, or information that is likely to lead to their identity, being disclosed;

  - whether Enterprise & Corporate Legal has been engaged to advise on appropriate conditions of release to be imposed under section 56(9) APRA Act; and

  - the nature of any proposed conditions.

# Appendix 1 - Procedural flow chart



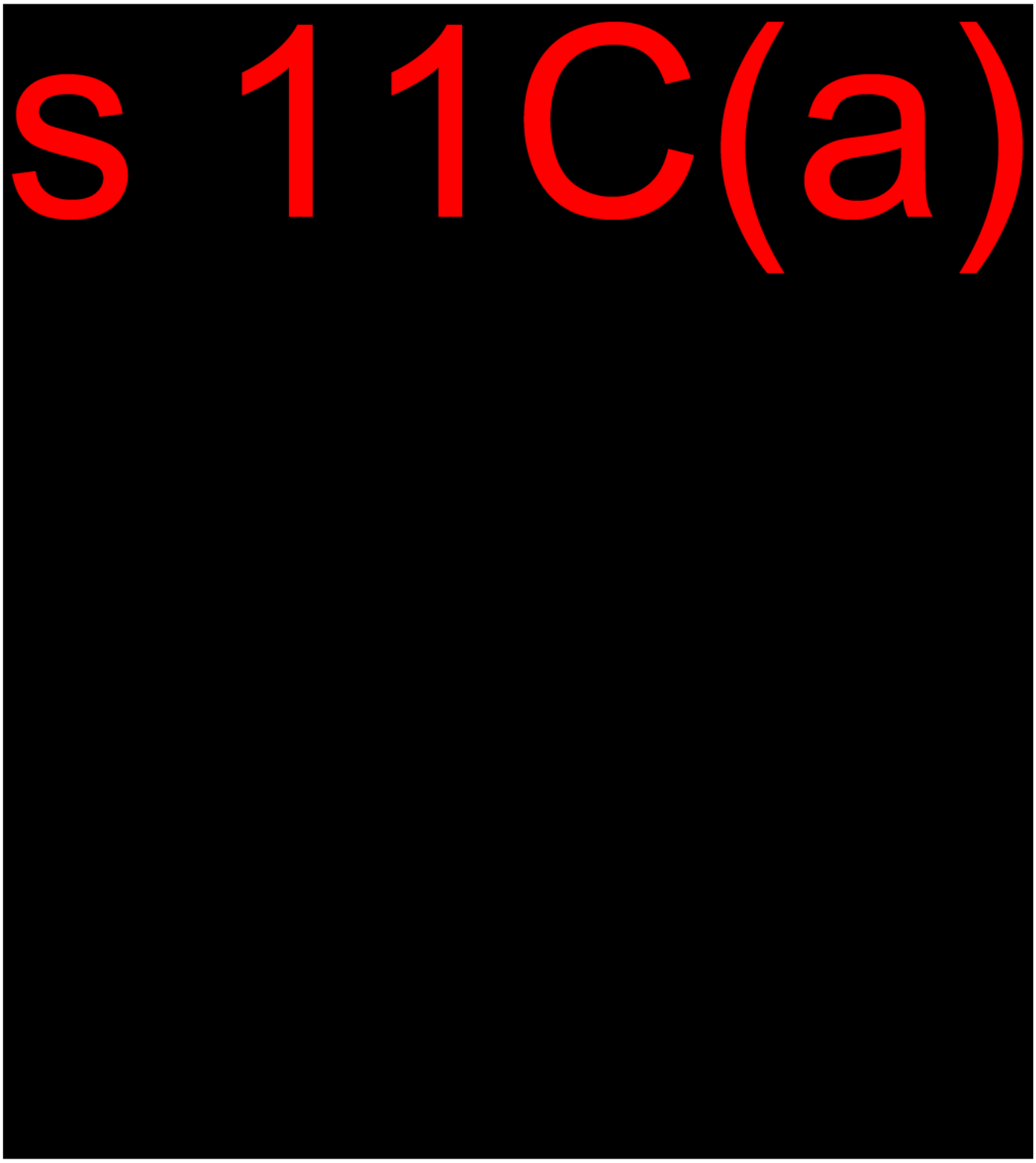
# Appendix 2 – Matrix of key responsibilities

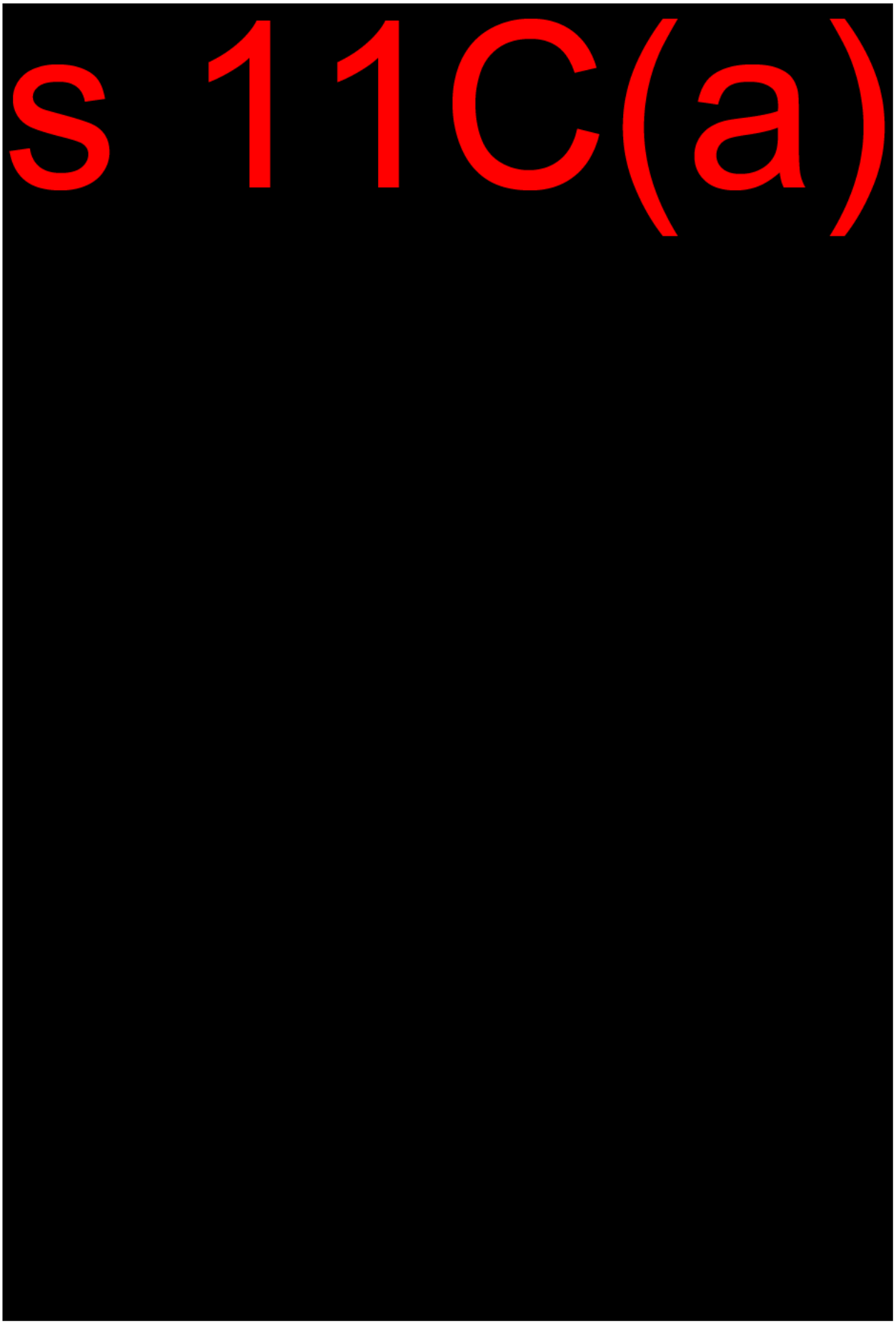
| Role | Responsibilities |
|---|---|
| **All APRA Staff** | • Receive initial disclosures<br>• Inform whistleblowers of the mandatory whistleblower information<br>• Inform Whistleblower Team of any whistleblower disclosures they receive<br>• Ensure whistleblower information is kept confidential and stored in restricted folders |
| **Legal – Whistleblower Team** | • Overall coordination of whistleblower handling to ensure Policy and Procedure are correctly followed<br>• Where possible, provide written responses to each whistleblower<br>• Notify relevant supervisors and other relevant APRA stakeholders of disclosures<br>• Record disclosures and subsequent updates in whistleblower spreadsheets<br>• Conduct quarterly (March, June, September, December) reviews of whistleblower disclosures to ensure actions and information in the Whistleblower Tracking Spreadsheet is up to date and complete<br>• Quarterly reporting (March, June, September, December) to supervision divisions<br>• Provide initial advice on each disclosure received<br>• Review the handling of each disclosure prior to it being closed<br>• Review whistleblower closure memos<br>• Annual reporting to Executive Committee<br>• Release information to peer regulators. Draft memo to decision maker and releases of information |
| **Legal – Enterprise & Corporate** | • Provide advice on whether a disclosure is a qualifying or non-qualifying disclosure under the Corporations Act<br>• Provide advice in respect of disclosures of whistleblower information made pursuant of subsection 56(5)(b) of the APRA Act<br>• Provide general advice in respect of whistleblower matters |
| **Divisional Business Managers** | • Ensure supervisory actions have been followed up and updated, and that disclosures are appropriately escalated within Supervision<br>• Obtain monthly progress updates from teams responsible for managing open disclosures within their division |

| Role | Responsibilities |
| --- | --- |
| **Supervision** | • Assess and, where appropriate, act upon information received in a whistleblower disclosure<br>• Update the Whistleblower Tracking Spreadsheet in line with the requirements of this procedure<br>• Consider if information received in a disclosure is relevant to any peer regulators<br>• Release information to peer regulators.<br>• Draft memo to decision maker draft closure memo for approval by relevant Supervision GM<br>• Formally close each disclosure, recording information in the Whistleblower Tracking Spreadsheet once complete |

# Appendix 3 – Example Closure Memo

MEMORANDUM TO DECISION-MAKER

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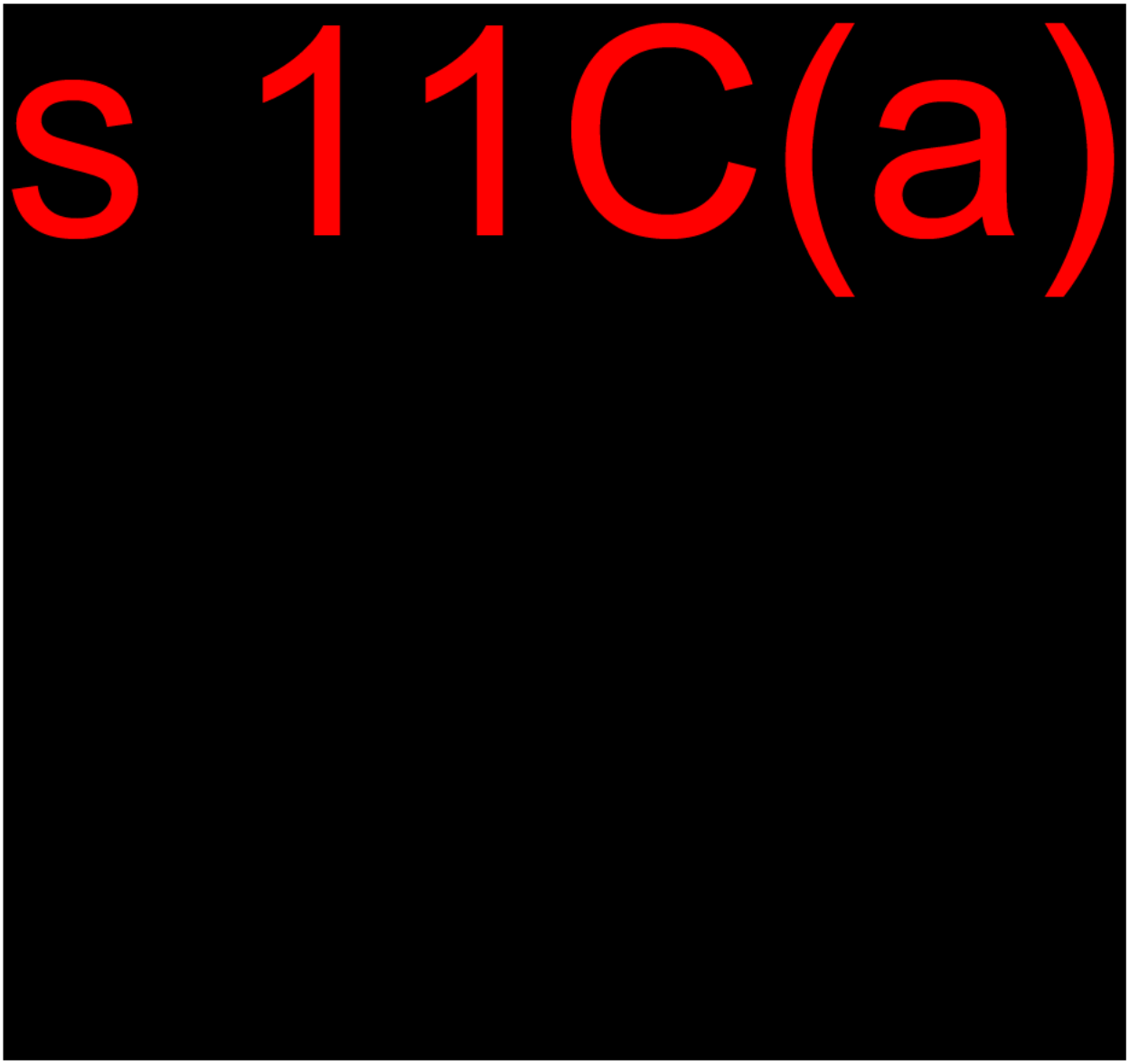


**ATTACHMENTS:**

| | |
|---|---|
| 1. | Disclosure by Whistleblower dated x |
| 2. | Assessment of whistleblower status dated x |
| 3. | APRA disclosure to [peer regulator] (for example, ASIC, AUSTRAC, AFP) |
| 4. | File note of meeting with Whistleblower dated x |
| 5. | File note of prudential meeting with [entity] dated x |
| 6. | Any other attachments relevant to closure of matter. |

APRA