



**Rabobank**

# Rabobank Australia Policy on Whistleblowing

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# 1 Introduction

This Australian Whistleblowing Policy ("Policy") applies to Coöperatieve Rabobank U.A. Australia Branch, Rabobank Australia Limited and Rabo Australia Limited and any related bodies corporate collectively referred to as "Rabobank".

Rabobank is committed to maintaining a high standard of business ethics and safety within its organisation. Rabobank promotes a strong culture of transparency and integrity and is committed to detecting and addressing misconduct and ensuring that those who become aware of misconduct can report it without being concerned that it will negatively affect them or their position.

Rabobank may amend this policy from time to time at its discretion and as required.

A copy of this Policy is also accessible to all employees and officers of Rabobank via the intranet site and to Board members on Diligent Boards.

## 1.1 Objectives

The objective of this Policy relates to the protection of individuals and groups of individuals that 'speak up' about misconduct (also known as 'whistleblowers') and how Rabobank will respond to reports of misconduct.

## 1.2 Scope

This Policy applies to anyone who works (or has worked) at Rabobank, in any role, location, or contract term, as well as anyone who has or had another type of business relationship with Rabobank (e.g. suppliers) and family members of current or past employees of Rabobank.

Under the Whistleblowing Legislation, a person is an eligible whistleblower (including in relation to Tax Disclosures) if they are, or have been:

- An officer of Rabobank (this includes directors of the board and the company secretary of Rabobank);
- An employee of Rabobank;
- An individual who supplies services or goods to Rabobank;
- An employee of a supplier of services or goods to Rabobank;
- An individual who is an associate of Rabobank (this includes directors and secretaries of both Rabobank and any related bodies corporate);
- A spouse, child or other relative of an individual listed above; or
- A dependant of any individual listed above or of their spouse.

## 1.3 Governing External Laws and Regulatory Guidelines (if applicable)

Under Australian legislation there are specific provisions which provide whistleblowers with legal rights (including protections) in relation to certain types of disclosures. For Rabobank the relevant legislation, collectively referred to as "Whistleblowing Legislation", is as follows:

- sections 1317AA to 1317AJ of the *Corporations Act 2001 (Cth)*
- sections 14ZZT to 14ZZE of the *Taxation Administration Act 1953 (Cth)*

The protections under the Whistleblowing Legislation only apply to certain types of disclosures (“Qualifying Disclosures”). To understand when those statutory protections are available, additional information about the Whistleblowing Legislation is set out in Annexure 1.

While this Policy contains a summary of parts of the Whistleblowing Legislation, for further detail, refer to the text of this legislation. This Policy is not intended to override any rights or obligations under the Whistleblowing Legislation.

## **1.4 Waiver**

In the event that a Rabobank entity, business line or a department cannot meet (parts of) the requirements of this Policy, a waiver should be requested.

## **1.5 Disciplinary Action**

Everyone who works for Rabobank is expected to act in accordance with Rabobank’s ethical and professional standards of conduct as laid down in Rabobank’s Code of Conduct, its internal policies, standards and procedures and/or the applicable national financial, civil, criminal, and disciplinary law and industry codes.

Violation of our standards of conduct may have serious consequences for Rabobank, its employees, its clients and business partners. Everyone who works for Rabobank is therefore expected to behave in accordance with the standards of conduct outlined in this Standard and to discuss undesirable incidents transparently. This is how we live up to our values of professionalism and courageousness as described in our Code of Conduct and how we contribute to the mission and reputation of Rabobank as a rock solid bank.

Violation of the standards of conduct outlined in this Standard may lead to internal disciplinary action, up to and including termination of employment. Depending on the violation, everyone who works at Rabobank may also be subject to national disciplinary law, civil proceedings and criminal investigations. If applicable, additional remuneration related measures will be taken in accordance with the Remuneration Policy – Australia. In determining the appropriate level of disciplinary action, all relevant circumstances will be taken into account.

The process of a disciplinary action and employees’ rights therein are governed by the Discipline Policy - Australia.

## 2 Making a report

### 2.1 What matters should be reported?

It is important that Rabobank is aware of any information which allows it to appropriately manage risks to its employees, its customers, its property, its business and its reputation. If you have reasonable grounds to suspect that you have information concerning the following, it is considered to be a disclosable matter under the Whistleblowing Legislation:

- Misconduct (which includes fraud, negligence, default, breach of trust and breach of duty), or an improper state of affairs in relation to Rabobank or any related body corporate of Rabobank.
- Misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of Rabobank or an associate of Rabobank.

Some examples of conduct that are disclosable matters are included at Annexure 1. Examples of conduct that should be reported under this Policy include:

- Corrupt, fraudulent or other illegal conduct or activity;
- Conduct involving substantial risk to public health or safety or the environment;
- Conduct aimed to conceal records or other evidence related to any of the above.

Rabobank expects all employees, officers, contractors, intermediaries and agents to report any disclosable matters. Failure to report disclosable matters may result in disciplinary action. Additionally, members of staff should also report any other conduct or activity that they reasonably believe poses a significant risk to Rabobank's employees, the community, property, operations or reputation. Reports in relation to such conduct will entitle members of staff to the protections under this Policy even if the conduct reported is not a disclosable matter under the Whistleblowing Legislation. Examples of this type of conduct may be:

- A breach of the Rabobank Code of Conduct or other internal policies;
- Unethical or dishonest conduct;
- Conduct in breach of any state or Commonwealth regulations or guidelines.

### 2.2 What matters should not be reported under this policy?

Personal work-related grievances should not be reported under this Policy and are not protected under the Whistleblowing Legislation.

Some examples of matters that should not be reported under this Policy include:

- Interpersonal conflict between employees;
- A staff member's dissatisfaction with their pay (unless the staff member's grievance relates to discriminatory conduct in some respect);
- A staff member's dissatisfaction with their performance feedback or results of their annual performance review (unless the staff member's grievance relates to discriminatory conduct in some respect);
- A staff member's failure to receive a promotion on grounds unrelated to discriminatory conduct.

## 2.3 Who to report conduct to

In order to ensure that whistleblower protections are maintained, receiving disclosures is a process that requires careful training.

Reports can be made confidentially and anonymously at any time via the following methods:

- To Values & Conduct Officer Rabobank & New Zealand, Tel: +61 447 837 979
- Via the secure confidential external hotline and portal provided by People Intouch (24 hours / 7 days) and can be accessed as follows: dial the toll free phone number 1800 452 051 (enter access code 22611) or via [www.speakupfeedback.eu/web/th6pep/au](http://www.speakupfeedback.eu/web/th6pep/au) (enter access code 22611).
- To the KPMG Australia external trusted person, Tel: +61 2 9335 7591 (work), Tel: +61 402 400 581 (mobile).

Whistleblowers are encouraged to report any disclosure via the methods set out above. The making of a report via any of these methods will mean that it has been made to an eligible recipient under the Whistleblowing Legislation. Under the Whistleblowing Legislation, whistleblowers may also report such information to the following additional 'eligible recipients':

- An officer of Rabobank and related bodies corporate (including senior executives of Rabobank and the board);
- An auditor, or a member of an audit team conducting an audit of Rabobank or any related body corporate of Rabobank;
- An actuary of Rabobank or any related body corporate of Rabobank;
- Any person authorised by Rabobank to take disclosures; or
- A member of the Group Executive Team of Rabobank Australia and New Zealand.

Where the information to be reported relates to the tax affairs of Rabobank or an associate of Rabobank (a Tax Disclosure), whistleblowers are still encouraged to report any disclosure via the methods set out above. Additionally, the Whistleblowing Legislation allows whistleblowers to make Tax Disclosures to the following 'eligible recipients':

- A registered tax agent or Business Activity Statement (BAS) agent who provides tax agent services or BAS services to Rabobank;
- A member of the Group Executive Team of Rabobank Australia and New Zealand; and
- Any other employee or officer (within the meaning of the *Corporations Act 2001 (Cth)*) of Rabobank who has functions or duties that relate to the tax affairs of Rabobank.

Under the Whistleblowing Legislation, whistleblowers may also report Qualifying Disclosures to:

- The Australian Securities and Investments Commissions (ASIC);
- The Australian Prudential Regulation Authority (APRA);
- The Commissioner of Taxation (ATO) (in relation to Tax Disclosures); or
- Any other prescribed Commonwealth authority or regulator.

However, if a whistleblowing report is made to one of these regulators, Rabobank will not automatically become aware of that report and therefore may not be able to respond to it in accordance with this Policy.

## 2.4 Anonymous disclosures

Whistleblowers are able to make an anonymous disclosure and they will still be entitled to the protections set out in this Policy and under the Whistleblowing Legislation if the other requirements for making the disclosure are complied with. However, it should be noted that if the whistleblower's identity is not provided when making a whistleblowing report, this:

- Will prevent Rabobank from re-contacting the whistleblower confidentially to clarify or confirm information supplied (if the report is not submitted through the external hotline or online portal);
- May impact on Rabobank's ability to proceed with investigation (e.g. if there are gaps in information supplied that cannot be clarified directly in confidence with a whistleblower);
- Will prevent Rabobank from updating the whistleblower on Rabobank's efforts taken in response to their disclosure, where appropriate; and
- May affect Rabobank's ability to take steps to protect the whistleblower from detriment.

If a whistleblower wants to maintain complete anonymity when making a disclosure, Rabobank suggests the whistleblower submits their disclosure on an anonymous basis via the methods outlined above in section 2.3, or if a disclosure is being made to any other 'eligible recipient' listed above, that they refrain from telling others that they have filed a whistleblowing disclosure and submit their disclosure:

- From a computer not connected to Rabobank's network;
- By phone from an unlisted number; or
- By email using a private email address (e.g. like Gmail or another external email provider) and not one connected to Rabobank's network.

Even if a whistleblower does not make the report on an anonymous basis, the person receiving the report is not permitted to reveal the identity of the whistleblower, or information that is likely to lead to the identification of the whistleblower, except in certain circumstances as set out in section 5 below.

## 2.5 Disclosures outside Rabobank

Generally only reports that are made to the list of people or entities set out in section 2.3 above will ensure protections are afforded to the whistleblower making the report. Making reports to others outside Rabobank will not obtain the protection of the Whistleblowing Legislation or any other protections provided by this Policy. This is because it is important to ensure that confidential information belonging to Rabobank is not disclosed outside Rabobank.

There are two categories of disclosure that a whistleblower may make (to a journalist or a Member of Parliament) and still obtain the protections of the Whistleblower Legislation. These are called 'Public Interest Disclosures' and 'Emergency Disclosures' and further details are contained in Annexure 1.

Unless a disclosure is being made under those provisions, speaking to a journalist or a member of parliament about confidential information in relation to Rabobank without authorisation is not permitted and may be a disciplinary offence.

## **3 Handling of reports**

### **3.1 Investigation of reports**

All reported disclosures will be reviewed and, where appropriate, will be investigated at the earliest opportunity. Any findings will be managed promptly. The way a disclosure is managed depends on what it involves and will be dealt with on a case-by-case basis. In order to ensure that any investigations and actions undertaken are fair and unbiased, it may be necessary to:

- Obtain specialist, independent advice on areas outside the organisation's knowledge or expertise, including trained investigation staff from either inside Rabobank locally or globally, or refer the matter confidentially to a third-party investigation firm, if deemed appropriate having regard to the nature of the disclosable matters;
- Appoint a person to assist in the investigation of a matter that is the subject of a report; or
- Refer the matter to the police or law enforcement where disclosures refer to criminal behaviour.

In the conduct of an investigation, Rabobank may proceed as follows:

- Speak to anyone who may be affected or involved in the disclosure so that they are provided with the opportunity to respond to the allegation(s);
- Consider these responses; and
- Speak to witnesses (where there is a dispute as to the facts surrounding the allegations).

In certain circumstances where Rabobank decides it is appropriate to do so, it may also place any persons affected by the report or the whistleblower on paid leave during part or all of the investigation.

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

### **3.2 Personal interests**

A whistleblower is encouraged to reveal, at the outset, any personal interest or involvement they may have in the matter being disclosed. A failure to disclose any personal interests will not prevent the reported disclosure being investigated pursuant to this Policy.

### **3.3 Fair treatment of employees that are the subject of a disclosure**

Rabobank is also committed to ensuring the fair treatment of employees and other persons engaged by Rabobank who are mentioned in reports of disclosable matters, or to whom such disclosures relate. Fair treatment of those persons implicated in a misconduct disclosure includes but is not limited to the following:

- The opportunity to be 'heard' and respond to the allegations as against them before any adverse findings are made; and
- The opportunity to have their responses considered by Rabobank and, in appropriate circumstances, investigated.

During any investigation into a report of disclosable matters, Rabobank extends support and protection to employees, officers and others engaged by Rabobank and implicated in the report until such investigation has concluded and claims have been proven or dismissed. Any

suspected adverse or detrimental treatment in this regard should be reported via the methods set out in section 2.3 so that these matters may be addressed.

Rabobank will endeavour to respond promptly to any complaints raised by parties who are the subject of a disclosure where such party has concerns about unfair treatment in the context of assessment of, and investigation into, the disclosable matter.

### **3.4 Providing updates to those making misconduct disclosures**

Rabobank has no obligation to keep the whistleblower informed of the progress and/or outcome of the investigation, and will only do so where it deems it appropriate, subject to the considerations of privacy of the individuals against whom the allegations have been made. Any updates supplied to a whistleblower may need to be limited in order to also preserve the confidentiality of an investigation and the privacy of those potentially affiliated, named, implicated or associated with the matters disclosed. The frequency and detail of any updates supplied (where appropriate), and the initiation or resolution of any potential subsequent investigation, may vary according to the matters reported and the context of the misconduct disclosed.

Where claims cannot be substantiated, and the whistleblower's identity is known, Rabobank reserves the right to deem a disclosure closed and notify the whistleblower accordingly.

### **3.5 Whistleblower involvement after a disclosure**

Any whistleblowers who reveal their identity may be asked to participate in subsequent confidential interview(s) in relation to the claims made in the disclosure including to clarify facts supplied in order to proceed with further investigation. No adverse consequences will result for a whistleblower if they choose to suspend co-operation or if, following investigation, a disclosure they made on reasonable grounds could not be substantiated. If a whistleblower believes they are being adversely treated or subject to some detriment in these instances, they should report their concerns via the methods set out in section 2.3 so that these matters may be addressed.

### **3.6 Proven misconduct**

Rabobank reserves the right to institute performance management or take other disciplinary action, including termination of employment or engagement, in relation to those found to have committed corporate misconduct.

Rabobank also reserves the right to refer matters to law enforcement or regulatory bodies at any time should the misconduct in Rabobank's reasonable opinion warrant such a referral.

## **4 False reports**

### **4.1 Consequences for knowingly making false or vexatious reports**

Whistleblowers must have reasonable grounds for the claims made in their disclosures. Where it is shown that a person making a report has made malicious, false or vexatious allegations of improper conduct, the making of that report will be considered a serious matter and may render the person concerned subject to disciplinary proceedings which may include demotion, suspension or termination of employment.

No action will be taken against an employee who makes a report based on reasonable grounds to suspect misconduct or an improper state of affairs, which is not substantiated in a subsequent investigation.

## **5 Protection and support of whistleblowers**

### **5.1 Protecting confidentiality**

A member of staff may choose to make a report on an anonymous basis, however, there are a number of advantages in connection with the investigation process if they choose to disclose their identity. If they choose to disclose their identity and are an 'eligible whistleblower' who is making a disclosure protected by the Whistleblowing Legislation via the methods set out in section 2.3 above or to other 'eligible recipients', the recipient has an obligation to keep their identity confidential. This includes keeping confidential information which could lead to the disclosure of their identity.

Rabobank has the legal right to share a whistleblower's identity, if reasonably necessary, to refer an incident to authorities (such as ASIC, APRA and the Australian Federal Police) who may wish to pursue the matter. Under the Whistleblowing Legislation, it is also permissible to disclose:

- Information regarding the suspected or actual wrongdoing disclosed, without revealing the whistleblower's identity or information that is likely to lead to the identification of the whistleblower;
- Information other than the whistleblower's identity, if it is reasonably necessary for the purposes of the investigation and all reasonable steps are taken to reduce the risk that the whistleblower will be identified;
- The identity of a whistleblower, or information likely to lead to his or her identification to a legal practitioner for the purposes of obtaining legal advice or representation; or
- The identity of a whistleblower where such disclosure is made with the consent of the whistleblower.

In order to allow proper investigation of the matter, and to provide appropriate support to the whistleblower, we may ask you to consent to the disclosure of your identity to specific individuals, such as:

- The Rabobank global "Trusted Committee", which consists, at a minimum, of the global Chief Compliance Officer, the Global Head of Legal and a senior Human Resources Manager. The Global Chief Compliance Officer acts as the chairperson of the Trusted Committee.
- The Rabobank global Bureau Speak Up, which consists of internal experts on, amongst others, Compliance and Human Resources. The Head of the Investigations Department acts as the chairperson of the Bureau.
- The Fraud & Corporate Security (F&CS) team locally or globally and;
- Any other persons reasonably necessary for the purposes of investigating matters the subject of your disclosure.

Whistleblowers can be assured that any information released in breach of this Policy will be treated seriously and may result in disciplinary action up to and including dismissal. A breach of this Policy may in certain circumstances also result in criminal sanctions.

## 6 General protections

Rabobank is committed to protecting and respecting the rights of a person who reports disclosable matters. Rabobank will not tolerate any detriment caused, or threatened to be caused, against any person who has made or who is believed to have made a report regarding disclosable matters. Under the Whistleblowing Legislation, "detriment" is defined to include, without limitation, any of the following:

- Dismissing the employee;
- Injuring the employee in their employment, (e.g. not giving an employee legal entitlements such as pay or leave);
- Changing an employee's job to their disadvantage;
- Offering a potential employee different (and unfair) terms and conditions for the job, compared to other employees;
- Discriminating between employees to the disadvantage of a whistleblower;
- Harassment or intimidation of a person;
- Harm or injury to a person, including psychological harm;
- Not hiring someone because they have been a whistleblower;
- Damage to a person's property, reputation, business or financial position; or
- Any other damage to a person.

Any victimisation, retaliation or detriment caused or threatened to be caused in reprisal for a report regarding disclosable matters being made under this Policy will be treated as misconduct and may result in disciplinary action, which may include dismissal (or termination of engagement).

### 6.1 Support of whistleblowers

Rabobank firmly believes that those who reasonably suspect or witness misconduct should be able to report their suspicions with the confidence that they will be supported, and not punished or discriminated against, for making a disclosure. Whistleblowers are encouraged to raise any concerns arising out of a disclosure (or anticipated disclosure) or any subsequent investigation process via the methods set out in section 2.3 so that these matters may be addressed.

So as to ensure whistleblowers are supported both during, and following the making of a disclosure, Rabobank encourages whistleblowers to make use of Rabobank's Employee Assistance Program "EAP".

A whistleblower (or any 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
- Rabobank failed to prevent a person from causing the detriment.

Rabobank encourages whistleblowers to seek independent legal advice before making a disclosure.

## **6.2 Criminal or civil liability**

The whistleblower is not protected from civil or criminal liability for any of his or her conduct which may be revealed by the report. However, if a whistleblower reports such conduct and actively cooperates in an investigation in which they may be implicated, there may be some cases where the fact they have made a report will be taken into account as a mitigating factor when determining actions that may be taken against them.

## **7 Compliance with this policy**

Breaches or suspected breaches of this Policy should be reported via the methods set out in section 2.3. A breach of this Policy may result in disciplinary action up to and including termination of employment or engagement.

## **8 Monitoring and testing**

### **8.1 Monitoring program**

With an effective whistleblowing program, Rabobank is able to demonstrate an environment where Notifiers can safely file reports in the event of potential issues.

Rabobank has a monitoring program to periodically assess if key elements of this Policy have been embedded in the organisation. This process is embedded in the Risk & Control Framework. Through the analyses of key business performance and risk indicators Rabobank is able to identify potential compliance breaches.

### **8.2 Testing program**

Rabobank has a testing program that focuses on a risk-based, dynamic and independent process designed to report on the operating effectiveness of controls and adherence to this Policy. This testing program tests the appropriateness of the control measures applied.

The relevant control measure for this Policy is that each Rabobank entity must have an intervention and escalation mechanism. This includes that inappropriate behaviour of Rabobank's employees must be reported and be adequately followed-up in line with local applicable policies and procedures.

# Annexure 1

## Additional information in relation to the Whistleblower Protections under the Whistleblowing Legislation

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### 1. Qualifying Disclosure

The protections apply to disclosures of information where the eligible whistleblower has reasonable grounds to suspect concerns:

- (a) misconduct (which includes fraud, negligence, default, breach of trust and breach of duty); or
- (b) an improper state of affairs in relation to Rabobank or any related body corporate of Rabobank.

The following are specific examples of conduct where, if you had reasonable grounds to suspect they had occurred, would be a Qualifying Disclosure if reported:

- (a) an offence against or a contravention of the Corporations Act 2001 (Cth) or the Australian Securities and Investments Commission Act 2001 (Cth). This would include conduct such as misleading and deceptive conduct, insider dealing and market manipulation, and a breach of the general obligations of a financial services licensee under s912A;
- (b) an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more. This would include conduct such as bribery of a Commonwealth Public Official; or
- (c) conduct that represents a danger to the public or the financial system.

In relation to Tax Disclosures, the discloser must have information relating to misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of Rabobank or an associate of Rabobank. The discloser must consider the information they possess may assist the eligible recipient to perform functions or duties in relation to the tax affairs of Rabobank or an associate of Rabobank.

'Personal work-related grievances' are excluded from whistleblowing protections. Personal work-related grievances are generally those grievances *"about any matter in relation to the discloser's employment (or former employment), **having (or tending to have) implications for the discloser personally.**"*

### 2. Protections afforded to the Whistleblower

#### Legal immunity

Whistleblowers who make a Qualifying Disclosure will not be subject to any civil, criminal or administrative liability for making the disclosure. No contractual or other remedy may be enforced against them on the basis of their disclosure.

There is no immunity from any action in relation to misconduct that the whistleblower was involved in, but Qualifying Disclosures will be inadmissible in relation to any such proceedings.

#### Anonymity

Revealing the whistleblower's identity, or any information which is likely to lead to their identification, is a criminal and civil offence.

### **Protection from detrimental conduct**

Causing 'detriment', or threatening such conduct, to any person because it is believed that a disclosure has been made under this Policy constitutes a criminal and civil offence.

## **3. Public Interest and Emergency Disclosures**

Under the Whistleblowing Legislation there are two categories of protected disclosures which will protect whistleblowers who report to a journalist or a member of parliament. Save for these protected disclosures, disclosures to journalists or parliamentarians are not permitted unless expressly authorised by the Group General Counsel.

### **Public Interest Disclosure**

This category allows a whistleblower to make a disclosure to a journalist or parliamentarian if:

- (a) the whistleblower has previously made a disclosure to ASIC, APRA or any other prescribed Commonwealth authority;
- (b) at least 90 days have passed since the disclosure was made to ASIC, APRA or any other prescribed Commonwealth authority;
- (c) the whistleblower does not have reasonable grounds to believe that action is being taken to address the matters to which the previous disclosure related;
- (d) the whistleblower has reasonable grounds to believe that making a further disclosure of the information would be in the public interest; and
- (e) following the end of the 90 day period, the whistleblower gives the body to which the previous disclosure was made a written notification that includes sufficient information to identify the previous disclosure and states that the whistleblower intends to make a public interest disclosure.

### **Emergency Disclosure**

This category allows a whistleblower to make a disclosure to a journalist or a parliamentarian if:

- (a) the whistleblower has previously made a disclosure to ASIC, APRA or any other prescribed Commonwealth authority;
- (b) the whistleblower 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; and
- (c) the whistleblower gives the body to which the previous disclosure was made a written notification that includes sufficient information to identify the previous disclosure and states that the whistleblower intends to make an emergency disclosure.

For both Public Interest and Emergency Disclosures, the extent of the information disclosed must be no greater than is necessary to appropriately inform the recipient of the relevant misconduct or substantial imminent danger.

#### 4. Penalties

Under the Whistleblowing Legislation, a person may bring civil proceedings for a compensation order or pursue civil penalties even when a criminal prosecution has not been, or cannot be, pursued.

| Contravention   | Penalty   |
|---|---|
| <b>Civil penalty provisions (<i>Corporations Act</i>)</b>   |   |
| Breach of confidentiality of identity<br>Victimisation or threatened victimisation                            | For an individual: <ul style="list-style-type: none"> <li>• 5,000 penalty units (\$1.05m); or</li> <li>• three times the benefit derived or detriment avoided.</li> </ul> For a body corporate: <ul style="list-style-type: none"> <li>• 50,000 penalty units (\$10.5m); or</li> <li>• three times the benefit derived or detriment avoided; or</li> <li>• 10% of the body corporate's annual turnover up to 2.5 million penalty units (\$525m).</li> </ul> |
| <b>Criminal offences (generally under the <i>Corporations Act</i> and <i>Taxation Administration Act</i>)</b> |   |
| Breach of confidentiality of identity   | <ul style="list-style-type: none"> <li>• 60 penalty units (\$12,600); or</li> <li>• six months imprisonment; or</li> <li>• both.</li> </ul>   |
| Victimisation or threatened victimisation   | <ul style="list-style-type: none"> <li>• 240 penalty units (\$50,400); or</li> <li>• two years imprisonment; or</li> <li>• both.</li> </ul>   |