



Ms Toni Matulick  
Committee Secretary  
PO Box 6100  
Parliament House  
Canberra, ACT, 2600

Tuesday, August 25, 2015

Dear Members of the Select Committee,

**RE: Questions on Notice - Select Committee on the Recent Allegations Relating to Conditions and Circumstances at the Regional Processing Centre in Nauru.**

Thank you for the opportunity to provide evidence to the Select Committee on 20<sup>th</sup> August 2015. During the hearing, the Committee permitted us to take certain questions on notice.

Please find attached a response to each of the questions on notice.

We request that all references to Wilson Security employees are redacted and remain confidential, as their public disclosure may materially affect their ability to perform their duties.

Yours Sincerely,

John Rogers  
Executive General Manager – Southern Pacific  
Wilson Security



## Questions on Notice

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### 1. How many children are currently in detention on Nauru?

As of the 21<sup>st</sup> of August 2015 there are 92 children residing in the Regional Processing Centre in Nauru.

### 2. Based on current time lines, how long will it be until all children are transferred from the island into the community?

We are not privy to the planned schedule of refugee status determination, and are unable to provide a timeline for children to be transferred from the Regional Processing Centre into the community

### 3. Could you review Hansard of the evidence you gave regarding alcohol and drug testing, whistleblower hotline, and an allegation about shredding reports.

We stand behind the evidence we have previously given to the Committee in relation to all of these matters.

Throughout the operation of the contract, we have continually sought to improve and update our processes, policies and procedures to ensure we are in line with best practice. Evidence given by other parties that may appear contrary to the evidence that we have provided may be explained by the evolution of our policies and procedures over time.

#### **Drug and alcohol testing**

We commenced consultation with employees and United Voice Union regarding our drug and alcohol policy in October 2013. The implementation of the policy stalled following concerns raised by the United Voice Union in relation to testing methodology and procedure.

From September 2014, we implemented reasonable suspicion testing for alcohol. In May 2015, we commenced the process for the transition from reasonable suspicion testing to random testing. The current policy is attached as "Annexure 1".

#### **Whistleblower help line**

We attach, as "Annexure 2", copies of our:

- whistleblower policy; and
- the presentation in relation to our whistleblower policy that is included as part of our induction process.

The policy is available for staff to access on our intranet.



## Shredding Material

A shredder is located within the administration block and the control room. These are used for the disposal of drafts or unnecessary duplicates, such as spare copies of incident reports that are distributed each morning. It is possible that someone may have observed drafts or necessary duplicates being shredded.

Wilson Security does not instruct staff to shred official documents. Such behaviour would constitute a serious breach of Wilson Security's code of conduct and would result in disciplinary action. Official documents are stored both physically and electronically.

## 4. Was the minister or the department aware? What steps have you put in place to ensure this incident does not happen again? How does Wilsons verify claims made by staff? What is the process for investigation of allegations of assault?

### Notifications

We notified Transfield and the Department of the original allegation of assault against [redacted] in August 2014. This notification was in accordance with the incident reporting guideline, and included all witness statements made in relation to the incident.

We verbally notified Transfield in January 2015 after becoming aware of the allegation that [redacted] had provided false or misleading evidence in respect of the original allegation of assault. We subsequently investigated this allegation, and notified Transfield and the Nauruan Department of Public Prosecutions of the outcome of this investigation in March 2015.

### Procedures and next steps

The Incident Reporting Guidelines set out how alleged incidents are to be investigated and reported. In addition to this, we have recently commenced using an additional case management system for investigations involving staff misconduct. The case management system has been designed to automate the notification and escalation of incidents to Transfield and the Department, in order to increase transparency into the status and actions taken in respect of allegations of staff misconduct. The case management system involves the following steps:

- Recording the allegation that generates automatic notifications
- Completing an investigation plan
- Capturing all evidence associated with the investigation
- Capturing details of activities and critical decisions associated with the investigation
- Capturing and disseminating progress reports and final reports
- Capturing and disseminating quality review

We have recently engaged an independent company to review all investigations involving staff misconduct at the Regional Processing Centre.



We are committed to continuing to improve our policies and processes, and we will make any further improvements following the results of the current independent review. We can keep the Committee apprised of any changes to our policies or procedures, if it would assist.

- 5. So, you never actually notified any part of the Nauruan justice system that that evidence had already come forward regarding the asylum seeker who was being effectively framed for physical assault? You never actually gave them that information?**

**That evidence was never given over to the Nauruan police investigators or indeed Public Prosecution?**

On 27<sup>th</sup> March 2015 we notified the Nauru Department of Public Prosecution of the allegation against [redacted], the internal investigation into the allegation, and the outcome of the internal investigation. The representative of the Nauru Department of Public Prosecutions confirmed their understanding of the matter, and acknowledged Wilson Security's response.

Wilson Security subsequently made the Nauru Department of Public Prosecutions aware of all further evidence and information regarding the allegation against [redacted]. The Department of Public Prosecutions has acknowledged receipt of this information and has confirmed that they will seek any clarifications as required.

- 6. I know there is a shredder in the admin building. I would need to confirm whether there was one in the control room as well.**

See response to 3 above.

- 7. There would be a number of staff who have claims, particularly workplace injury claims and that sort of thing, who are in dispute with Wilson. Could you give me the approximate number of those people? Could you tell me whether they were working with Mr Nichols?**

Wilson Security has 11 current claims relating to our operations in Nauru. This includes a claim from Mr Nichols. There have been no claims from individuals that worked on Mr Nichol's team.



### 9. How long? (Was there no digital infrastructure)

The IT infrastructure became inoperable following the disturbance and fire on 19<sup>th</sup> July 2013. Interim IT infrastructure was brought into Nauru at the next available opportunity on 21<sup>st</sup> July 2013.

Installation of current IT network was completed in Nauru between 19<sup>th</sup> December 2013 and 22<sup>nd</sup> December 2013. The advanced file storage system was commissioned on or around 30<sup>th</sup> December 2013.

### 10. Is [redacted] an Australian citizen or is he one of the locals?

[redacted] is a New Zealand citizen.

### 11. The committee may be more impressed with the swearing of such matters in a statutory declaration that is subject to the Evidence Act of Queensland, do you think you could take that on notice,

[redacted] is currently on Nauru and unable to have the statutory declaration sworn in the time required by the Committee. He has committed to completing the statutory declaration upon his return and we will provide to the Committee as soon as practical.

### 12. You have undertaken to provide us with the purchase orders. So the transition between iPhones rolling back to old Nokia 101s, as far as you are concerned, happened in the reverse direction and for only a handful of staff—is that what you are telling us?

Prior to March 2014, staff were issued with Nokia 101s. From March 2014, we transitioned some phones from Nokia 101s to iPhones. Annexure 3 contains a copy of the invoice and packing slip for the original purchase of iPhones. This confirms that the roll-out of iPhones did not occur until after Senator Hanson Young's visit to Nauru.



## Additional Questions on Notice

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**13. During the public hearing of 20 July 2015, Wilson Security advised the committee that no body cameras were worn by staff on 19 July 2013. Video footage provided to the media appears to contradict that statement. Is Wilson Security aware of the footage?**

Wilson Security is aware of the footage to which the Committee refers.

During the hearing of 20 July 2015, Mr Rogers gave evidence to the Committee that he believed to be correct, based on his knowledge at the time. Mr Rogers never purported to be conveying absolute fact to the Committee. This is evident through the use of the words “I believe” and limiting his knowledge to that of himself, and not seeking to represent the knowledge of the company. We confirm that there was no intention to mislead the Committee.

We wish for it also to be noted that previously, upon Wilson Security becoming aware of an incorrect statement, we contacted the Committee immediately to correct the record. We are committed to providing accurate and honest information to assist the Inquiry.

The transcript in question is outlined below:

**John Rogers:** I do not believe that we had any kind of individual video cameras in place at the time of the July 2013 Riot. I believe there was one video camera that was there for the purposes of recording the events that occurred and it was destroyed during the riot. That was the only matter I am aware of.

[Transcript from Senate Committee Inquiry into Regional Processing Centre Nauru, 20<sup>th</sup> July 2015, p. 42]

**14. Are the staff visible in the footage Wilson Security staff?**

The staff that were visible in the footage that was played on the 7:30 program on 13 August 2015 were our staff.

**15. Please provide information about what happened to the footage, e.g., was the footage provided to the department or was it deleted by Wilson Security investigators?**

All footage obtained by us during the incident on 19th July 2013 was saved to a network storage device. A copy of all footage was provided to the Department and the Nauru Police Force.

**16. How was that footage stored and who had access to it?**

The footage was saved to a network storage device. The device was accessible to Wilson Security Investigators and Managers.



**17. Were steps taken to investigate the matter, and were the staff members disciplined in any way?**

After seeing the footage on the 7:30 Report, we identified the staff member who made the offensive statements in the video. This individual had left Wilson Security employment before the 7:30 Report aired.

This behaviour is extremely disappointing and was contrary to the values of the company, and is in breach of our code of conduct. If Wilson Security was aware of the statements made by the individual while in our employment, he would have been subject to strict disciplinary action.



**NAURU DRUG AND ALCOHOL  
TESTING PROCEDURE  
Nauru Offshore Processing Centre**



# NAURU DRUG & ALCOHOL TESTING PROCEDURE

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# NAURU DRUG & ALCOHOL TESTING PROCEDURE

## 1. INTRODUCTION

This document describes the Wilson Security Drug and Alcohol testing procedure for employees and contractors, and is part of the Wilson Security Integrated Management System.

Wilson Security is committed to:

- Providing employees, contractors and clients a safe and healthy working environment;
- The prevention of fatalities, injuries and illnesses, for all employees, contractors and visitors to the site;
- Compliance with all laws and standards;
- Increasing health and safety performance through the continual improvement of the Wilson Security Integrated Management System.

It is the Wilson Group's policy that no person will be allowed to commence working or remain on site if he or she is under the influence of alcohol or other drugs.

## 2. PURPOSE

The purpose of this procedure is to provide all employees and contractors with clearly defined guidelines to support the company's drug and alcohol testing program and to reduce the hazards in the workplace associated with alcohol and drug use in a way that is consistent and fair to all employees and contractors who are engaged to work at the Nauru Offshore Processing Centre (OPC).

## 3. SCOPE

This procedure will apply to all employees and contractors of Wilson Security who are engaged to work at the Nauru Offshore Processing Centre.

## 4. DEFINITIONS

<b>Drugs</b>	A Drug is any substance which, when ingested by any means by a human being, is capable of causing impairment. This includes steroids and other performance enhancing substances.
<b>B.A.C</b>	Blood Alcohol Concentration;
<b>Approved Testing Device</b>	Reader based oral fluid drug testing system or breathalyser unit used in compliance with a relevant Australian Standard;
<b>Security Manager</b>	Manager employed by Wilson Security in charge of the overall management of services on Nauru to our client. This includes a Security Resource Manager who is in charge in the absence of the appointed Security Manager or who is operating under direction from the Security Manager.
<b>Impairment</b>	Any detrimental effect induced by an introduced substance or article, on cells or functions of cells in the human body.
<b>Alcohol &amp; Drug Dependence</b>	An illness in which a person's consumption of either alcohol or other drugs repeatedly interferes with the person's health and/or job performance.
<b>Employee Assistance Program (EAP)</b>	A confidential counselling service available to employees and their immediate families to address personal problems (including problems associated with alcohol and other drugs use) that may be affecting their personal lives and/or work performance
<b>Collection Site</b>	A place which has been specially prepared, where individuals present themselves for the purpose of providing a sample of their breath and urine to be analysed for

## NAURU DRUG & ALCOHOL TESTING PROCEDURE

	the presence of alcohol and other drugs.
<b>OPC</b>	The Offshore Processing Centre situated on the island of the Republic of Nauru.
<b>Wilson Security</b>	This shall refer to the company: Wilson Security.
<b>Prescribed Incident</b>	<p>An incident, which in the opinion of the Security Manager or Security Resource Manager is a serious incident and requires sampling procedures to take place.</p> <p>Some examples where this protocol may be applied includes:</p> <ul style="list-style-type: none"> <li>• Collisions involving motor vehicles on the island;</li> <li>• Incidents involving physical restraint of a person that results in a serious injury or the potential for a serious injury to occur;</li> <li>• Other incidents as deemed appropriate by the Security Manager.</li> </ul>
<b>Testing</b>	The process of measuring the presence of alcohol or drugs in a sample provided by a candidate selected by the selection process in place.
<b>Confirmatory Test</b>	A second analytical procedure conducted to confirm the initial testing result obtained
<b>Tester</b>	A person authorised and trained to carry out testing for the presence of Drugs and Alcohol in selected candidates.
<b>Random Testing</b>	The process of measuring the presence of alcohol or drugs in a sample provided by a candidate selected. The current process involves employees and contractors selecting a ball from a bag. The colour of the ball will indicate if the candidate is selected for providing a sample.
<b>Reasonable Suspicion Testing</b>	Testing that is conducted after observations are made of an employee or contractor indicating a reasonable suspicion of the person being under the influence of alcohol or drugs.
<b>Refused Testing</b>	Any candidate who has been advised that they have been selected for testing and who subsequently refuses or fails to submit a sample.
<b>Risk</b>	The chance of something happening that will have an impact on objectives. It is measured in terms of consequences and likelihood;
<b>Sample</b>	Oral fluid / urine or breath provided by a candidate for the purpose of testing.
<b>Workplace</b>	Any location where a business undertaken by the company exists.

### 5. RESPONSIBILITIES

#### 5.1. Managers / Supervisors

- Ensure that all employees and contractors are aware of and comply with the provisions of this procedure System;
- Inform employees and contractors of their responsibilities in relation to workplace health and safety, work performance and behaviour;
- Deal with any notification or concern in relation to drug or alcohol abuse immediately and act in accordance with the guidelines issued;
- Comply with the confidentiality terms of this procedure, their contract of employment and any other deed of confidentiality in place;
- Make appropriate workplace adjustments to support the rehabilitation of affected employees;

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- Foster an environment of open communication;
- Motivate affected employees to seek assistance for problems related to the misuse or abuse of alcohol or other drugs;
- Determine when Challenge to Fitness and Post Incident Testing should be carried out and ensure testing procedures are initiated.

### 5.2. Employees & Contractors

- All employees and contractors must take responsibility for ensuring the health and safety of themselves and of others. In particular, they are responsible to and must:
- Ensure that they do not, by the consumption of alcohol or other drugs, endanger their own safety or the safety of any other person, including customers or visitors, in the workplace;
- Ensure that at all times they attend, resume and continue to work unaffected and unimpaired by alcohol or other drugs;
- Notify their manager/supervisor if aware that their work performance or behaviour could be adversely affected or if there is a risk to the safety of themselves or others as a result of the effect of an illicit, prescribed or non-prescribed drug, or alcohol;
- Should seek information from their doctor or other health professional on the use and the effects of prescribed and non-prescribed drugs that they intend to take or have taken;
- Take action to resolve their own problems with alcohol or other drugs including seeking assistance from the Company's EAP or via the on island medical agency;
- Encourage fellow employees, contractors and visitors who may have a problem with alcohol or other drugs to disclose the problem to management and to seek professional help;
- Comply with the confidentiality terms of this procedure;
- Notify and consult with their manager/supervisor or OHS Committee member or employee representatives if they know of or are concerned that any fellow employee, contractor or visitor is or may be under the influence of alcohol or other drugs.
- Ensure they do not possess illicit drugs whilst travelling to / from Nauru or whilst engaged on the island of Nauru for the purpose of self-administering, supply to others or carriage on behalf of others. Prescription drugs are excluded from this requirement as long as they are possessed and used in line with the prescribing doctors usage criteria.

## 6. TESTING METHODS AND LIMITS

### 6.1. TESTING METHODS

Drug tests and confirmation tests will be undertaken using an oral swab with reference to AS 4760:2006 *Procedures for the collection detection and quantification of drugs in oral fluid*.

Alcohol tests and confirmation tests will be undertaken using alcohol breath analysers in accordance with AS/NZS 3547:1997 *Breath Alcohol testing devices for personal use*.

### 6.2. TESTING LIMITS

#### 6.2.1. Alcohol

The prescribed limit of blood alcohol concentration is 0.02 grams of alcohol per 100 millilitres of blood. This limit is derived from AS/NZS 3547:1997

<b>Blood Alcohol Target Concentration</b>	
All Employees and Contractors	0.02g/100mL

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### 6.2.2. Drugs

<b>Immunoassay Initial Test Target Concentrations (Testing Test)</b>	
<b>Class of Drug</b>	<b>Target Concentration</b>
Opiates	50ng/mL
Amphetamine-type stimulants	50ng/mL
9-tetrahydrocannabinol (THC)	25ng/mL
Cocaine and Metabolites	50ng/mL

<b>Non-Immunoassay Initial Test Target Concentrations (Confirmation Test)</b>	
<b>Compound</b>	<b>Target Concentration</b>
Morphine, Codeine	25ng/mL
6-Acetyl Morphine	10ng/mL
Amphetamine, Methylamphetamine, Methelenedioxymethylamphetamine, Methelenedioxyamphetamine	25ng/mL
9-tetrahydrocannabinol (THC)	10ng/mL
Cocaine, Benzoyllecgonine, Ecgonine Methyl Ester	25ng/mL

## 7. CONFIDENTIALITY

Strict confidentiality shall apply to any performance management process or testing results as part of this procedure for the protection of the individual's privacy.

All testing and test results shall be handled in a confidential manner and in accordance with approved testing procedures and appropriate sections of the relevant standards.

All admitted drug use shall be kept confidential to third parties.

All persons involved in or engaged in any part of the protocols and procedures are prohibited from disclosing any information regarding the process, sampling activities or process, any information generated or any outcome, except as part of their duties in line with this procedure. If there is a challenge to a result and the requirement for disclosure of information pertaining to a particular test or process as part of a review of or other legal challenge, then disclosure of information may be warranted.

Any breaches of confidentiality may result in a disciplinary outcome (subject to investigation and response).

## 8. COMMUNICATION

The procedure for the testing of employees for drugs and alcohol shall be:

- Available for access on the company intranet
- All employees will be given a copy of the procedure;
- Included in induction and ongoing training programs;

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- The procedure will be reinforced on an ongoing basis through;
- Information sessions;
- Toolbox meetings;
- Site Works Health, Safety and Environment Committees;
- Site briefings;

### 9. PRESCRIBED / NON PRESCRIBED MEDICATION

Where a person has been prescribed a medication, which is capable of causing impairment, they are required to inform either their supervisor or a manager of Wilson Security and make arrangements for the production of the **Prescription Drug Authorisation Form** from their Doctor authorising their fitness for work. This form will be retained in the site personnel file of the employee.

Where a person has been taking "over the counter" medication, they must ensure they complete the relevant section within the **Drug and Alcohol Result Form** prior to testing stating the type and quantity taken.

### 10. PROCEDURES FOR ALCOHOL & OTHER DRUG TESTING

#### 10.1. Testing for Alcohol and Drugs

Testing for drugs and alcohol will be carried out in the following situations:

- Regular random testing will be carried out on all employees and contractors to ensure compliance with this procedure;
- If a person has been involved in an accident, incident or "near miss" (post incident) as prescribed in the definitions of this procedure;
- If a person exhibits signs and symptoms which may lead others to suspect them of being impaired by the use of alcohol or drugs (reasonable suspicion testing);
- Blanket testing of all employees and contractors working at the OPC's may be requested to be undertaken by the client which will require all staff working to provide a sample for analysis.
- All drug & alcohol testing shall be carried out by a person trained and authorised in the use of the testing equipment in use at the Nauru Offshore Processing Centres. Testing shall be conducted in accordance with the relevant procedure.
- All candidates selected will be required to proceed to a designated drug and alcohol testing room to undertake the test.
- All candidates will be required to enter the testing area one at a time to undertake testing to ensure privacy. A record of all testing conducted will be maintained. These records will be kept confidential at all times.

#### 10.2. Random Testing

Random drug and alcohol testing will be carried out to ensure conformance with this procedure.

All random testing will be carried out at the commencement of the selected shift and without prior notification.

The current process involves employees and contractors selecting a ball from a bag. The colour of the ball will indicate if the candidate is selected for providing a sample. A white ball will indicate non selection; a coloured ball will indicate selection. This process may be subject to change.

Random testing will be carried out according to the Random Drug & Alcohol Testing Flow Chart.

The random selection process will be reviewed regularly to ensure its application meets the goals of the procedure.

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### 10.2.1. Random Alcohol Testing

- All alcohol testing procedures shall comply with AS/NZS 3547:1997 Breath alcohol testing devices for personal use.
- The person being tested will be required to supply an air sample from their lungs directed into an approved breath analysis instrument (Mobile Hand Unit). The sample shall be sufficient to obtain a valid reading on the instrument. The sample is to be provided to the satisfaction of the tester.
- If the test indicates blood alcohol concentration of 0.02 g/100mL– Blood Alcohol Concentration (BAC) or above, the person is required to do a second confirmation test.
- The confirmation test should be carried out no less than 15 minutes and no more than 60 minutes after the original test.
- The candidate must refrain from taking any fluid or substance; during the waiting period, this includes smoking.
- If the confirmation test is less than 0.02/100ml BAC, the result will be deemed as negative and the candidate may return to their normal duties. No record will be entered in their personnel file.
- If the result of the confirmation test is equal to, or above 0.02g/100ml BAC then a positive result will be recorded in the employees personnel file and on the Drug and Alcohol Result Form.
- Refusal to provide a sample of breath for the purpose of analysis without an acceptable reason will be regarded as a positive result and will be treated accordingly.

### 10.2.2. Random Drug Testing

- Drug tests will be conducted in a designated area that caters for the privacy of candidates providing samples for testing.
- All drug testing procedures, handling, disposal and clean-up shall comply with AS 4760 Procedures for the collection, detection and quantitation of drugs in oral fluid.
- The person being tested will be required to supply an oral fluid sample in the appropriate testing device provided to them by the Tester. The sample shall be sufficient to obtain a valid reading on the instrument.
- If a negative test result is returned the collected specimen will be disposed of and the person may return to their normal duties.
- The person returning the non-negative testing result will be required to remain with the Tester. The Tester will contact the employees Supervisor who will then manage the situation in accordance with this Procedure.
- Failure to submit to a test without an acceptable reason will be regarded as a positive result and will be treated accordingly.

### 10.3. Follow up Testing

Any employee who returns a positive confirmation test result for drugs or alcohol will be subject to follow up testing. In the 3 months after their initial breach the employee will be tested up to four times. The timing of these follow-up tests will be determined by the Security Manager or Security Resource Manager and will be outside of the random selection process for the period of three months after initial detection. If no further positive results are reported in the follow-up period the employee will be placed back in the usual random selection pool of all employees.



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### 10.4. Reasonable Suspicion Testing

Where a manager, supervisor or other employee observes another employee or contractor who, in their opinion, may be affected or under the influence of alcohol or drugs, the employee is to report their observations to their immediate supervisor.

All employees have a responsibility for ensuring that any person who, based on their observations, may pose a threat to the safety of themselves or any other person at the OPC, to report the matter to their supervisor.

The supervisor, upon having a matter of an employee or contractor being observed and reported to them that they may be under the influence of alcohol or drugs, is to ensure that on the basis that reasonable suspicion is established, the individual concerned will be required to undertake testing in line with this procedure.

As soon as practicably possible after the testing has been conducted the Supervisor shall complete the Supervisors Reasonable Suspicion Testing Form and place it into an envelope clearly marked confidential and provide it to the Security Manager or Security Resource Manager.

The outcome of the suspicion testing will determine what further action is necessary.

Analysis of trends in suspicion testing will be conducted by the Security Manager to identify victimisation, harassment, continued incidents and injuries whilst impaired. If analysis of records shows evidence that suggests an individual may be being victimised, the Security Manager will bring the matter to the attention of the appropriate supervisor for resolution.

The details surrounding reasonable suspicion testing must remain confidential. In particular the Supervisor must not divulge the identity of the person reporting their suspicion to the other party.

Approaching an employee, contractor or visitor on reasonable suspicion must only be done by Managers and Supervisors. In determining who should approach the candidate consideration should be given to: the workplace culture; the rapport between the candidate and the person considered for the approach; and the communication skills and personality of the candidate.

Observations that persons may base their opinion of a person being under the influence of alcohol or drugs include, but are not limited to the following impairment indicators:

- Slurred or impaired speech
- Persons breath smells of intoxicating liquor
- Persons staggers, unsteady on their feet, movements are jerky and/or off target
- Person admits to consuming quantity of alcohol or taking drugs
- Person is aggressive in their speech or manner (outside of normal behaviour for that person)
- Persons pupils are large or dilated with sluggish reaction to light changes
- Persons eyes have a glazed appearance
- Person behaves in an unusual, dangerous, erratic or euphoric manner
- Evidence of alcohol or drug substance misuse in work areas including vehicles which can be linked with reasonable certainty to an individual.
- Unexplained or significant deterioration of performance of role.
- Information received by management indicating significant consumption of alcohol or use of drugs prior to a shift.

### 10.5. Post Incident Testing

Where a person has been involved in an accident, incident or "near miss" which is a prescribed incident described in the definitions, he/she will be tested for drugs and alcohol to ascertain if drugs or alcohol played any role in the incident and if he/she is fit to continue working.

Such testing will take place within two and a half hours (2.5hrs) of the incident occurring.

In this type of situation the health and safety of any individuals involved in a prescribed incident will take precedence over any testing regime.

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As soon as practicably possible the Supervisor shall complete the Post Incident Drug and Alcohol Test Form and place it into an envelope clearly marked confidential and provide it to the Security Manager.

Any employee required to undertake post incident testing will have access to an employee representative if requested.

Testing for cause will be carried out according to the Post Incident Flow Chart.

### 11. PROCEDURES FOR TEST RESPONSES

#### 11.1. Test Result is Negative

If a person returns a negative result for a drug or alcohol test the collected specimen will be disposed of and the person may return to their normal duties. No record of the test will be recorded on their personal file.

#### 11.2. Test Result is Non-Negative (Positive)

##### 11.2.1. Alcohol

When an employee or contractor presents a result equal to, or above, the test levels set out in Section 6 of this Procedure that person must undertake a confirmation test within 15 to 60 minutes of the original test.

##### 11.2.2. Drugs

When an individual returns a non-negative (positive) result for a drug test the employee or contractor's supervisor will be advised of the outcome of the test and the employee will be immediately removed from site and stood down from duty until a confirmation test outcome is completed and a determination about their fitness for work provided.

#### 11.3. Confirmation Test Result is Negative

##### 11.3.1. Alcohol

If the result of a confirmation test for alcohol is negative it will be recorded as negative and the person will be deemed to be fit for work. No entry will be made against the persons personnel file for any positive test results where a confirmation test returns a negative result.

##### 11.3.2. Drugs

If the result of a confirmation drug test is negative, it will be recorded as a negative result and the employee shall be deemed to be fit for work and permitted to return to full normal duties. No entry will be made against the persons personnel file for any positive test results where a confirmation test returns a negative result.

#### 11.4. Confirmation Test Result is Non-Negative (Positive)

##### 11.4.1. Alcohol

Where an alcohol confirmation result is equal to or greater than 0.02g/100ml BAC, it will be deemed as a positive result. The individual will be deemed to be unfit for work and asked to step down from their duties, and leave the Nauru Offshore Processing Centre site immediately. The test result will be recorded on the individual's personnel file. Where an employee is impaired to the extent whereby their safety may be in question, the Security Manager or relevant supervisor will ensure that appropriate care is taken around travel from the site.

## **NAURU DRUG & ALCOHOL TESTING PROCEDURE**

Once the individual has reached a B.A.C of below 0.02g/100ml, they will be required to attend a formal disciplinary meeting to discuss the alleged breach of procedure. Any breach of this procedure may result in disciplinary action up to and including termination of the individual's employment (subject to investigation and response) and in accordance with the Company's Disciplinary Action Policy.

### **11.4.2. Drugs**

When a drug confirmation test returns a positive result the individual will continue to be placed on leave. A positive result is a serious breach of procedure and the individual will be required to attend a formal disciplinary meeting to discuss the alleged breach. Any breach of this procedure may result in disciplinary action up to and including termination of the individual's employment (subject to investigation and response) and in accordance with the Company's Disciplinary Action Policy.

Once an individual is found to have breached the procedure the Wilson Security preferred EAP will be made available to them.

### **11.4.3. Absence from Work**

Absence from work due to a positive alcohol or drug test must be taken as leave. Any remaining shifts during a rotation will not be filled by the candidate nor will they be paid for their previously rostered shifts. The type of leave will be determined in consultation with the individuals immediate Manager.. If no personal leave entitlements are available, another form of paid leave may be utilised, if available, or unpaid leave applied.

## **12. NON CONFORMANCE PROVISIONS**

### **12.1.1. Returning to Work**

Prior to returning to the work site the individual, in all cases, will be required to undergo a drug and alcohol test and results found to be negative prior to commencing work. If the results are not negative, the person will not be able to commence work and the results of any such tests will be recorded in their personnel file as a second (or third) positive test result. The employee will also be required to meet with their Manager, and employee representative if appropriate, prior to commencing work.

The employee may also be required to undergo further testing until such time that it is deemed that there is no longer a problem.

### **12.1.2. Follow Up Testing**

Any employee who returns a positive confirmation test result for drugs or alcohol will be subject to follow up testing. In the 3 month period after their initial breach, the employee will be tested up to four times. The timing of these follow-up tests will be determined by the Security Manager or Security Resource Manager and will be outside of the random selection process for the period of three months after initial detection. If no further positive results are reported in the follow-up period the employee will be placed back in the usual random selection pool of all employees.

### **12.1.3. Subsequent Breaches of the Drug and Alcohol Testing Procedure**

If an employee returns a second positive test result for drugs or alcohol, an employee will be required to attend a formal disciplinary meeting. Any breach may result in disciplinary action up to and including termination of the individual's employment (subject to investigation and response) in accordance with the Company's Disciplinary Action Policy.

### **12.1.4. Failure / Refusal to Undergo a Test**

If a person selected to undertake any drug or alcohol test refuses to participate, a result of a confirmed positive test will be recorded and they will be stood down from their position and asked to leave the site. A failure to comply with a request for a Drug and/or Alcohol test may result in

## **NAURU DRUG & ALCOHOL TESTING PROCEDURE**

disciplinary action (subject to investigation and response) and in accordance with the Company's Disciplinary Action Policy.

Where a candidate fails to undergo a test to the satisfaction of the tester in order to obtain a correct sample for analysis, the tester shall again explain the requirements of the testing and providing a sample and that further failure to provide a satisfactory test shall cause process to be followed as if the result was a confirmed positive test. The candidate will then be given a second opportunity to provide a sample for analysis. A further failure to provide a sample for analysis will record a non negative (positive) result and the appropriate course of action will be applied. This will be recorded in the employees personnel file.

The Return to Work provisions outlined above will also apply. Positive test result management process (Contractors)

### **13. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Wilson Security maintains an EAP to assist employees with personal and/or work related problems that require specialised counselling. The EAP is a strictly confidential service run by professional counsellors and is of no cost to the employee. The EAP is available to employees who may have a drug or alcohol dependency or other related problem. Any employee needing information on the EAP can refer to the pamphlets describing the service or can ask their supervisor for assistance.

### **14. AUDIT**

The National Manager responsible for the contract will ensure an audit as to the effectiveness and application of the current Drug and Alcohol Testing Procedure for the Nauru Offshore Processing Centre is conducted every 12 months. This audit will take in to account testing results and testing equipment as part of the review to ensure that the procedure has been followed.

Any areas of the procedure requiring amendment are to be identified, recorded on an Audit Review Form and reviewed by the Wilson Security National OHS and HR Managers prior to any amendment being implemented.

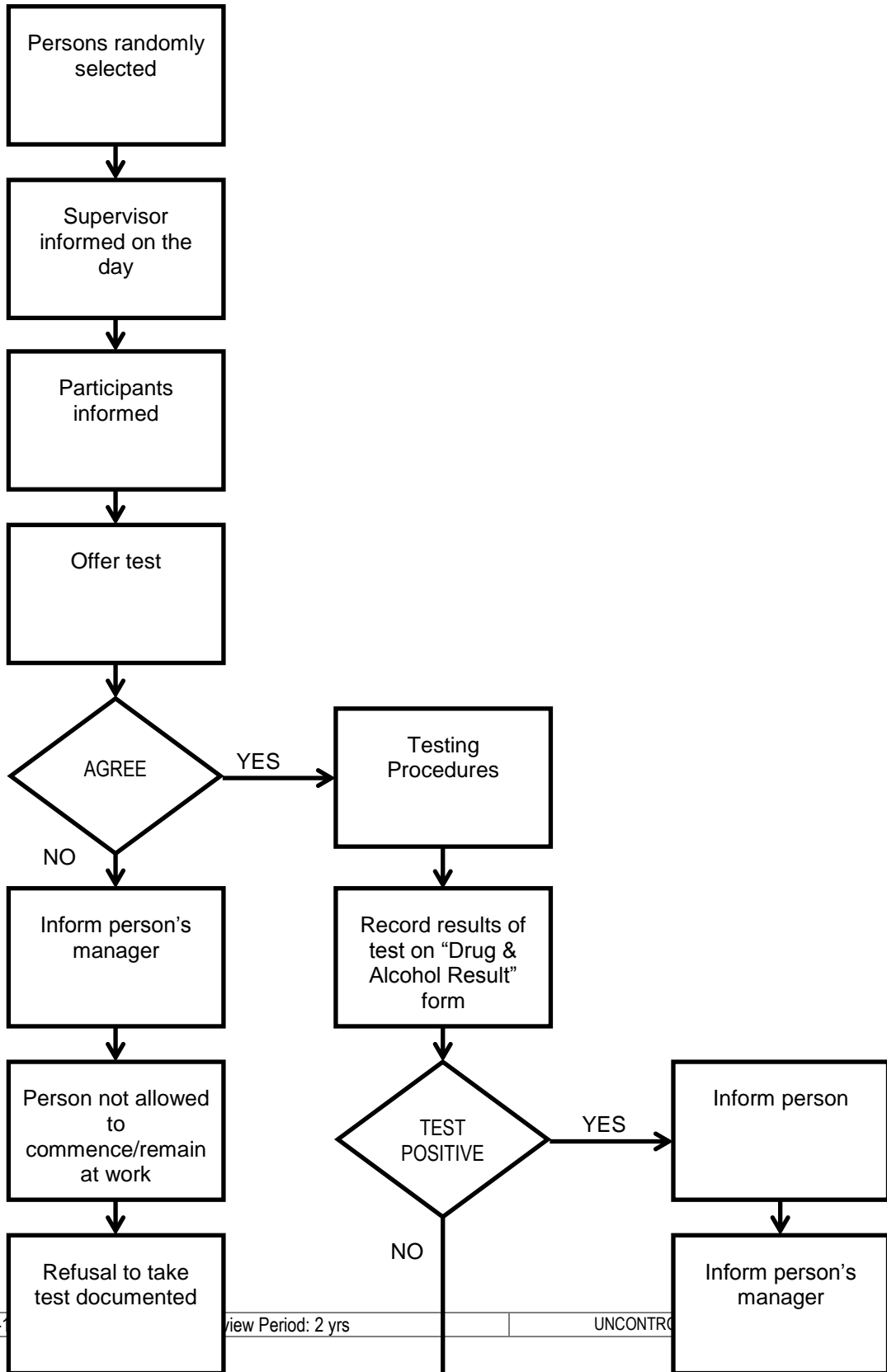
Any changes to the document is to be recorded in the Document Status (Section 17) of the procedure.

The amended procedure is to be communicated to employees.

### **15. FLOWCHARTS**

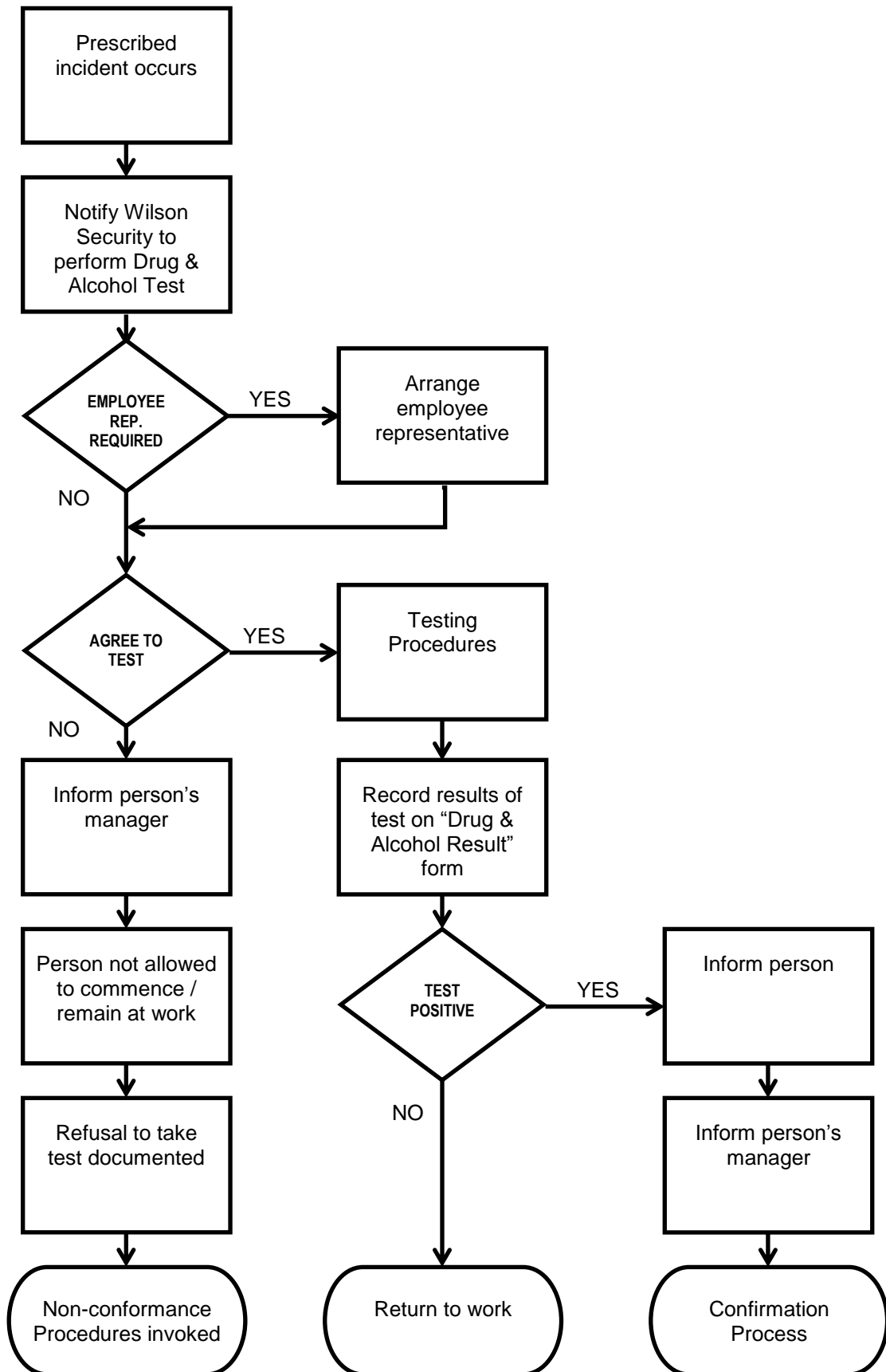
# NAURU DRUG & ALCOHOL TESTING PROCEDURE

**FLOWCHART No.1 RANDOM DRUG & ALCOHOL TESTING FLOWCHART**



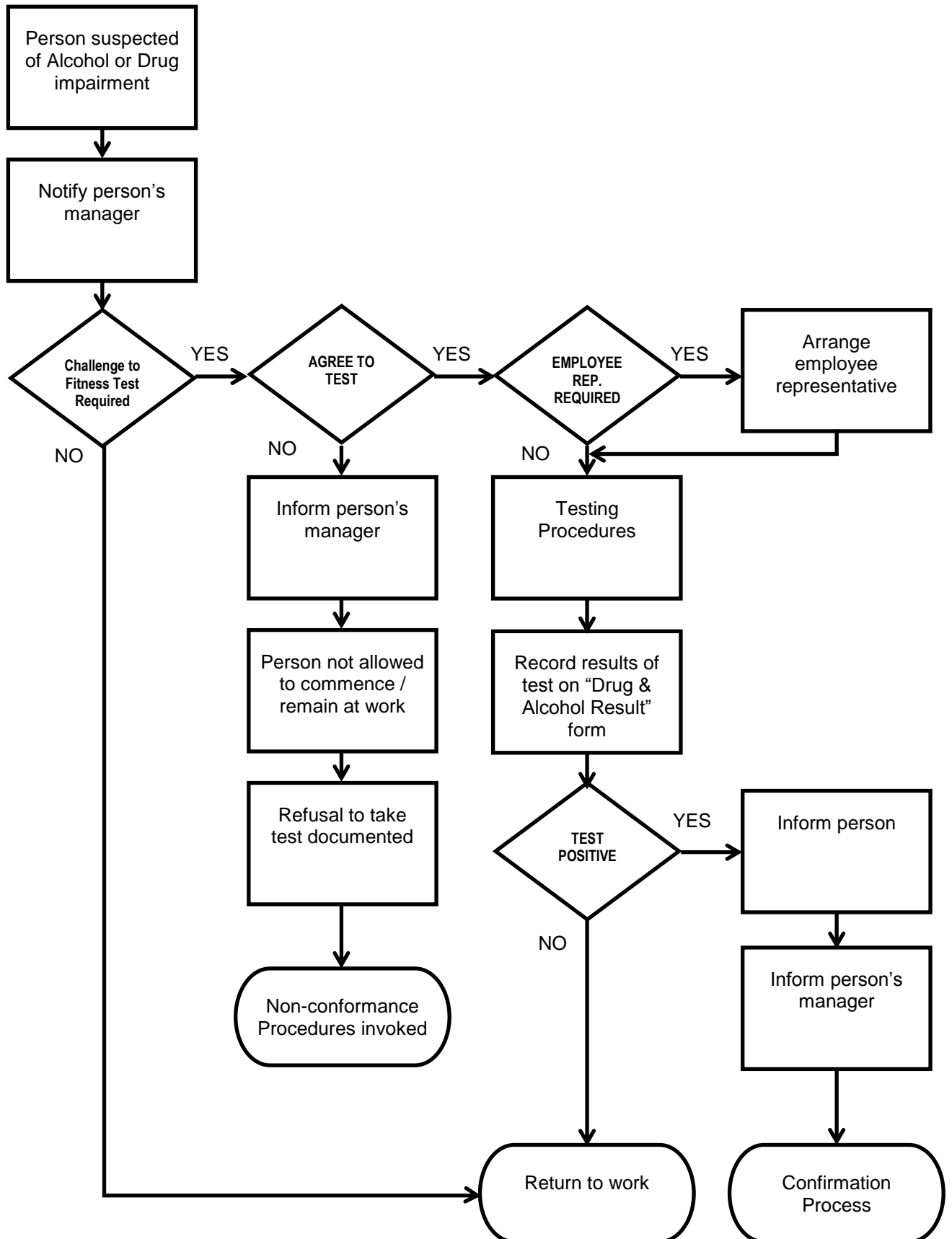
## NAURU DRUG & ALCOHOL TESTING PROCEDURE

FLOWCHART No.2 Drug & Alcohol Post Incident Testing Flowchart



# NAURU DRUG & ALCOHOL TESTING PROCEDURE

FLOWCHART No.3 Drug & Alcohol Reasonable Suspicion Process Flowchart



## NAURU DRUG & ALCOHOL TESTING PROCEDURE

### 16. FORMS / RECORDS

- Drug & Alcohol Result Form FO-WS-01-10-13
- Prescription Drug Authorisation FO-WS-01-10-13
- Drug & Alcohol Audit Review Form FO-WS-01-10-13
- Post Incident Drug & Alcohol Test Form FO-WS-01-10-13
- Supervisor's Reasonable Suspicion Testing Form FO-WS-01-10-13
- Breath Device Record

### 17. DOCUMENT STATUS

Issue No.	Date of Issue.	Amendment	Prepared By	Approved By
01	October 2013	Full review and update		



# Wilson Group

## Whistleblower and Improper Conduct Policy and Procedure

### 1. POLICY

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At Wilson, we are committed to conducting our business in a professional, lawful and ethical manner.

It is the duty and responsibility of all employees to behave in a fair and legal manner and to be seen to be doing so.

Any employee that engages in improper conduct and, in particular, fraud, corruption or conduct which amounts to a deliberate and serious breach of the Competition and Consumer Act, in the course of his/her normal duties is likely to be summarily dismissed.

Any person or organisation who has any concern about any inappropriate or improper conduct or non-compliance with Wilson policies, procedures or applicable laws by any member of Wilson's staff or management team or any of Wilson's agents or contractors ("**Wilson Personnel**") is invited to lodge a formal complaint, (a "**Complaint**") which shall be dealt with in accordance with this Policy. An employee or external party who reports alleged improper conduct, including fraud or corruption is known as a 'whistleblower'.

Wilson is committed to complying with the Australian Standard for Whistleblower Protection programs<sup>1</sup>.

### 2. PURPOSE OF THIS POLICY AND PROCEDURE

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The purpose of this Policy and Procedure is to:

- encourage the reporting of improper conduct (including potentially fraudulent and corrupt conduct) by employees, suppliers, customers and other third parties;
- assist in obtaining information on suspected fraudulent behaviour, corruption and improper conduct so that such conduct can be addressed;
- provide a Helpline which can be used for reporting improper conduct; and
- help protect people who report improper conduct in good faith.

The benefits of the Program include deterring employees from improper conduct, assisting with identifying and addressing improper conduct, and protecting informants by generally allowing them to remain anonymous.

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### 3. INTERPRETATION

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#### 3.1 *What is an informant?*

An informant is an employee or external party who reports alleged improper conduct.

Companies (private, public and government), establish protection programs and procedures to assist in obtaining information on suspected fraudulent behaviour, corruption and improper conduct.

Through these programs, Wilson employees, suppliers, customers and other third parties are encouraged to report such conduct.

#### 3.2 *What is improper conduct?*

Improper conduct includes conduct which is:

- fraudulent;
- corrupt;
- dishonest;
- illegal (including theft, drug sale/use, violent or threatened violence and criminal damage against property);
- in breach of the law (including any breach of the Competition and Consumer (Cth) or state fair trading laws; and any breach of the Corporations Act 2001 (Cth));
- unethical; or
- engagement in outside interests, activities or investments which could interfere with the performance of duties or constitute a conflict of interest.

Improper conduct also includes conduct which involves:

- substantial risk to public health and safety or the health and safety of Wilson employees;
- substantial risk to the environment; or
- a substantial mismanagement of Wilson resources.

#### 3.3 *What is fraudulent conduct?*

Examples of fraudulent conduct include:

- falsification or alteration of accounting or other documents;
- theft of assets;
- suppression or omission of the effects of transactions from records or documents;
- recording of transactions without substance;
- misuse of private and confidential information for personal gain;
- misuse of Wilson's resources for personal gain.

#### 3.4 *What is corrupt conduct?*

Examples of corrupt conduct include:

- use of intentional deception to obtain an illegal advantage from, or provide an illegal advantage to, an employee, contractor, supplier of other third party;

- giving to a customer, or receiving from a supplier, excessive gifts or entertainment which could be construed as a bribe, kick back or pay off to a customer or from a supplier;
- payments to a government entity or official for the purpose of obtaining or retaining a business opportunity or other advantage;
- accepting or providing offers or promises of an illegal advantage by doing or not doing certain functions in the course of an individual's employment.

### 3.5 *Wilson's complaint handling policy and procedure*

Complaints in relation to matters other than improper, fraudulent or corrupt conduct are dealt with under Wilson's Complaints Handling Policy and Procedure. You may contact Wilson's Compliance Complaints Line on [REDACTED] or the Compliance Officer, [REDACTED] raise such concerns.

## 4. **INFORMANT PROTECTION**

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Wilson is committed to complying with the Australian Standard dealing with Whistleblower Protection Programs for Entities.

Wilson encourages suppliers, customers and other third parties to provide information about improper conduct by calling the Help Line (refer to section 5 below).

If an informant does not wish to reveal their identity when providing information about improper conduct, we will protect their identity and will not disclose it without their consent, unless we are required by law to do so or unless it is absolutely necessary in order to investigate serious allegations.

If an offence is likely to have occurred, it may be necessary for the informant to assist the police with a civil or criminal investigation in accordance with the law.

It is crucial that employees who sound the alarm are protected. Wilson will seek to ensure that employees can raise their concerns without fear of victimisation and in the knowledge that their concerns will be addressed. Wilson will take all reasonable measures to protect individuals against any detrimental actions which may arise as a consequence of providing / disclosing information relating to suspected improper conduct. However, false reporting through these channels will be regarded as a serious matter and may result in disciplinary action.

Where reprisals are taken or are claimed to have been taken against an informant, Wilson will provide the informant with an automatic right of appeal.

## 5. **CONFIDENTIAL HELP LINE**

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A key component of Wilson's Whistleblower Policy and Procedure is the confidential help line established to allow employees and other external parties (contractors, suppliers and customers) to provide information, make a complaint or seek assistance in relation to improper conduct which has occurred or is occurring at Wilson.

The details of the Help Line are as follows:

ComplianceComplaints Line Telephone - [REDACTED] or  
Compliance Officer, [REDACTED]

All suspected occurrences of improper conduct will be taken seriously and thoroughly investigated in line with the Investigation Guidelines set out in section 7 below.

All complaints or concerns raised will be treated in confidence to the maximum extent possible. If the informant advises that he/she does not wish to reveal his/her identity, Wilson will not disclose the identity of the informant without consent unless it is absolutely necessary in order to

investigate serious allegations (or it is required by law). The Investigation Guidelines set out in section 7 below identify the persons to whom the allegations (as opposed to the identity of the informant) are to be reported.

## **6. PREPARING AND LODGING A COMPLAINT UNDER THE WHISTLEBLOWER AND IMPROPER CONDUCT POLICY AND PROCEDURE**

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### **6.1 Lodging a Complaint**

Complaints may be oral or in writing. In each case a Informant needs to identify the following matters:

- your name, organisation and contact details (phone and address);
- nature of the Complaint;
- all relevant facts giving rise to the Complaint;
- name of the relevant Wilson Department or business which is the subject of the Complaint;
- the name(s) of all Wilson Personnel involved;
- an acknowledgement that the information you have provided is: (i) a true and accurate representation of the events which have occurred and that have led to this complaint; and (ii) does not contain any misleading statements or omissions; and
- whether you consent to the disclosure of your name.

Complaints should be addressed to the Compliance Complaints Line [REDACTED] Officer or to the Wilson Compliance Officer [REDACTED], and may be made anonymously to [REDACTED]

### **6.2 How Information Will Be Handled**

All calls to the Help Line will be answered by a specially trained officer, the Complaints Officer, who is independent of line management. The officer will record and analyse the details of the information provided. The matter will then be assessed and a plan developed. If deemed necessary, an Investigation Controller will be appointed to research the matter further. External experts may also be appointed to assist with an investigation.

Wilson will ensure that a process is established and followed for timely reporting to the informant on the progress of their complaint. Once the investigation is completed, Wilson will advise the informant of the outcome of the investigation and any further actions that will be taken.

Use of information reported by an informant in a manner other than as set out in this Policy or the release of any information that may lead to the identification of the informant to a person outside of the investigation will be regarded by Wilson as a serious disciplinary matter.

### **6.3 The Process**

The Complaints Officer, and anyone charged by the Complaints Officer with the responsibility of investigating a Complaint will:

- immediately acknowledge the Informant's complaint (either during the phone call from the Informant or by way of email or fax);
- if the complaint does not relate to improper conduct, transfer the complaint to the complaints handling process, otherwise, record the complaint in the Whistleblower and Improper Conduct Register giving the Complaint a unique identification number;
- retain a file on the Complaint including dates, actions taken and outcomes;
- gather sufficient detail about the Complaint in order to properly investigate and respond;
- consult with others where appropriate;

- subject to the steps referred to in section 6.2 and the investigation guidelines and procedure set out in section 7, resolve the complaint within 14 days, wherever possible. If the complaint cannot be resolved within 14 days, advise the Informant and keep the informant advised of progress of the Complaint;
- Wilson will communicate clearly and professionally with the Informant, verbally or in writing.

If the Informant believes that this Policy has not been followed or is of the view that the resolution of the Complaint has not been satisfactory, the Informant may contact the Wilson Chief Executive Officer in writing seeking a review.

#### **6.4 Administration**

Matters relating to improper conduct are formally reported (whether or not a formal investigation is carried out) to the Vice Chairman. Additional resources (ie specialists with, for example, IT or forensic investigatory skills) will be seconded or sourced externally where required to supplement the internal resources.

The specialists at Wilson are provided with ongoing training in dealing with improper conduct.

#### **6.5 Education and Training of Employees**

Training about Wilson's Whistleblower Policy and Procedure will be provided to employees when they commence employment at Wilson, and subsequently as part of the ongoing compliance training.

#### **6.6 Review**

This Policy will be regularly reviewed by the Wilson Compliance Officer and Chief People Officer. The review will take into consideration:

- reports of investigations undertaken as a result of conduct reported by an informant (see Investigations Guidelines in section 7 below);
- feedback in relation to the operation of the Policy obtained through consultation with the Informant Protection Officer and the Investigation Controller; and
- records of training provided to employees in relation to the Policy.

The review will be undertaken with a view to identifying areas in which the Policy can be improved. Changes to the Policy will be made as necessary. Where changes occur, a formal communication will be issued to all employees advising of the changes.

## **7. INVESTIGATION GUIDELINES**

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### **7.1 Objectives**

The purpose of these guidelines is to set out the various aspects that need to be considered during an investigation into improper conduct.

### **7.2 Identification of Suspected or Actual Improper Conduct**

It is not uncommon for the possibility of improper conduct to be discounted by supervisors or managers as a one-off error.

It is critical, however, that all suspicions of improper conduct are pursued and investigated, since any delays could lead to increased financial loss, loss of evidence, failure to apprehend the perpetrator and a greater impact on staff morale and productivity.

As soon as any improper conduct is discovered or suspected, the following persons must be contacted and informed (unless any of the individuals are themselves the subject of the allegations of improper conduct):

- Chief Executive Officer (who will brief the Vice Chairman)
- Head of Internal Audit
- General Manager Human Resources/Chief People Officer

It is the responsibility of the Chief Executive Officer and the General Manager Human Resources.

### **7.3 Reporting of Incidents**

Employees are encouraged to raise their concerns about suspected improper conduct by notification to the Help Line set out in section 5 above.

Any anonymous letters received which identify potential improper conduct should be forwarded to Internal Audit. All such letters will be investigated to test the validity of the allegations. It is critical that employees' reputations should be protected from unfounded allegations.

All allegations and suspicions will be promptly followed up and necessary action taken. **However, any malicious unfounded allegations by employees will be treated as a serious disciplinary offence.**

All allegations of improper conduct should be treated with confidentiality and, as far as possible, the anonymity of employees making the allegations should be preserved at all times.

### **7.4 Investigation Procedure**

The Investigation Controller, with the advice and assistance of Legal Counsel will investigate the incident and identify, as far as possible, the loss to Wilson, the scope and means of the improper conduct, the people involved and whether evidence can be obtained to conclusively prove the allegations or suspicions.

The Investigation Controller may carry out the investigation under either an overt or covert operation. The decision as to the nature of the investigation should be made by the Investigation Controller

If the suspected improper conduct is of a specific technical nature, appropriate technical experts may be involved (eg: IT, Treasury Manager).

The Investigation Controller will be allocated appropriate resources.

#### **Preservation of evidence**

Effective preservation of original documents at an early stage is critical. If court proceedings ensue from the improper conduct, the documents used must be available in their original form for inspection by the court, if required.

#### **Interviewing Subjects**

Interviewing an employee to find out whether they have been witness to, or involved in, improper conduct (particularly if it is criminal) is a specialist task. An interviewer, with knowledge of legal requirements, will generally undertake all such interviews. Where appropriate an external interviewer may be engaged. Under no circumstances will interviews be carried out on a one-to-one basis.

#### **Reporting of the Investigation**

The Investigation Controller will, as appropriate, keep the Divisional General Manager and Chief Executive Officer, Chief Financial Officer and Head of Internal Audit briefed on progress of the investigation. The fewer staff who are aware of the investigation at the early stages, the better.

On **completion** of the investigation a report of the incident will be produced. The circulation of the report should be strictly controlled. However, it should be issued, as a minimum, as appropriate, to:

- Chief Executive Officer (who will brief the Vice Chairman)
- Head of Internal Audit
- General Manager Human Resources/Chief People Officer
- General Manager of the relevant Wilson Division and/or Chief Financial Officer.

The report should identify:

- how the improper conduct was revealed;
- the timeframe in which the improper conduct was committed;
- the loss involved (if known);
- how the improper conduct was committed;
- who committed the improper conduct;
- the actions taken or being taken to stop the improper conduct re-occurring; and
- the action taken or anticipated to recover the losses incurred.

#### **7.5 *Media Liaison***

Media attention is undesirable and the decision to inform the media of the improper conduct should only be taken by the Chief Executive Officer in consultation with the Vice Chairman. Dealing with all press and media enquiries will be done in accordance to our Media Policy.

#### **7.6 *Disciplinary proceedings***

As a general rule, any employee engaging in fraud or corruption against Wilson or another company in the course of his/her normal duties will be dismissed. Any employee engaging in other improper conduct may also be dismissed.

Where there is sufficient evidence of criminal conduct, the business will, following clearance by the Divisional General Manager, the Chief Financial Officer and the Chief Executive Officer or the Vice Chairman, support the prosecution of the relevant employees, either in the criminal or the civil courts, in accordance with local legislation.

The business will generally not provide references for any employee dismissed for improper conduct.

# Whistleblower Policy





**“At Wilson, we are committed to conducting our business in a professional, lawful and ethical manner.**

**It is the responsibility of all employees to behave in a fair and legal manner and to be seen to be doing so.”**



**Wilson Security**  
**Chief Executive Officer**



# Whistleblower Policy

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The purpose of the policy is to:

- Encourage the reporting of improper conduct
- Assist in obtaining information on improper conduct
- Provide a helpline that can be used for reporting improper conduct
- Help protect people who report improper conduct in good faith



Policy Whistleblower



# Improper Conduct

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Improper conduct includes behaviour that is:

- Fraudulent
- Corrupt
- Dishonest
- Illegal
- Unethical
- A conflict of interest
- A substantial risk to health and safety of an employee
- Substantial mismanagement





## Examples of Improper Conduct

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- Falsification or alteration of accounting records
- Theft of assets
- Recording of transactions without substance
- Misuse of Wilson's resource for personal gain
- Receiving from supplier excessive gifts or entertainment
- Payments to an official for the purpose of obtaining or retaining business





## Benefit of Whistleblower Policy

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- Deters employees from improper conduct
- Assists with identifying and addressing improper conduct
- Protects informants by generally allowing them to remain anonymous

**ZERO  
TOLERANCE**



# Protection

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- Wilson is committed to complying with the Australian Standard dealing with Whistleblower protection.
- If an informant does not wish to reveal their identity when providing information about improper conduct, we will protect their identity and will not disclose it without their consent, unless we are required by law to do so or unless it is absolutely necessary in order to investigate serious allegations.
- Wilson will seek to ensure that employees can raise their concerns without fear of victimisation and in the knowledge that their concerns will be addressed.





## Lodging a Complaint

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Complaints can be made in writing or by telephone on the compliance complaints line. To assist with investigating the complaint the informant should provide the following information:

- Name, organisation and contact details
- Nature of the complaint
- All relevant facts relating to the complaint
- The name of persons involved
- An acknowledgment that the information is a true and accurate representation of the events and does not contain any misleading statements or omissions
- Whether you consent to the disclosure of your name



Policy Whistleblower



## Process

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- All suspected occurrences of improper conduct will be taken seriously and thoroughly investigated.
- If the complaint does not relate to improper conduct the matter will be dealt with in accordance with the complaint handling process.
- Once the investigation is completed, Wilson will advise the informant of the outcome of the investigation.
- If the informant does not believe the policy has been followed or the resolution of the complaint is satisfactory, the informant may contact the Wilson Chief Executive Officer.
- Any malicious unfounded allegations by employees will be treated as a serious disciplinary offence.





# Helpline

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## Compliance Complaints Line



## Compliance Officer

