



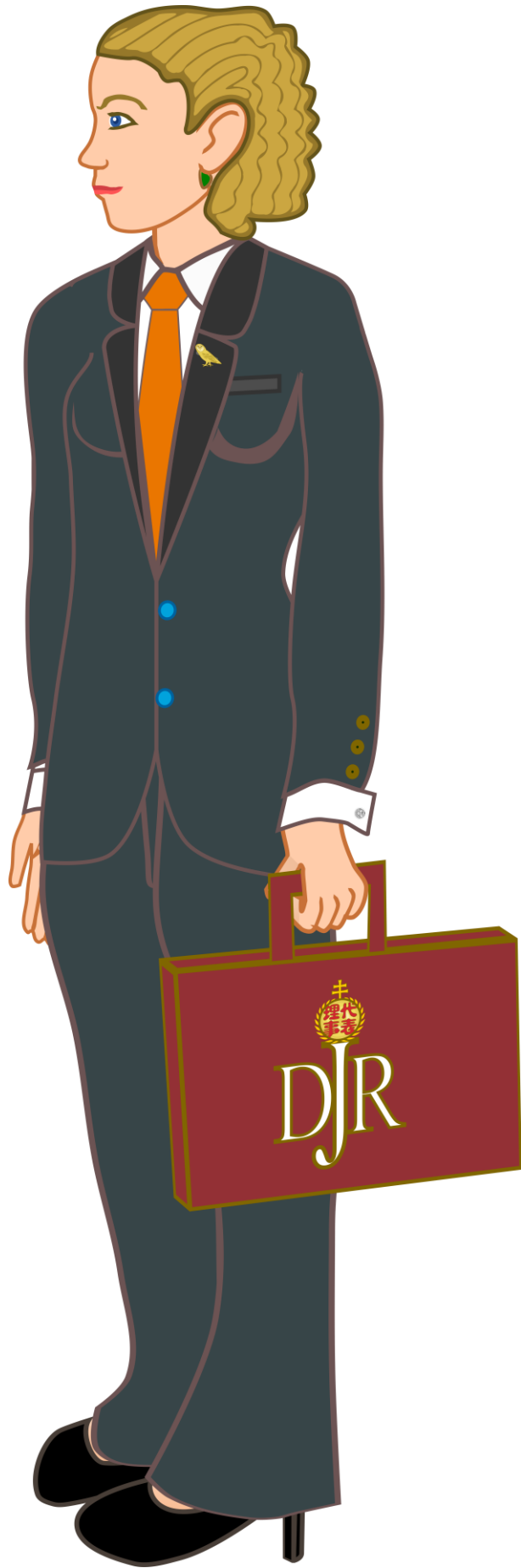
Constitution (Corporate Policies) Instrument 2022

URABBA PARKS PTY LTD

Advocate-General's Department



Constitution (Corporate Policies) Instrument 2022





Constitution (Corporate Policies) Instrument 2022

Printed on 11 October 2022

together with

**Record of resolution made at Proprietary Council
on 10 October 2022**

with

Explanatory Statement and Index

by the

Advocate-General's Department
and
Company Secretary

Prepared for the Office of the Company Secretary,
Advocate-General's Department, Rankins Springs, New South Wales

URABBA PARKS PTY LTD
Advocate-General's Department

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Includes index.

1. Corporate policies - Urabba Parks 2. Laws, regulations, cases - Urabba Parks. 3. Urabba Parks – Corporate
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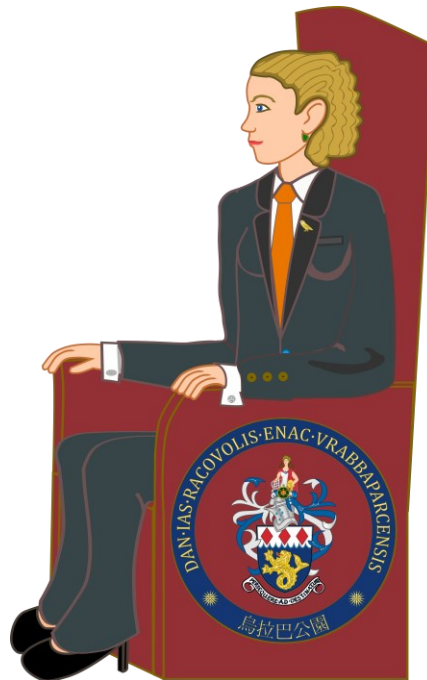
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Acknowledgement of Country



Acknowledgement of Country

Urabba Parks Proprietary Limited acknowledges the traditional ownership of the Wiradjuri Nation upon whose ancestral lands Urabba Street Reserve is now located, as well as all Aboriginal and Torres Strait Islander communities throughout Australia. We would also like to pay respect to all Indigenous Elders past, present and emerging, acknowledging them as the traditional custodians of knowledge for these lands.

URABBA PARKS PTY LTD
Advocate-General's Department

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Constitution (Corporate Policies) Instrument 2022

I, Daniel James Racovolis, Enactor, make the following instrument.

Dated 10 November 2022

Daniel James Racovolis
Enactor



U2022N00004

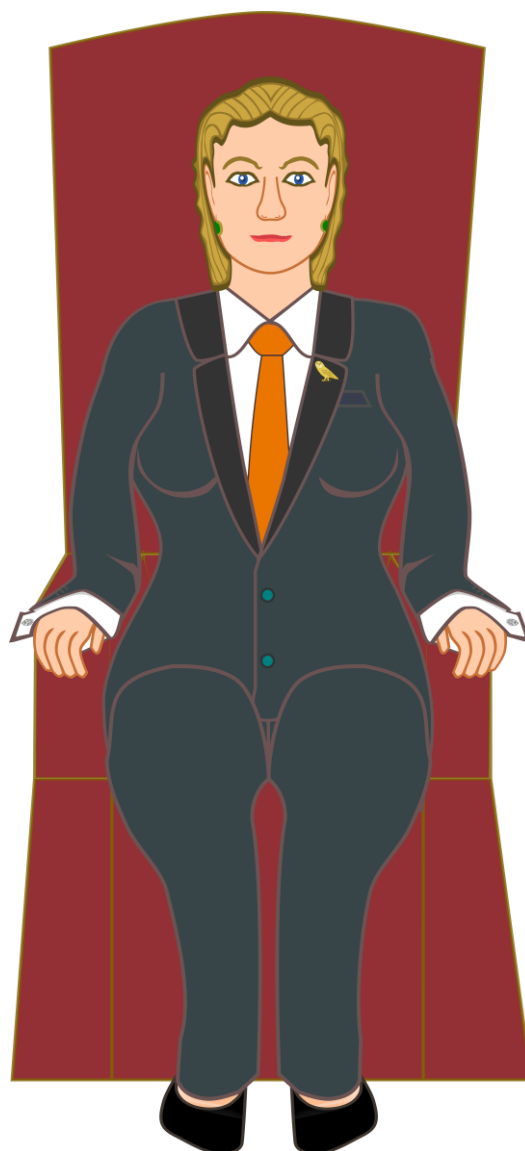
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DANIEL JAMES RACOVOLIS ENACTOR VRABBAPARCENSIS

Constitution (Corporate Policies) Instrument 2022

[MADE 10 OCTOBER 2022]

Daniel James Racovolis, Enactor, acting on the advice of the
Proprietary Council, makes the following instrument:

Part 1—Preliminary

1 Name

This instrument is the *Constitution (Corporate Policies) Instrument 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

10 *Constitution (Corporate Policies) Instrument 2022*

Authorised by the Company Secretary,
Urabba Parks Proprietary Limited ACN 159 318 859

U2022N00004
Made: 10 October 2022
Registered: 11 October 2022

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole instrument	The day after this instrument is registered.	11 October 2022

Note: This table relates only to the provisions of this instrument as originally enacted. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 133(2) of the Constitution.

4 Definitions

In this instrument:

compilation information, in relation to a policy, means information included under section 7.

Minister means the Minister administering a provision of this instrument (and for the purposes of this definition, each policy and part of a policy is a provision).

policy means a corporate policy made under this instrument.

Note: A policy can be made or revoked by inserting or deleting an item in the table in Schedule 1 by way of a legislative instrument.

policy and contact information means information appearing in a policy (other than compilation information) separately identifiable from other text in the policy.

update, in relation to policy and contact information, means the insertion, alteration or deletion of the information.

Part 2—The corporate policies

5 Corporate policies

Schedule 1 has effect.

6 Power of Minister to update policy and contact information

- (1) The Minister by notifiable instrument, update policy and contact information in a policy.
- (2) Policy and contact information:
 - (a) shall be separately identifiable from other parts of the policy; and
 - (b) does change the effect of a policy.

7 Compilation information

Policy numbers

- (1) A policy shall have a number which shall be the item number of the policy in the table in Schedule 1.

Compilation date

- (2) The preparer of a compilation of this instrument or a policy must include in each policy the date:
 - (a) on which the policy was made or last amended (other than by way of an update of policy and contact information) by or under an Act or legislative instrument; and
 - (b) on which the policy and contact information of the policy was last updated (if any).

Inclusion of other information

- (3) The preparer of a compilation of this instrument or a policy may include information relating to the compilation or amendments to the policy not falling in subsection (1) or (2).

Schedule 1—Corporate policies

The Manager-General makes the following corporate policies:

Policy number	Policy name
1	Privacy Policy
2	Whistleblowing Policy

Privacy Policy

Policy number 1 as made on 10 October 2022.

1. This Policy outlines the personal information handling practices of Urabba Parks Proprietary Limited (Urabba Parks). Being a charitable democracy that values responsibility, accountability and creativity, human rights is something that Urabba Parks takes very seriously. Indeed, the commitment Urabba Parks has to human rights (as recognised under Australian law) is embedded under section 134 of the Constitution). Article 17 of the International Covenant on Civil and Political Rights (ICCPR), to which Australia is a party, states no one shall be subjected to arbitrary or unlawful interference with their privacy.
2. Urabba Parks is established under its Constitution as a non-state jurisdiction, with recognition of judicial as well as legislative and executive functions, and has entities formed within it including management agencies, judicial bodies, campus government and associations. Our work as a charity and as a jurisdiction means we will need to handle personal information.
3. This policy is the privacy policy of Urabba Parks for the purposes of the Australian Privacy Principle 1.3, which has effect as Australian law under the *Privacy Act 1988* of the Parliament of the Commonwealth (the Australian privacy law).
4. Paragraph 149(2)(a) of the Constitution declares that each entity formed within Urabba Parks is responsible for its own privacy policy. An entity that handles personal information will have a specific privacy policy, which is subject to this Policy.

1. Purpose

5. This policy aims to:

- 5.1. ensure personal information is collected and used lawfully;
- 5.2. outline Urabba Parks' practices in handling personal information in accordance with the Australian Privacy Principles; and
- 5.3. provide mechanisms by which individuals can access information about themselves held by Urabba Parks, and (if necessary) request correction of such information.

2. Scope

6. This policy applies to personal information (as defined in the Australian privacy law) which is handled or to be handled by Urabba Parks or a subsidiary of Urabba Parks. Information is taken to be handled if it is collected, stored or used.

3. Availability to the public

- 7. This policy and the privacy policies of entities formed within Urabba Parks are available to the public from entity privacy contacts and Privacy Urabba Parks, an organisational unit in the Advocate-General's Department.
- 8. Please see 'contact information' below to find the contact details of Privacy Urabba Parks and privacy contacts.

4. Definitions used in this Policy

9. In this Policy:

9.1. **you** means yourself as an individual, whose personal information is protected by Australian privacy law; and

9.2. **us, we, and our** includes Urabba Parks and each entity (including an entity formed within Urabba Parks) that is subject to this Policy.

10. The following definitions are used in this Policy:

10.1. **Australian privacy law** means the *Privacy Act 1988* of the Parliament of the Commonwealth (which includes the Australian Privacy Principles);

10.2. you are **excluded** from the premises of Urabba Parks if you are suspended or disqualified from the proceedings of Urabba Parks, or are lawfully excluded by a Park Ranger in order to ensure attendance before an internal tribunal, to preserve order or to prevent the repeat of an offence or committing another offence;

10.3. you are **disqualified** from the proceedings of Urabba Parks if you are imprisoned for an offence against the Commonwealth, State or Territory or some other countries, or disqualified from the proceedings of a relevant non-state jurisdiction;

10.4. **personal information** means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

10.4.1. whether the information or opinion is true or not; and

10.4.2. whether the information or opinion is recorded in a material form or not;

10.5. a **relevant non-state jurisdiction** includes Urabba Parks and other companies that organise themselves on a jurisdictional basis and which is obliged to share conduct history

with Urabba Parks, for the purposes of mutual assistance in enforcement of the obligations of persons to the jurisdictions concerned, such as appearance at a tribunal, by falling in paragraph 9(4)(b) of the Constitution;

10.6. **sensitive information** includes your:

10.6.1. racial or ethnic origin;

10.6.2. political opinions;

10.6.3. membership of a political association;

10.6.4. religious beliefs or affiliations;

10.6.5. philosophical beliefs;

10.6.6. membership of a professional or trade association; or

10.6.7. membership of a trade union;

10.6.8. sexual orientation or practices;

10.6.9. criminal record;

10.6.10. health information as defined by section 6FA of the Australian privacy law, such as your health record and organ donor registration;

10.6.11. genetic information about an individual that is not otherwise health information; or

10.6.12. biometric information that is to be used for the purpose of automated biometric verification or biometric identification and biometric templates;

10.7. you are **suspended** from the proceedings of Urabba Parks if there is a warrant for your arrest from a relevant state

jurisdiction, or a warrant to appear before a judicial or other evidence-gathering body of a relevant non-state jurisdiction.

5. Why we collect personal information

11. We collect, hold, use and disclose personal information to administer the including in the administration of our laws and for the provision of charitable benefits by us. The objective of the collection, holding use and disclosure is to prepare and maintain historical records of Urabba Parks, to comply with Australian law, for analytical purposes and (where the consent of the individual is given) for promotional purposes.

12. These functions and activities include:

- 12.1. identifying parties to a legal proceeding (including an internal legal proceeding);
- 12.2. reserving our right to refuse access to premises and proceedings to persons who are excluded from our premises, or disqualified or suspended from our proceedings;
- 12.3. ensuring that each elector is a person who is acting as or for a member in respect of particular membership of Urabba Parks and eligible to vote;
- 12.4. obtaining evidence in legal proceedings;
- 12.5. producing and maintaining historical records including minutes;
- 12.6. levying membership fees of our members;
- 12.7. the functions and activities of jurisdictional divisions, campus government entities and associations, of each will be covered by a specific privacy policy in addition to this Policy.

6. How we collect personal information

6.1. Principle behind collection

13. At all times we try to only collect the information we need for the particular function or activity we are carrying out.

6.2. Method of collection

14. The main way Urabba Parks collects personal information about you is when you give it to us, however we may receive information from a third party if allowed to do so under the Australian Privacy Principles. We may only collect personal information we ask for it or which we believe we would get if we ask for it.

6.3. The kinds of personal information we collect

15. We collect personal information such as your name, former names, date and place of birth, occupation, address and contact details as well as other personal information specific to the reason for the collection (such as employment history or health information).

6.4. When do we collect personal information?

16. We collect personal information when you:

- 16.1. contact us to ask for information (but only if we need it to confirm whether you are eligible to receive the information you ask for);
- 16.2. make a complaint or disclosure about any alleged offence against the internal law to a corporate authority, but only if the complaint relates to your personal information or if you wish to be contacted to receive updates about the progress of any investigation, inquiry or other action taken in relation to matters being subject of your complaint or disclosure;

- 16.3. give any evidence or make any official statement to an internal tribunal or inquiry;
- 16.4. apply to be registered as a holder of membership of Urabba Parks;
- 16.5. apply to be registered on the internal electoral roll;
- 16.6. apply for any position of Urabba Parks;
- 16.7. access a service provided by an entity within Urabba Parks, and such collection will be subject to the entity's privacy policy in addition to this Policy.

6.5. Notice of collection

- 17. We always notify you when we collect (or intend to collect) personal information about you as required under Australian Privacy Principle 5. The notice of collection of personal information contains a statement on the consequences of not providing the information.

6.6. Collecting sensitive information

- 18. Sometimes Urabba Parks may need to collect sensitive information about you, for example, when you access services or apply for a position with us. However such information is only obtained if done with your written consent and if directly related to any of our functions or activities.

6.7. Indirect collection

- 19. We try to collect personal information from you wherever possible. However, personal information may be collected from third parties if:
 - 19.1. required for a legal proceeding (including an internal legal proceeding);

19.2. for the administration of the approved benefits regime (being the system of approval of contracts with our officers and related parties); or

19.3. the personal information is available publicly or from your authorised representative.

6.8. Anonymity

20. Entry to public spaces operated by Urabba Parks may generally be done anonymously. However, an authorised person (such as a Park Ranger) may ask for identification if the authorised person reasonably believes you are excluded from the premises of Urabba Parks. You may make an enquiry anonymously or under a pseudonym unless such enquiry is about a matter involving confidential or protected information in which case you may need to identify yourself, to ensure that we are able to disclose the confidential or protected information to you.

21. Without the provision of personal information as reasonably requested:

21.1. you may be removed from company premises if an authorised person reasonably believes you are a disqualified or suspended from company premises;

21.2. you will not be able to register as a holder of membership or an elector or attend as a member or cast a vote at a meeting at a corporate proceeding; and

21.3. you may not be able to transact with us in matters involving the disclosure of confidential or protected information, as we may not be able to prove you are a person eligible to receive the information.

6.9. Collecting through websites

22. Each website operated by us has its own privacy policy, subject to this Policy, which covers matters specific to the website such as the analytical tools used on the website, cookies, embedded media, email lists, registrations and feedback.

7. Disclosure of information

7.1. Purposes of disclosure

23. Your personal information may be disclosed to relevant non-state jurisdictions and their contracted service providers for the purpose of:

- 23.1. preparation and publication of proceedings of corporate bodies;
- 23.2. maintenance of registers of place holders, electors and members;
- 23.3. administration of the approved benefits regime; and
- 23.4. efficient provision of services by management, local management and associations.

7.2. Direct marketing

24. We only use your personal information for the direct marketing of our programs if:

- 24.1. we collect the information from you or another person and you have given your consent for the information to be used for a direct marketing purpose, or it is impracticable to obtain that consent; and

24.2. we provide simple means by which you may easily request not to receive direct marketing communications from us, and you have not made such a request.

25. Using sensitive information for direct marketing is only possible with your consent.

7.3. Disclosure at proceedings of corporate bodies

26. If you appear before a proceeding held in a legislative or judicial body held in open court your name may be disclosed in publications of the proceeding.

27. Evidence is generally received in open court unless we are legally required to hear it in a closed session, or in exceptional circumstances as declared by the tribunal. You may be allowed to give evidence privately if you are protected under our Whistleblower Policy.

28. If you have any questions about appearance at an internal legal proceeding you should contact the tribunal concerned.

7.4. Disclosure of conduct history

29. Your conduct history (being any outstanding charges and outcomes of judicial decisions) is only made available in respect of lawful enforcement functions conducted by us (such as investigations), as evidence in legal proceedings of a relevant non-state jurisdiction or with your written consent (including written consent given for application for a position with us).

7.5. Disclosure outside Australia

30. We may disclose to non-state jurisdictions and their service providers outside Australia, including in the European Union, Canada, New Zealand, the United Kingdom and the United States. Such recipients will be subject to law or agreements where the

recipient has the same or more stringent arrangements in relation to your personal information as Urabba Parks.

31. Unless authorised by the Australian privacy law, we may not adopt a Federal, State or Territory government-issued identifier as an identifier for your records or use or disclose such an identifier. For example, we may only use your tax file number (TFN) for matters relating to our obligations under taxation law (such as employee records).

8. Quality and security of personal information

8.1. How we ensure quality of the quality of personal information

32. To ensure that the personal information Urabba Parks collects is accurate, up-to-date and complete, Urabba Parks:

- 32.1. records information in a consistent format;
- 32.2. where necessary, confirms the accuracy of information we collect from a third party or a public source;
- 32.3. promptly adds updated or new personal information to existing records;
- 32.4. regularly audits our contact lists to check their accuracy; and
- 32.5. reviews the quality of personal information before use or disclosure.

8.2. Storage and security of personal information

33. Urabba Parks take steps to protect the security of the personal information we hold from both internal and external threats by:

- 33.1. regularly assessing the risk of misuse, interference, loss, and unauthorised access, modification or disclosure of that information
- 33.2. taking measures to address those risks, for example, we keep a record (audit trail) of when someone has added, changed or deleted personal information held in our electronic databases and regularly check that staff only access those records when they need to
- 33.3. conducting regular internal and external audits to assess whether we have adequately complied with or implemented these measures.

8.3. Destruction or de-identification of information

- 34. We destroy or de-identify personal information in a secure manner when we no longer need the information (or need it to be identified with an individual). This will be done in accordance with the applicable records disposal authority.

9. Your rights in relation to personal information

9.1. Accessing and correcting your personal information

- 35. Under Australian privacy law (Australian Privacy Principles 12 and 13) you have the right to ask for access to personal information that we hold about you, and ask that we correct that personal information. You can ask for access or correction by contacting the competent privacy officer in the entity. If you need help finding who the competent privacy officer is or need help making a complaint or request, you can contact Privacy Urabba Parks.
- 36. If you ask, we must give you access to your personal information, and take reasonable steps to correct it if we consider it is incorrect, unless there is an Australian law that allows or requires us not to.

37. We will ask you to verify your identity before we give you access to your information or correct it, and we will try to make the process as simple as possible. If we refuse to give you access to, or correct, your personal information, we must notify you in writing setting out the reasons.
38. If we make a correction and we have disclosed the incorrect information to others, you can ask us to tell them about the correction. We must do so unless there is a valid reason not to.
39. If we refuse to correct your personal information, you can ask us to associate with it (for example, attach or link) a statement that you believe the information is incorrect and why.

9.2. How to make a complaint or access personal information

40. If you wish to complain to an entity within Urabba Parks about how it has handled your personal information, or access your personal information, you should complain to the competent privacy officer of the entity, or if there is no such officer, Privacy Urabba Parks. If you need help finding who the competent privacy officer is or need help making a complaint or request, you can contact Privacy Urabba Parks.
41. If an entity receives a complaint or request from you about how it has handled your personal information the competent officer will determine what (if any) action the entity should take to resolve the complaint. The competent officer will confirm with you promptly of receipt of your complaint or request and then respond to it within 30 days.
42. If the competent officer decides that a complaint should be investigated further, the complaint will usually be handled by a more senior officer than the officer whose actions you are complaining about.

43. If you are not satisfied with the response from a competent officer of an entity, you may make a complaint or request directly with Privacy Urabba Parks.
44. If you are not satisfied with the response from either the competent officer of an entity or Privacy Urabba Parks, you may wish to:
- 44.1. seek legal advice; or
 - 44.2. contact the Office of the Australian Information Commissioner (OAIC).

Contact information

For more information on making a disclosure protected under Corporations Law, please contact Privacy Urabba Parks.

Privacy Urabba Parks
P O Box 33202
Domain LPO
MELBOURNE VIC 3142

www.urabbaparks.org.au

info@urabbaparks.org.au

Compilation information

Policy number 1

Compilation number 1

Made by *Constitution (Corporate Policies) Instrument 2022* on 10 October 2022.

Contact information last updated 10 October 2022.

Whistleblowing Policy

Policy number 2 as made on 10 October 2022.

45. This Policy outlines the treatment of whistleblowers in Urabba Parks Proprietary Limited (Urabba Parks). Being a charitable democracy that values responsibility, accountability and creativity, integrity is something that Urabba Parks takes very seriously. Urabba Parks takes integrity so seriously that section 139 of its Constitution declares the expectation of the community that organisations operate lawfully and ethically, and provides that Urabba Parks is responsible for the lawful and ethical conduct of its governance, management and operations.
46. Urabba Parks is established under its Constitution as a non-state jurisdiction, with recognition of judicial as well as legislative and executive functions, and has entities formed within it including management agencies, judicial bodies, campus government and associations.
47. This Policy is the whistleblowing policy of Urabba Parks for the purposes of section 1317AI of the *Corporations Act 2001* of the Parliament of the Commonwealth (the Corporations Law). Subsection 141(2) of the Constitution of Urabba Parks declares that each entity formed within Urabba Parks is responsible for ensuring disclosures may be made about matters that are concerns misconduct, or an improper state of affairs or circumstances particular to the entity. Therefore, most entities will have their own whistleblower policies that are subject to this Policy.

1. Purpose

1. This Policy aims to:

- 1.1. encourage eligible whistleblowers to disclose improper conduct in good faith if they know or have reasonable grounds to suspect such conduct
- 1.2. set out a mechanism for eligible whistleblowers to disclose misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation
- 1.3. outline how Urabba Parks deals with disclosures from eligible whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information
- 1.4. ensure that any relevant matters is identified and dealt with appropriately
- 1.5. ensure that eligible whistleblowers who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported, and
- 1.6. help to ensure that Urabba Parks maintains the highest standards of ethical behaviour and integrity.

2. Scope

2. This Policy applies to disclosures (including potential disclosures) of relevant matters by eligible whistleblowers to eligible recipients. It does not apply to disclosures:
 - 2.1. by persons other than eligible whistleblowers;
 - 2.2. regarding matters that are not relevant matters; or
 - 2.3. made to persons who are not eligible recipients.
3. This Policy applies throughout Urabba Parks and its subsidiaries. In many cases an entity formed within Urabba Parks may also have its own whistleblower policy. Such policies are supplementary to, and

Constitution (Corporate Policies) Instrument 2022
Whistleblowing Policy

3 Availability of this Policy to officers and employees

not replacements for, this Policy. Entity-specific whistleblower policies include more information on nominated whistleblower contacts and methods for submitting a disclosure specific for team members of entities.

4. If you are unsure of whether you or your disclosure would be covered by this Policy, please contact Whistleblowing Urabba Parks. If you or your disclosure is not covered by this Policy, there are still ways in which you can make a suggestion or complaint regarding our programs or governance processes. Please contact Whistleblowing Urabba Parks for more information on how to make a suggestion or complaint. Please see 'contact information' below for more information on how to contact us.

3. Availability of this Policy to officers and employees

5. This Policy and the whistleblower policies of entities formed within Urabba Parks are available to officers and employees from entity whistleblowing contacts and Whistleblowing Urabba Parks, an organisational unit in the Advocate-General's Department.
6. Please see 'contact information' below to find the contact details of Whistleblowing Urabba Parks and whistleblowing contacts.

4. Definitions used in this Policy

7. In this Policy:

7.1. **you** means yourself as an eligible whistleblower, who has made or intends to make a disclosure within the scope of this Policy, and wishes to avail themselves of protection against reprisal for having made the report; and

7.2. **us, we, and our** includes Urabba Parks and its subsidiaries.

8. The following definitions are used in this Policy:
-

- 8.1. the **Corporations Law** means the *Corporations Act 2001* of the Parliament of the Commonwealth. Part 9.4AAA of the Act governs whistleblowing protections;
- 8.2. an **eligible recipient** includes:
- 8.2.1. our officers, auditors and actuaries;
 - 8.2.2. a person authorised by us to receive disclosures under Part 9.4AAA of the Corporations Law;
- 8.3. an **eligible whistleblower** means a person who falls under section 1317AAA of the Corporations Law, and includes:
- 8.3.1. a current or former team member; and
 - 8.3.2. the spouse, parent or remoter lineal ancestor, child or remoter issue, or brother or sister of a current or former team member. Although family members are under no obligation to make a disclosure, if such persons do choose to disclose relevant matter in line with this Policy, we will extend to them the relevant rights and protections under this Policy as eligible disclosers.
- 8.4. **relevant matter** means information concerning misconduct, or an improper state of affairs or circumstances in relation to Urabba Parks or a related body corporate related bodies corporate (which section 50 of the Corporations Law defines as a holding company of a company and subsidiaries of the company or holding company), and includes any past, present or likely future activity or behaviour by Urabba Parks or a related body corporate and officers and employees of Urabba Parks or a related body corporate considered to be:
- 8.4.1. dishonest;
 - 8.4.2. corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);

8.4.3. fraudulent;

8.4.4. illegal (including theft, drug trafficking, violence or threatened violence, or property damage);

8.4.5. a breach of our internal laws or corporate policies;

8.4.6. improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;

8.4.7. a serious impropriety or an improper state of affairs or circumstances;

8.4.8. endangering health or safety;

8.4.9. damaging or substantially risking damage to the environment;

8.4.10. a serious mismanagement of our resources;

8.4.11. detrimental to our financial position or reputation;

8.4.12. maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);

8.4.13. concealing relevant matters.

8.5. **team member** includes one of our:

8.5.1. employees;

8.5.2. officers;

8.5.3. contractors (including employees of contractors);

8.5.4. volunteers;

8.5.5. suppliers;

8.5.6. consultants.

5. Principles

9. This Policy is framed around a number of important principles:

- 9.1. **Higher standard** – This Policy is designed to comply with our external and internal legal obligations. If anything in this Policy is inconsistent with any law imposed on us, or with our internal law, that legal obligation or the “higher standard” will prevail over this Policy;
- 9.2. **Speaking up** – Whistleblowing is an important part of freedom of speech under right to free speech under article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Australia is a party, and the right to fair comment under section 137 of the Constitution of Urabba Parks;
- 9.3. **Our expectations of team members** – We expect team members to act honestly and ethically, and to make any report on reasonable grounds;
- 9.4. **Our responsibility to whistleblowers** – Our obligations to eligible whistleblowers are spelled out in this Policy, but in particular in clause 8 ‘Protection of whistleblowers’;
- 9.5. **Confidentiality and consent**—We will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While we encourage you to identify yourself to the eligible recipient, you may opt to report your concerns anonymously.

6. Personal work-related grievances

10. While everybody is encouraged to speak up and report any concerns to us, not all types of conduct are intended to be covered by this Policy or by the protections under the Corporations Law. This Policy does not apply to customers or service users, or to personal work-related grievances, unless the grievance includes victimisation due to whistleblowing.

11. Personal work-related grievances are those that relate to the discloser's current or former employment with us that might have implications for the discloser personally but do not:

11.1. have any other significant implications for us; or

11.2. relate to any conduct or alleged conduct about a relevant matter.

12. Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

13. However, personal work-related grievances may be covered by this Policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

7. How to disclose

7.1. What information do I need to make a disclosure?

14. To make a disclosure protected by the Corporations Law you must know of or have reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances in relation to our entities.

15. For a disclosure to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:
- 15.1. date;
 - 15.2. time;
 - 15.3. location;
 - 15.4. name or identifying information of person(s) involved;
 - 15.5. possible witnesses to the events;
 - 15.6. evidence of the events (e.g. photos, documents, emails);
and
 - 15.7. any steps you may have already taken to report the matter elsewhere or to resolve the concern.

7.2. Who do I make a disclosure to?

16. In order to be protected as an eligible whistleblower under the Corporations Law, you must make a disclosure to an eligible recipient.
17. Section 1317AAA of the Corporations Law specifies classes of persons such as directors, senior managers and auditors of Urabba Parks as eligible recipients. There is also provision for Urabba Parks to authorise persons to receive disclosures. For the purposes of this Policy, members of internal law enforcement bodies and the whistleblower contacts in our entities (nominated team members of associations) are authorised to receive disclosures.
18. We highly recommend you approach, in the first instance, the whistleblowing contact in your entity. If you need to locate your

nominated whistleblowing contact or believe it is not appropriate to communicate with them, you may contact Whistleblowing Urabba Parks.

7.3. Method of disclosure

19. Internal law enforcement and whistleblowing contacts will generally provide a number of mechanisms by which a disclosure of information can be made, including telephone, email and (in some circumstances) in-person options.
20. While we encourage you to identify yourself to the eligible recipient, you may opt to report your concerns anonymously such as by adopting a pseudonym.
21. Your personal information will be handled in accordance with our Privacy Policy.

8. Protection of whistleblowers

8.1. How will I be protected if I speak up about relevant matters?

22. If you have reasonable grounds to suspect relevant matters, even if it turns out your concerns are mistaken, we will support and protect you and anyone else assisting in the investigation.
23. Urabba Parks will also protect individuals who have made a report in connection with us:
 - 23.1. to the Australian Securities and Investments Commission (**ASIC**) or the Australian Prudential Regulation Authority (**APRA**) or another Commonwealth regulatory body prescribed in Federal legislation;
 - 23.2. to a lawyer for the purposes of obtaining legal advice or legal representation about whistleblower protections; or

23.3. that qualifies as an emergency or public interest disclosure under the Corporations Law. It is important that you understand the criteria for making a public interest or emergency disclosure and you may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

24. We will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of relevant matters. Examples of a detriment include:

24.1. retaliation, dismissal, suspension, demotion, or termination of your role;

24.2. bullying, harassment, threats or intimidation;

24.3. discrimination, subject to current or future bias, or derogatory treatment;

24.4. harm or injury;

24.5. damage or threats to your property, business, financial position or reputation; or

24.6. revealing your identity as a whistleblower without your consent or contrary to law;

24.7. threatening to carry out any of the above actions.

25. Protections under this Policy:

25.1. apply regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.

25.2. applies to individuals conducting, assisting or participating in an investigation.

26. Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal penalties, as well as sanctions in the internal legal system.
27. If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to the whistleblower contact or Whistleblowing Urabba Parks. Your concerns of being disadvantaged will be treated as a report of relevant matters in line with this Policy.
28. Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to criminal penalties, as well as sanctions in the internal legal system.
29. You may also be entitled to the following legal protections for making a report:
- 29.1. protection from civil, criminal or administrative legal action;
 - 29.2. protection from having to give evidence in legal proceedings;
 - 29.3. compensation or other legal remedy; and
 - 29.4. protections in our internal legal system.

8.2. How will we ensure confidentiality?

30. A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. If you choose to disclose

your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation.

31. We will take measures to protect your identity in line with our Privacy Policy such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures.
32. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:
 - 32.1. you consent in writing to the disclosure;
 - 32.2. the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);
 - 32.3. the disclosure is made to a lawyer for the purpose of obtaining advice;
 - 32.4. the disclosure is authorised under the Corporations Law; and/or
 - 32.5. disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.
33. We encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. All information relating to a report of relevant matters will be stored securely under our Privacy Policy and access will be limited to authorised staff.
34. It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. We may also take

disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal, prosecution in the internal legal system or reference to a competent Federal or State law enforcement body.

9. False disclosures

35. Disclosures protected under this Policy must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of relevant matters may be subject to disciplinary action, including dismissal. The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.
36. There is also the potential for referral for prosecution in the internal legal system, which could lead to the disqualification from the proceedings of Urabba Parks. A person is not able to work or hold office in Urabba Parks if disqualified.

10. Handling and investigating a disclosure

10.1. What happens when a report is received?

37. Within a reasonable timeframe (which shall be 30 days unless another timeframe is specified by the competent investigating body) of receiving a disclosure the whistleblowing contact assesses it to determine whether:
- 37.1. it is a disclosure which qualifies for protection under the Corporations Law; and
 - 37.2. a formal, in-depth investigation is required by an investigative team.
38. The whistleblowing contact or another team member will endeavour provide you with regular updates.
39. We may not be able to investigate a disclosure if:

- 39.1. we are unable to contact the discloser; or
- 39.2. the disclosure was made to a person (including an eligible recipient) who does not have authority to initiate an investigation into the matter.

10.2. The investigation procedure

- 40. The investigating body will handle and investigate disclosures protected under this Policy in accordance with its own investigation policies, and will:
 - 40.1. assess the disclosure;
 - 40.2. determine whether and how to investigate;
 - 40.3. determine whether Commonwealth authorities need to be notified; and
 - 40.4. assign the case to an investigative team if appropriate. The team must be free of any real or perceived conflicts of interest.
- 41. If an investigation is deemed necessary, we will conduct it fairly, objectively and in a timely manner and accordance with this Policy and the policies of the investigative body. The investigation process will vary depending on the nature of the disclosure and the amount of information provided.
- 42. The investigating body may need to speak with you as part of an investigation. If your identity is known, a team member of the investigating body will endeavour to keep you informed about the status of an investigation.
- 43. If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, you will be notified at the earliest possible opportunity.

10.3. Outcome of the investigation

44. At the conclusion of the investigation, a report will be prepared outlining:

44.1. a finding of all relevant facts;

44.2. a determination as to whether the allegation(s) have been substantiated or otherwise and

44.3. if the allegations are substantiated, a recommendation that either the employing entity takes its own entity-specific disciplinary action, or the case referred for prosecution in the internal legal system.

45. In the case of entity-specific disciplinary action being taken, any individuals who are accused of misconduct in a report (a respondent) will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken. The disciplinary action will be dependent on the severity, nature and circumstances of the relevant matters.

46. In the case of prosecution in the internal legal system, the person charged (a defendant) will have an opportunity to respond to allegations in the competent tribunal. An application may be made by the prosecutor to exclude the person from our premises while the case is ongoing; a person so excluded is done so on full pay. A person condemned and disqualified through the internal legal system cannot take up any role (paid or unpaid) with us and cannot vote in our proceedings (such as general meetings, elections, etc).

47. Where possible and appropriate, having regard to our privacy and confidentiality obligations, you will be informed of the outcome of any investigation into your concerns. You may be required to give evidence at the tribunal but if you believe the safety of you or your family will be compromised can make an application to do so at a

private hearing and have your name suppressed. Please contact the tribunal concerned to discuss whether this option is available to you should you be required to give evidence.

Contact information

For more information on making a disclosure protected under Corporations Law, please contact Whistleblowing Urabba Parks.

Whistleblowing Urabba Parks
P O Box 33202
Domain LPO
MELBOURNE VIC 3142

www.urabbaparks.org.au

info@urabbaparks.org.au

Compilation information

Policy number 2

Compilation number 1

Made by *Constitution (Corporate Policies) Instrument 2022* on 10 October 2022.

Contact information last updated 10 October 2022.

U2022N00004



ADVOCATE-GENERAL

Departmental No.
2022/5

Proprietary Council
Meeting No 2022/6

Approved in Council

Daniel James Racovolis
Enactor

10 October 2022

Recorded in the minute
book



Per the Secretary to the
Proprietary Council
U2022N00004M

Minute Paper for the Proprietary Council

Annual Information Statement 2021

Constitution

Constitution (Corporate Policies)

Instrument 2022

Recommended for the approval of the
Manager-General in Council that he make
the instrument in the attached form.

Advocate-General
Urabba Parks Proprietary Limited
ACN 159 318 859



Record of resolution made at Proprietary Council on 26 April 2022

Attachments

- 1 The *Constitution (Corporate Policies) Instrument 2022*, as proposed to the Manager-General in Council on 10 October 2022
- 2 Explanatory Statement to the *Constitution (Corporate Policies) Instrument 2022*, authorised for circulation by the Enactor as per Advocate-General on 10 October 2022

Notes

- 1 Each resolution of the Manager-General acting on the advice of the Proprietary Council is a resolution of the members of Urabba Parks: see subsection 13(4) of the Constitution.
- 2 Each resolution of the Ministers advising the Manager-General in the Proprietary Council is a resolution of the directors of Urabba Parks: see subsection 15(3) of the Constitution.
- 3 The Enactor is acting in place of the Manager-General by virtue of being an Honorary Manager present at the proceedings of Urabba Parks: see the definition of Manager-General in subsection 4(1) of the Constitution.
- 4 Advice is taken to be given by the responsible Minister to make this instrument if the Houses of the Parliament are vacant in the whole: see paragraph 19(2)(e) of the Constitution.





Daniel James Racovolis

CONSTITUTION (CORPORATE POLICIES) INSTRUMENT 2022

EXPLANATORY STATEMENT

(Circulated by authority of Mr Racovolis)

U2022N00004ES

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Explanatory Statement

*CONSTITUTION (CORPORATE POLICIES) INSTRUMENT 2022***Outline**

This instrument creates an index of corporate policies, and adopts two policies, namely the Privacy Policy and the Whistleblowing Policy. In the absence of any provision by Parliament regarding corporate policies, the Manager-General in Council may by instrument make corporate policies under subsection 133(2) of the Constitution. This instrument serves as a framework for the creation and amendment of corporate policies until Parliament provides otherwise; new policies, as well as amendments to policies and revocation of policies, may be done by amending this instrument.

Corporate policies describe in plain English how Urabba Parks upholds its obligations under Australian law and meets the legitimate expectations of the wider Australian community; in this case the proper handling of personal information and whistleblower disclosures. Both the policies adopted in this instrument aim to reflect best practice; the Privacy Policy is originally based on the privacy policy of the Office of the Australian Information Commissioner (OAIC) and the Whistleblower Policy is based on a policy from the Policy Bank maintained by the Institute of Community Directors Australia (ICDA). However, the policies have been thoroughly adapted to take into account the jurisdictional nature of Urabba Parks' governance.

Consultation

The Enactor is of the opinion that the benefits of having both a privacy policy and whistleblower policy in place before any substantial engagement by the public with Urabba Parks, as adopted in the initial form of this instrument, will outweigh any consultation with stakeholders. It is noted that over time, corporate policies can be changed as a result of either changes in Australian law or best practice, or as a result of a comprehensive review which will include consultation with relevant stakeholders.

Explanatory Statement

Financial impact statement

There is no immediate financial impact from the making of this instrument as there are currently no personnel and the handling of personal information is minimal at the present time. Potential costs of compliance with the instrument will be borne by entities in Urabba Parks that handle personal information, since they will have to procure secure hosting for the management of client records and web-based applications or have personnel, since they will need to provide a mechanism by which disclosures can be made and/or investigated under the Whistleblowing Policy.

Nature and enforceability of corporate policies

Corporate policies are used by the vast majority of incorporated bodies, including companies, because of them being subject to laws such as the *Privacy Act 1988* and the *Corporations Act 2001* of the Commonwealth. These two Acts in particular mandate the adoption of privacy and whistleblowing policies by companies exceeding certain thresholds. However, these kinds of policies and other kinds of policies are adopted by companies as a matter of best practice and to protect themselves from liability arising out of employment relationships.

Under section 131 of the Constitution, laws and documents made under Chapter 9 does not create in any person any legal right or give rise to any legal cause of action, or affect in any way the operation of any law or instrument other than a law or instrument made by or under Chapter 9. The Visitation Commission may report to the Parliament regarding its responsibilities under section 133 of the Constitution to make laws in ensuring and promoting the compliance of Urabba Parks with its responsibilities as provided in that Chapter (including with corporate policies). Policies are more declarative rather than substantive in their nature; compliance with those policies must be enforced through appropriate provision in employee contracts (and other kinds of engagement documents), and where appropriate, the making of laws of a substantive nature that involve consequences, such as disqualification or civil consequence, in the case of an offence or contravention.

**Statement of Reasonableness
Explanatory Statement**

STATEMENT OF REASONABLENESS

Constitution (Corporate Policies) Instrument 2022

This instrument of the Manager-General as proposed on 10 October 2022, is reasonable having regard to the legal and ethical obligations of Urabba Parks.

Overview of the instrument

1. The purpose of this instrument is to create an index of corporate policies of Urabba Parks and adopt 2 policies, namely the Privacy Policy and the Whistleblowing Policy.

Compliance with Australian law

2. In making these policies, Urabba Parks is able to satisfy potential obligations under Australian law, including:

(A) the obligation to have a privacy policy under Australian Privacy Principle 1.3, which has effect as Australian law under the *Privacy Act 1988* of the Parliament of the Commonwealth (*Australian privacy law*); and

(B) the obligation to have a whistleblowing policy under section 1317AI of the *Corporations Act 2001* of the Parliament of the Commonwealth.

3. Because of its low turnover and not having any employees, Urabba Parks is not currently legally required to become an APP entity under Australian privacy law (and hence have a privacy policy) or have a whistleblower policy. However, the adoption of these policies will demonstrate that Urabba Parks is ready to meet its legal obligations while pursuing its ambitions to become a more significant organisation.

Power to make this instrument

4. See note 3 regarding the power of the Manager-General in Council to make this instrument.

Implications under the Urabba Parks Bill of Rights

Conclusion

Statement of Reasonableness Explanatory Statement

5. The proposed corporate policies promote the following rights, responsibilities and expectations falling in Part 2 of Chapter 9 of the Constitution (the *Urabba Parks Bill of Rights*):

(A) the Privacy Policy promotes the right not to be subject to ‘arbitrary or unlawful interference with their privacy’ under Article 17 of the International Covenant on Civil and Political Rights (ICCPR) and the expectation of the proper handling of personal information under paragraph 149(2)(a) of the Constitution; and

(B) the Whistleblower Policy promotes the right to free speech under Article 19 of the ICCPR, the right to fair comment under section 137 of the Constitution, the expectation of integrity under section 139 of the Constitution and the responsibility to protect whistleblowers under section 141 of the Constitution;

Conclusion

6. The proposed instrument is reasonable, having regard to the legal and ethical obligations of Urabba Parks.

I hereby issue this statement of reasonableness in relation to the instrument as proposed on 10 October 2022.

Daniel James Racovolis

The Enactor of Urabba Parks Proprietary Limited
(acting in the place of Advocate-General)
10 October 2022



Section 1
Explanatory Statement

Notes on clauses

Part 1—Preliminary

Section 1: Name

1. This clause is a formal provision and specifies that the short title of the instrument is the *Constitution (Corporate Policies) Instrument 2022*.

Section 2: Commencement

2. This section provides for this instrument to commence on the day after it is registered.

Section 3: Authority

3. This instrument is made under subsection 133(2) of the Constitution. This subsection provides that until the Parliament otherwise provides, the Manager-General in Council may make documents Parliament may make under the section, including corporate policies. The phrase ‘until the Parliament otherwise provides’ implies that Parliament may enact a law limiting the power of the Manager-General to make corporate policies. This instrument is intended to be the framework by which corporate policies are made until such a time the Parliament makes corporate policies by way of an enactment.

Section 4: Definitions

4. This clause sets out a few definitions including:

(A) ‘compilation information’ in relation to a policy, means information included under section 7;

(B) ‘Minister’ means the Minister administering a provision of this instrument (and for the purposes of this definition, each policy and part of a policy is a provision);

(C) ‘policy’ means a corporate policy made under this instrument—a policy can be made or revoked by inserting or

Section 5
Explanatory Statement

deleting an item in the table in Schedule 1 by way of a legislative instrument;

(D) ‘policy and contact information’ means information appearing in a policy (other than compilation information) separately identifiable from other text in the policy;

(E) ‘update’ in relation to policy and contact information, means the insertion, alteration or deletion of the information.

Part 2—The corporate policies

Section 5: Corporate policies

5. This section provides for the adoption of the corporate policies in Schedule 1.

Section 6: Power of Minister to update policy and contact information

6. This section provides that the Minister administering a policy may update policy and contact information in a policy by way of notifiable instrument. Policy and contact information shall be separately identifiable from other parts of the policy and does change the effect of a policy.

Section 7: Compilation information

7. This section requires compilation information, such as the policy number, the date of the last amendment of the substantive text of the policy as well as the date of the last update of contact information .

Notes on the schedules

Schedule 1—Corporate policies

8. The Schedule includes a list of corporate policies that are made by the Manager-General in Council.

Explanatory Statement

The Privacy Policy

9. The policy was originally based on the privacy policy of the Office of the Australian Information Commissioner (OAIC) (Version 3.1, July 2020) available at the OAIC website

(<https://www.oaic.gov.au/about-us/our-corporate-information/key-documents/privacy-policy>). It has been adapted for use in Urabba Parks under the terms of the Creative Commons Attribution 3.0 Australia licence (<https://creativecommons.org/licenses/by/3.0/au/deed.en>).

10. Paragraph 1 introduces the Policy as being in accordance with the corporate nature of charitable democracy with the values of responsibility, accountability and creativity. It goes on to outline our commitment to human rights under section 134 of the Constitution, and the right of individuals not to be subject to ‘arbitrary or unlawful interference’ with their privacy under article 17 of the International Covenant on Civil and Political Rights (ICCPR), to which Australia is a party.

11. Paragraph 2 contains a short overview of our structure as a non-state jurisdiction.

12. Paragraph 3 states this is the official privacy policy of Urabba Parks for the purposes of the Australian Privacy Principle 1.3, which has effect as Australian law under the *Privacy Act 1988* of the Parliament of the Commonwealth (the Australian privacy law).

13. Paragraph 4 mentions paragraph 149(2)(a) of the Constitution, which provides that entities formed within Urabba Parks are responsible for having a privacy policy, and provides that the policy takes precedence over the whistleblowing policy of entities formed within Urabba Parks.

1. Purpose

14. This clause provides the purpose of this policy is to ensure the lawful handling of personal information, outline how we handle information in accordance with the APPs and provide mechanisms for individuals to request access and correction to their information.

Explanatory Statement

2. Scope

15. This clause provides this policy applies to personal information collected by Urabba Parks or a subsidiary of Urabba Parks.

3. Availability to the public

16. This clause provides that this policy is available through Privacy Urabba Parks, an organisational unit in the Advocate-General's Department. It is a requirement for a privacy policy to be made available to the public under APP 1.5.

4. Definitions used in this Policy

17. This clause provides definitions on terms used in this policy, including:

(A) you – meaning yourself as an individual, whose personal information is protected by Australian privacy law;

(B) us, we, or our – meaning Urabba Parks and each entity that is subject to this policy;

(C) Australian privacy law – this means the *Privacy Act 1988* of the Parliament of the Commonwealth;

(D) excluded – meaning disqualified or suspended from proceedings of Urabba Parks, or lawfully excluded from the premises of Urabba Parks;

(E) disqualified – meaning disqualified from proceedings of Urabba Parks – this is intended to be the same as subsection 9(4) of the Constitution;

(F) personal information – this means information or an opinion about an identified individual, or an individual who is reasonably identifiable (whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not), as per section 6 of the Australian privacy law;

Explanatory Statement

(G) relevant non-state jurisdiction – this includes jurisdictions falling in paragraph 9(4)(b) of the Constitution;

(H) sensitive information – this includes information falling in the definition of the term in section 6 of the Australian privacy law and includes racial or ethnic origin, political opinions, religious or philosophical beliefs, membership of a professional, political or trade association or union, sexual orientation or practices, criminal record, health information as defined by section 6FA of the Australian privacy law, such as organ donor registrations, genetic information, biometric information and biometric templates;

(I) suspended – meaning suspended from proceedings of Urabba Parks – this is intended to be the same as subsection 9(5) of the Constitution.

5. Why we collect personal information

18. This clause outline the purposes for which Urabba Parks collects, holds, uses and discloses personal information (as required under APP 1.4 paragraph (c)), including:

(A) identifying parties to a legal proceeding;

(B) reserving our right to refuse access to persons excluded from our premises;

(C) ensuring that each elector is a person eligible to vote;

(D) obtaining evidence in legal proceedings;

(E) producing and maintaining historical records including minutes;

(F) levying membership fees of our members;

(G) the functions and activities of jurisdictional divisions, campus government entities and associations (of each will be covered by a specific privacy policy in addition to this Policy).

6. How we collect personal information

The Privacy Policy

6. How we collect personal information

Explanatory Statement

19. This clause sets out the kinds of personal information that the entity collects and holds and how the entity collects and holds personal information (APP 1.4 paragraph (b)).

20. Subclause 6.1 provides we only collect necessary information.

21. Subclause 6.2 outlines how solicited information is collected (APP 3) and how unsolicited information is collected (APP 4). Information is only collected if it is solicited and directly from the individual, unless the collection is authorised by the APP 3 or APP 4.

22. Subclause 6.3 sets out the kinds of personal information collected, as required by (as required by APP 1.4 paragraph (a)). Urabba Parks collects name, former names, date and place of birth, occupation, address and contact details as well as information specific to the reason for the collection (such as employment history or health information).

23. Subclause 6.4 outlines when personal information is collected. Urabba Parks collects information upon a request for information, making a complaint or disclosure (if the complaint relates to personal information), giving evidence at a tribunal, applying for membership, registering as an elector, applying for a position or accessing a service provided by an entity subject to the Policy.

24. Subclause 6.5 provides for the issuance of an APP 5 notice of collection of personal information.

25. Subclause 6.6 provides sensitive information is only collected if done with your written consent and if directly related to any of our functions or activities.

26. Subclause 6.7 provides that indirect collection occurs only if required for a legal proceeding, the administration of the approved benefits regime or the personal information is available publicly or from your authorised representative.

27. Subclause 6.8 describes the interaction between the provisions in the Policy and the right of an individual to act anonymously or under a pseudonym as provided under APP 2

28. Paragraph 20 provides enquiries may be made anonymously or under a pseudonym unless the enquiry relates to personal information, in

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which case the individual must provide their own personal information to ensure they are correctly identified as being able to access the information.

29. Paragraph 21 sets out the consequences of not providing the information, such as exclusion from premises if suspected of being excluded, inability to register as a member or elector, or not being able to access services which require the disclosure of personal information.

30. Subclause 6.9 provides that personal information collected on websites will be in line with the website's privacy policy which is subject to this policy.

7. Disclosure of information

31. This clause includes information on why and how personal information is disclosed, which is governed by APP6.

32. Subclause 7.1 sets out some specific purposes for collection, including preparation and publication of proceedings of corporate bodies, maintenance of registers of place holders, electors and members, administration of the approved benefits regime and service provision by entities.

33. Subclause 7.2 sets out the circumstances where personal information may be used for direct marketing, which is governed by APP 7. Personal information may be used for direct marketing communications where the information is obtained from the individual concerned with their consent (or where it is impracticable for such consent to be given), and the individual has not opted out of the communication.

34. Subclause 7.3 provides that personal information may be disclosed in proceedings in the internal legal system, subject to protections under the Whistleblower Policy.

35. Subclause 7.4 sets out the conditions for the disclosure of conduct history, which is the internal legal system's equivalent of a criminal record. The conduct history of an individual is only used for the purposes of an investigation, as evidence before tribunals of relevant

The Privacy Policy

8. Quality and security of personal information

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non-state jurisdictions or with the consent of the individual (such as in an application for employment).

36. Subclause 7.5 sets out whether a disclosure of personal information outside Australia, as required under APP 1.4 paragraph (f). The disclosure of personal information to overseas recipients is governed by APP 8. This subclause lists the countries in which such recipients are likely to be located as required under APP 1.4 paragraph (g); including the European Union, Canada, New Zealand, the United Kingdom and the United States.

8. Quality and security of personal information

37. Subclause 8.1 describes how we ensure the quality of personal information in accordance with APP 10. Quality is ensured by consistent recording, confirming accuracy with third parties, prompt updates of records, regular audits and quality reviews.

38. Subclause 8.2 describes how we ensure security of personal information in accordance with APP 11 by regularly assessing risks, keeping audit trails and conducting audits on our records.

39. Subclause 8.3 provides that information is destroyed or de-identified when no longer required.

9. Your rights in relation to personal information

40. Subclause 9.1 sets out the procedure for access to personal information, as required by APP 1.4 paragraph (d) (and which is governed by APP 12), and for the correction of personal information (which is governed by APP 13). Requests for access and correction are made to the competent privacy officer in the entity which handles the information.

41. Subclause 9.2 describes how an individual may complain about a breach of the Australian Privacy Principles and how we will deal with such a complaint, as required by APP 1.4 paragraph (e). Complaints are generally made to the competent privacy officer, or Privacy Urabba Parks.

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42. Paragraph 44 provides that if an individual is unsatisfied with our response, they can seek legal advice or contact the Office of the Australian Information Commissioner (OAIC).

Contact information and compilation information

43. This includes the contact information of Privacy Urabba Parks and privacy contacts in entities which may be updated by the Minister under section 6 and the compilation information required or otherwise included under section 7.

The Whistleblower Policy

1. Purpose

Explanatory Statement

The Whistleblower Policy

44. The Policy was originally based on the whistleblower policy from the Policy Bank at the Institute of Community Directors Australia (ICDA) (December 2019) which is available at the ICDA website at <https://communitydirectors.com.au/policies/whistleblower-policy>. It has been adapted for use in Urabba Parks in accordance with the terms issued by ICDA, which states that policies ‘may be reproduced and altered without restriction by any not-for-profit community organisation for any non-commercial purpose.’

(https://www.ourcommunity.com.au/general/general_article.jsp?articleId=2153#16). Urabba Parks reasonably believes it should be able to use the ICDA policy as a basis of its own Policy on the basis it is registered under the *Australian Charities and Not-for-profits Commission Act 2012*.

45. The Policy starts with paragraph 45, which contains a statement of the commitment Urabba Parks has to integrity, as a charitable democracy that values responsibility, accountability and creativity. There is also mention of section 139 of the Constitution which declares the expectation of the community that organisations operate lawfully and ethically, and provides that Urabba Parks is responsible for the lawful and ethical conduct of its governance, management and operations.

46. Paragraph 46 contains a short overview of our establishment as a non-state jurisdiction.

47. Paragraph 47 states this is the official whistleblower policy of Urabba Parks for the purposes of section 1317AI of the *Corporations Act 2001* of the Parliament of the Commonwealth (the Corporations Law). There is also mention of the responsibility of entities to allow for whistleblowing under subsection 141(2) of the Constitution. Entities may have their own whistleblower policy which is subject to the Policy.

1. Purpose

48. This clause provides the Policy aims to encourage whistleblowing, set out a mechanism for whistleblowing, outline how disclosures are dealt with, ensure the proper handling of disclosures.

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2. Scope

49. This clause sets out who the Policy covers as required under paragraph 1317AI(5)(b) of the Corporations Law; only disclosures of relevant matters by eligible whistleblowers to eligible recipients is covered.

50. This policy applies throughout Urabba Parks and its subsidiaries.

3. Availability of this Policy to officers and employees

51. This clause includes the information required under paragraph 1317AI(5)(f) of the Corporations Law. The Policy is available from entity whistleblowing contacts and Whistleblowing Urabba Parks, an organisational unit in the Advocate-General's Department.

4. Definitions used in this Policy

52. This clause includes definitions used in the Policy, including:

(A) you– meaning means yourself as an eligible whistleblower, who has made or intends to make a disclosure within the scope of this Policy, and wishes to avail themselves of protection against reprisal for having made the report;

(B) us, we, or our – meaning Urabba Parks and its related bodies corporate;

(C) Corporations Law – meaning the *Corporations Act 2001* of the Parliament of the Commonwealth, in particular Part 9.4AAA which governs whistleblowing protections;

(D) eligible recipient – as per section 1317AAC of the Corporations Law and our officers, auditors and actuaries and a person authorised by us to receive disclosures under Part 9.4AAA of the Corporations Law;

(E) eligible whistleblower – as per section 1317AAA of the Corporations Law and includes a current or former team member and their family members;

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(F) relevant matter – as per ‘disclosable matter’ in subsection 1317AA(4) of the Corporations Law and includes dishonesty, corrupt or fraudulent conduct, illegal activity (including theft, drug trafficking, violence or threatened violence, or property damage), a breach of our internal laws or corporate policies, improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern, a serious impropriety or an improper state of affairs, endangering health or safety, damaging or substantially risking damage to the environment a serious mismanagement of our resources, detrimental to our financial position or reputation, maladministration and concealing relevant matters;

(G) team member – includes persons falling in paragraphs (a) to (e) of section 1317AAA of the Corporations Law such as employees, officers, contractors (including employees of contractors), volunteers, suppliers and consultants.

5. Principles

53. This clause sets out the principles under which whistleblowing operates:

(A) **Higher standard** – Whistleblowing is an important part of freedom of speech under right to free speech under article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Australia is a party, and the right to fair comment under section 137 of the Constitution;

(B) **Speaking up** – We encourage our team members to report any concerns in line with our policies and procedures.

(C) **Our expectations of team members** – We expect team members to act honestly and ethically, and to make any report on reasonable grounds;

(D) **Our responsibility to whistleblowers** – Our obligations to eligible whistleblowers are spelled out in the Policy, but in particular in clause 8 ‘Protection’;

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(E) **Confidentiality and consent** – We will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While we encourage you to identify yourself to the eligible recipient, you may opt to report your concerns anonymously.

6. Personal work-related grievances

54. This clause provides that work-related grievances are not subject to protection under this Policy, as a result of being specifically excluded under the whistleblowing provisions under section 1317AADA of the Corporations Law.

7. How to disclose

55. This clause includes the information required under paragraph 1317AI(5)(b) of the Corporations Law by setting out how a disclosure may be made.

56. Subclause 7.1 provides a disclosure must be made with sufficient information, such as the date, time, location, name or identifying information of person(s) involved, possible witnesses to the events, evidence of the events (e.g. photos, documents, emails), any steps you may have already taken to report the matter elsewhere or to resolve the concern.

57. Subclause 7.2 provides that disclosures that qualify for protection under the Policy must be made to eligible recipients, and states that internal law enforcement bodies and whistleblower contacts in our entities are authorised to receive disclosures that qualify for protection. It states that persons should contact Whistleblowing Urabba Parks for more information on how to locate their relevant whistleblowing contact.

58. Subclause 7.3 provides the whistleblowing contact will have a number of options by which a disclosure can be communicated (telephone, email and (in some circumstances) in-person options) and also reminds potential whistleblowers they can remain anonymous or use a pseudonym and their information will be protected in line with the Privacy Policy.

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8. Protection of whistleblowers

59. This clause includes the information required under paragraph 1317AI(5)(c) of the Corporations Law by outlining the protections whistleblowers have.

60. Subclause 8.1 provides that:

(A) protections under the Policy apply if the discloser was subsequently found to be mistaken (provided they had reasonable grounds to make a report), or if the disclosure is made to Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA) or prescribed body; and

(B) no person shall be subject to detriment as a result of making a disclosure. The examples of detriment are intended to provide the same definition of detriment as in section 1317ADA of the Corporations Law.

61. Subclause 8.2 provides for the right to privacy for whistleblowers, and in particular the right not be identified unless with their written consent or in some other exceptional circumstances. This subclause provides for the obligations of Urabba Parks and its team members under:

(A) section 1317AAE of the Corporations Law, which protects the whistleblower's identity from disclosure, except in disclosures to an agency falling in Subclause 8.1 or the Australian Federal Police (AFP); and

(B) section 1317AG of the Corporations Law, which prevents the identification of a whistleblower to a court or tribunal.

9. False disclosures

62. This clause includes information relating to the treatment of false disclosures. False disclosures could greatly affect the integrity of the whistleblowing regime, and this clause provides that those who make false disclosures could face disciplinary action, including prosecution in the judicial system resulting in disqualification. A disclosure is taken to

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be false if it is made knowingly misleading; a disclosure made in good faith that ultimately turns out to be false is not taken to be a false report for the purposes of the Policy.

10. Handling and investigating a disclosure

63. This clause includes information on what happens when:

(A) disclosures are received by a whistleblowing contact – a determination of whether matters subject to a disclosure will be investigated will be made within 30 days of receipt of the disclosure, unless another timeframe is specified by the competent investigating body;

(B) we investigate disclosures – information regarding the investigative process is required under paragraph 1317AI(5)(d) of the Corporations Law; and

(C) the investigation is completed and if any entity-specific disciplinary action or prosecution in the judicial system occurs as a result of an investigation we may take – information regarding the fair treatment of respondents and defendants is required under paragraph 1317AI(5)(e) of the Corporations Law.

Contact information and compilation information

64. This includes the contact information of Whistleblowing Urabba Parks, whistleblowing contacts in entities and support services for whistleblowers which may be updated by the Minister under section 6 and the compilation information required or otherwise included under section 7.

(U2022N00004)(E)

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This index does not form part of the instrument or related materials, and is included for convenience of reference only.

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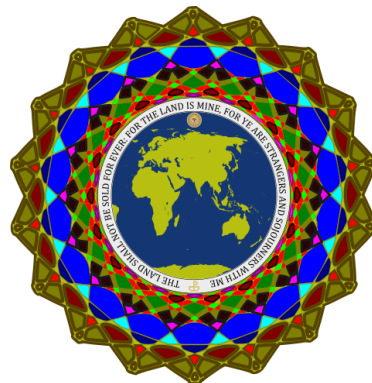
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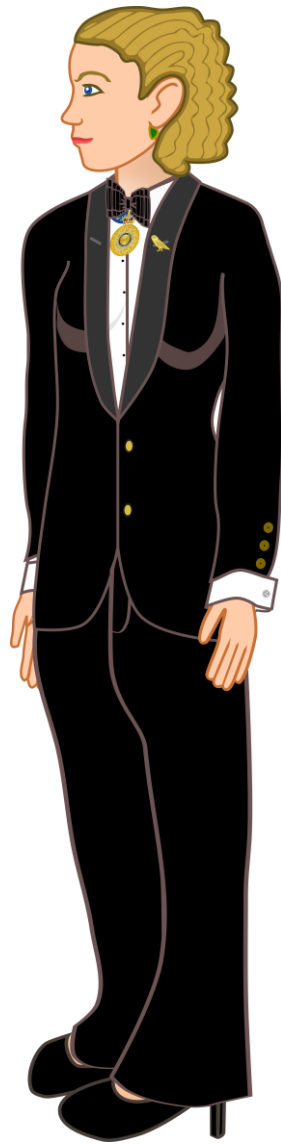
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