

External Conduct Manual

(For undertaking activities overseas including funding)

Adopted by the Board of Directors at the meeting held on July 13, 2021

Counter Terrorism

1 Introduction

This statement sets out our commitment to complying with relevant laws and any contractual obligations applicable to us relating to counter-terrorism. This statement sets out our commitment and provides a guide for our personnel on what to do if there is actual or suspected non-compliance.

2 Scope of the Statement

This statement applies to:

- (a) all our personnel (being our directors, employees, volunteers and consultants);
- (b) all our partner organisations and sub-contractors, and their personnel, involved in implementing our projects or programs or involved in activities resourced by us; and
- (c) all funds and in-kind resources for our programs, projects or activities overseas.

3 Statement

- (a) We will exercise reasonable efforts to prevent our assets and resources (including funds) from becoming support, directly or indirectly, for any of the following entities and their activities:
 - (i) a terrorist (being a person, group or organisation who is listed in a Relevant List as defined below); and
 - (ii) any organisation or individual on whom Australia has imposed sanctions under the *Charter of the United Nations Act 1945* (Cth) and regulations made under that Act, the *Autonomous Sanctions Act 2011* (Cth) and regulations made under that Act or who is listed in a Relevant List.

A **Relevant List** is each of the following (or their replacements):

- list of proscribed entities of the Australian government, being:
 - The Department of Foreign Affairs and Trade's Consolidated List: <https://dfat.gov.au/international-relations/security/sanctions/Pages/consolidated-list.aspx>
 - The list of terrorist organisations under the *Criminal Code Act 1995* (Cth) maintained by Australian National Security: <https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/default.aspx>
 - a similar list published by the relevant country in which our program, project or activity is located; and
 - The World Bank's List of Ineligible Firms and Individuals: <https://www.worldbank.org/en/projects-operations/procurement/debarred-firms>
- (b) We will take steps to ensure that we do not associate in any way with any person who is an individual or organisation of the type described in paragraph 3(a) above.
 - (c) We will also take steps to ensure that obligations relating to counter-terrorism are also assumed by our partner organisations and sub-contractors where we work

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with them.

4 Statement in Practice

4.1 Our personnel:

- (a) We will screen prospective personnel in the relevant manner set out in the procedures below (see 4.3).
- (b) This statement will be embedded within our organisational culture and practices. We will create awareness amongst our personnel about terrorism risks and counter-terrorism measures by providing and explaining this statement to them.

4.2 Our partners and sub-contractors

- (a) Awareness about terrorism risks and counter-terrorism measures will be a criteria when we assess the suitability of a prospective partner or sub-contractor.
- (b) We will take the relevant steps set out in the procedures below (see 4.3) in relation to our partners and sub-contractors.

4.3 Procedures

- (a) **Pre-appraisal:** We will do the following as pre-appraisal of each prospective personnel before they are recruited and partner or sub-contractor before they are engaged in connection with the relevant programs, projects or activities with or for us.

- (i) Confirm their identity, credentials and general good standing through interviews and reference checks with reputable referees.

- (ii) Undertake screening as follows:

- (A) In the case of individuals, check their own name against the Relevant Lists; and

- (B) In the case of organisations, check the names of their key persons, that is:

- those who are involved in their governance (for example, members of their board);
 - those in senior management (for example, their executives), financial management and control at the organisational level (for example, their chief financial officer, financial controller or finance manager); and
 - those responsible at the program, project or activity level (for example, project finance manager), against the Relevant Lists.

Checking may also include use of screening software (such as the DFAT's Link Match Lite) and other methods of due diligence (such as reference checks).

We will not engage (or otherwise associate with) the individual or any organisation who has a key person whose name is on a Relevant List.

- (iii) Provide them with this statement and seek confirmation from them that they understand and can commit to complying with this statement and relevant laws relating to counter-terrorism.

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(b) **Re-appraisal:** We will re-appraise:

- (i) our personnel by undertaking screening as set out in paragraph 4.3(a)(ii)(A) above every 5 years; and
- (ii) the key persons of partners and sub-contractors (in the manner set out in paragraph 4.3(a)(iii)(B) above) where our partnership or relationship with them has a term of over a year with the following frequency:

Where the partner of sub-contractor <u>or</u> the program, project or activity is in a location with the following level of travel advice according to DFAT's Smart Traveller advice (www.smarttraveller.gov.au):	Frequency:
● Level 1 location where: • the overall security environment is similar to that in a large Australian city, generally with a functioning law and order system and stable government. • terrorist attacks, civil unrest, violent crime, or unique health threats may occur. • overall, the risks are not significant.	Every 3 rd anniversary of the original appraisal
● Level 2 location where: • there is a weak law and order system (where violent crime is prevalent) or deficiencies in public services (such as less responsive law enforcement agencies). • the security environment could change with little warning. • there is a passing event, such as political unrest or a short-term increase in location's domestic terrorism level.	Every 2 nd anniversary of the original appraisal
● Level 3 location where: • there are serious and potentially life threatening risks. • there is ongoing threat of terrorism or kidnapping, frequent incidents of violent crime, ongoing civil unrest, widespread disease, or other safety risks.	Every 1 st anniversary of the original appraisal
● Level 4 location where: • there is an extremely dangerous security situation. • a high threat of terrorist attack or kidnapping, ongoing armed conflict, violent social unrest, or critical levels of violent crime (often a combination of these).	Every 1 st anniversary of the original appraisal

We will cease engagement (or otherwise association with) the individual or any organisation who has a key person whose name is on a Relevant List.

(c) **Retention of appraisal records:** We will retain records of all appraisals undertaken.

(d) **Measures with partners and sub-contractors:**

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- (i) We will provide this statement to our partner organisations and sub-contractors and through our agreements with them, require them to apply this statement unless they have a commensurate or more comprehensive statement.
- (ii) We will require our partner organisations and sub-contractors to require a similar commitment from any other organisation or person they engage in connection with the relevant programs, projects or activities with or for us.
- (iii) We will work with our partner organisations and sub-contractors to:
 - (A) identify terrorism risks in relevant programs, projects or activities they undertake with or for us and identify and take the appropriate measures to prevent and minimise such risks eventuating. Depending on the context and the nature of the program, project or activity, the appropriate measures may include some or all the steps set out in the procedures to this statement and where necessary, additional steps.
 - (B) ensure their personnel are aware of counter-terrorism measures and take steps to mitigate against any of our resources becoming support for terrorists and their activities or us becoming associated with them:
- (iv) We will monitor our partners' compliance with this statement and the undertakings in our agreements with them from time to time. In particular, we will ensure that regular checks undertaken to verify whether the controls set in this Statement are complied with.
- (e) **Incidents:** In the event of any incident where there has been, or suspected to have been, non-compliance with this statement or our obligations under a relevant law or any contract relating to counter-terrorism, personnel must inform the Chair of our Board immediately. The Chair will then advise the Board.

Our Board must ensure that appropriate actions must be taken to address the incident including the following as appropriate:

- (i) immediate cessation or suspension of resources (including funding) being provided (for example, to the relevant program, project or activity);
- (ii) investigation of the incident; and
- (iii) notification of the incident and steps taken to relevant authorities and to the other parties under the terms of a relevant contract (if and as required).

5 Ownership, monitoring and Review of Statement

Our Board owns this statement. This means no exception or departure from this statement may be permitted without Board approval.

6 Relevant laws:

- *Australian Charities and Not-for-profits Commission Act 2013* (Cth) and *Australian Charities and Not-for-profits Commission Regulations 2013* (Cth), in particular:
 - ACNC Governance Standards 1 and 3 (s 45.5 and 45.15 of the above Regulations)
 - ACNC External Conduct Standards 1 and 3 (s 50.20 and 50.30 of the above Regulations).
- *Charter of the United Nations Act 1945* (Cth)

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- *Autonomous Sanctions Act 2011* (Cth)
- *Criminal Code Act 1995* (Cth)

7 Monitoring and Review of Statement

The Board is responsible for reviewing this statement regularly (minimum every two years). Any updates and revisions to this statement must be approved by the Board.

8 Revision History

	Approved by:	Date:
Approval and adoption of statement	Board	[insert]

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Fraud Risk Management

1 Purpose of this Statement

This statement sets out our commitment to mitigate against fraud, theft, misappropriation, money laundering, the misuse of funds, bribery and corruption in the transfer of funds or provision of resources to our partners and third parties (**funds or resource misuse**). This includes ensuring that actual or perceived conflicts of interest (**conflicts of interest**) are appropriately identified, documented and managed.

2 Scope of the Statement

This statement applies to:

- (a) all our personnel (being our directors, employees, volunteers and consultants);
- (b) all our partner organisations and sub-contractors, and their personnel, involved in implementing our projects or programs or involved in activities resourced by us; and
- (c) all funds and in-kind resources for our programs, projects or activities overseas.

3 Overview of the Statement

- (a) We will promote and implement best practice principles and practices to safeguard against funds or resource misuse.
- (b) We will exercise reasonable efforts to:
 - (i) minimise any risk of corruption, fraud, bribery or other financial impropriety by our Board, employees, volunteers and third parties outside Australia; and
 - (ii) identify and document any perceived or actual material conflicts of interest for our employees, volunteers, third parties and our Board outside Australia.
- (c) This statement will be embedded within our organisational culture and practices. We will create awareness in relation to fraud, bribery and corruption by distributing and explaining this statement to relevant personnel.

4 Statement in Practice

4.1 Due diligence

- (a) We will ensure that thorough due diligence is undertaken with respect to all entities we resource (including the provision of funds) (**approved partners**).

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- (b) Our due diligence will include:
 - (i) identification of the relevant legal entity, structure, ownership and identity of its board or governing body of the approved partner;
 - (ii) review (on a risk assessment basis) of the governance, financial controls and procedures of the approved partner;
 - (iii) identification of any connections or associations between the with respect to each approved partner, its members or governing body with public or Government officials or agencies;
 - (iv) identification of any actual or potential conflicts of interest; and
 - (v) screening as required under our Counter-Terrorism Statement.

4.2 Funds transfers

Funds transfers may only be made as approved by the Board.

4.3 Incident reporting and management

In the event of any incident where there has been, or suspected to have been, non-compliance with this statement or our obligations under a relevant law or any contract relating to funds or resource misuse, personnel must inform the Chair of our Board immediately. The Chair will then advise the Board.

Our Board must ensure that appropriate actions must be taken to address the incident including the following as appropriate:

- (a) immediate cessation or suspension of resources (including funding) being provided (for example, to the relevant program, project or activity);
- (b) investigation of the incident; and
- (c) notification of the incident and steps taken to relevant authorities and to the other parties under the terms of a relevant contract (if and as required).

4.4 Awareness

We will ensure that our approved partners are aware of anti-fraud measures and take steps to mitigate against any of our funds or resources being misused:

- (a) We will discuss the issues of fraud, corruption and bribery with them during the development of relevant memoranda of understanding or partner agreements and ensure that such documents contain relevant undertakings in relation to fraud, corruption, bribery and counter-terrorism measures, including undertakings that the partner will require similar undertakings from their partners and sub-contractors who may be involved in any activity relating to our programs and projects.
- (b) We will monitor our partners' compliance with this statement and the

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undertakings irrelevant memoranda of understanding or partner agreements from time to time (including, regular monitoring and testing).

5 Ownership, monitoring and Review of Statement

Our Board owns this statement. This means no exception or departure from this statement may be permitted without Board approval.

6 Relevant laws:

Australian Charities and Not-for-profits Commission Act 2013 (Cth) and Australian Charities and Not-for-profits Commission Regulations 2013 (Cth), in particular:

- ACNC Governance 1 and 3 (s 45.5 and 45.15 of the above Regulations)
- ACNC External Conduct Standards 1 and 3 (s 50.20 and 50.30 of the above Regulations).

7 Monitoring and Review of Statement

The Board is responsible for reviewing this statement regularly (minimum every two years). Any updates and revisions to this statement must be approved by the Board.

8 Revision History

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Safeguarding (Vulnerable Persons) Statement

1 Introduction

This statement sets out our commitment to protecting the welfare and human rights (“safeguarding”) of vulnerable persons we engage with or who are affected by our activities and work.

This statement sets out our commitment and how we manage the risks of harm or exploitation of vulnerable persons (“safeguarding risks”) and to support a positive and effective internal culture towards safeguarding vulnerable persons.

Additionally, as a registered charity operating outside Australia or working with third parties that are operating outside Australia, we must take reasonable steps to ensure the safety of vulnerable persons outside Australia:

- (a) who are, and to the extent they are, being provided with services or accessing benefits from us under programs provided by us or a third party in collaboration with us; or
- (b) who are, and to the extent they are, engaged by us or a third party in collaboration with us to provide services or benefits on behalf of us of the third party.

2 Scope of the Statement

This statement applies to:

- (a) all our personnel (being our directors, employees, volunteers and consultants); and
- (b) all our partner organisations (including any of our affiliates around the world) and, contractors and sub-contractors, and their personnel, involved in activities and work (including our projects or programs or involved in activities resourced by us).

3 Overview of the Statement

- (a) We have no tolerance for harm or exploitation of any person. In particular, we are committed to promoting and protecting the welfare and human rights of vulnerable persons with whom we interact, or who are affected by, our activities and work.
- (b) We will take a survivor-centric approach in all that we do, meaning that we will consider and lawfully prioritise the needs, rights and wishes of survivors of harm or exploitation.
- (c) All our personnel have responsibility for protecting vulnerable people from harm or exploitation. Beyond this, particular people have specific responsibilities (see 4.2), and they must carry out their duties without exception.

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4 Statement in Practice

4.1 What we mean in this statement

- (a) By “vulnerable person” we mean any child or individual who is or may be unable to protect themselves against harm or exploitation regardless of their age, gender, race, religious beliefs, disability, sexual orientation, or family or social background.
- (b) By “harm or exploitation”, we mean any forms of physical and mental abuse, exploitation, coercion or ill-treatment, for example:
 - (i) sexual harassment, bullying or abuse;
 - (ii) sexual criminal offences and serious sexual criminal offences;
 - (iii) threats of, or actual violence, verbal, emotional or social abuse;
 - (iv) cultural or identity abuse, such as racial, sexual or gender-based discrimination or hate crime;
 - (v) coercion and exploitation; and
 - (vi) abuse of power.

4.2 Responsibilities

- (a) **Board:** Our Board is responsible for ensuring that:
 - (i) all personnel discharge their responsibilities under this statement.
 - (ii) ensure that reasonable steps are taken to protect vulnerable persons; and
 - (iii) ensure that reports to external parties (including regulators and the police) are made where required.
- (b) **All other personnel:** All other personnel (including employees, volunteers and consultants) must:
 - (i) familiarise themselves with, and comply with all requirements under, the relevant laws and this statement;
 - (ii) report any incident to their manager and the appropriate authority when it is reasonable to suspect that a person’s safety or welfare is at risk; and
 - (iii) contribute to an environment that is supportive of safeguarding.

4.3 Partner organisations and contractors

We will provide a copy of this statement to each of our partner organisations (including any of our affiliates around the world) and sub-contractors, involved in implementing our activities and work, and require that their personnel comply with

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the requirements under this statement.

4.4 Managing incidents

- (a) If a personnel believes that a vulnerable person is at risk of immediate harm or the victim of a criminal offence, they must dial 000 and also report their belief to any of the following:
 - (i) the Chair of the Board; or
 - (ii) any of our directors.
- (b) If a personnel has reasonable grounds to suspect a safeguarding incident has taken place, may be taking place, or could take place they must report it as soon as practicable by providing the information about their suspicion to any of the personnel listed in 4.4(a).
- (c) Every reported incident must be:
 - (i) handled by the recipient of the report (see 4.4(a)) in a manner that is survivor-centric and maintains confidentiality and privacy (including compliance with privacy regulation) unless there is a risk to someone's safety; and
 - (ii) reported to the relevant authorities (including the police or relevant government department).

5 Ownership, monitoring and Review of Statement

Our Board owns this statement. This means no exception or departure from this statement may be permitted without Board approval.

6 Relevant laws:

Australian Charities and Not-for-profits Commission Act 2013 (Cth) and *Australian Charities and Not-for-profits Commission Regulations 2013 (Cth)*, in particular:

- ACNC Governance Standard 3 (s 45.15 of the above Regulations)
- ACNC External Conduct Standard 4 (s 50.35 of the above Regulations)

7 Monitoring and Review of Statement

The Board is responsible for reviewing this statement regularly (minimum every two years). Any updates and revisions to this statement must be approved by the Board.

8 Revision History

	Approved by:	Date:
Approval and adoption of statement	Board	[insert]