



Annexure 2- New Zealand

Eligible Whistleblowers who make a 'Protected Disclosure' of 'Serious Wrongdoing' have protections under the law in New Zealand, including the Protected Disclosures (Protection of Whistleblowers) Act 2022 ('Act').

This New Zealand Annexure sets out a summary of certain aspects of the protections that may be available under New Zealand law, where these differ from the protections outlined in this Policy. If you require further information on the application of the law, please seek independent legal advice.



Who is an eligible whistleblower?

Eligible Whistleblowers under the Act (defined as 'Disclosers') include current and former employees, homeworkers (defined in the Employment Relations Act 2000), secondees, contractors, persons concerned in the management of Canva and volunteers.



What is a protected disclosure?

To be a Protected Disclosure, a Discloser must:

- believe on reasonable grounds that there is, or has been, serious wrongdoing in or by Canva; and
- disclose information about that in accordance with the Act; and
- not disclose information in bad faith.

What is Serious Wrongdoing?

'Serious Wrongdoing' includes any act, omission, or course of conduct in (or by) any organisation that is one or more of the following:

- an offence;
- a serious risk to:
 - public health;
 - public safety;



What is a protected disclosure? cont.

- the health or safety of any individual; or
- the environment;
- an unlawful, corrupt, irregular or grossly negligent use of public funds or public resources;
- a serious risk to the maintenance of law, including:
 - the prevention, investigation and detection of offences; or
 - the right to a fair trial;
- oppressive, unlawfully discriminatory, grossly negligent, or that constitutes gross mismanagement, and is done (or is an omission) by:
 - an employee (if the organisation is a public sector organisation); or
 - a person performing (or purporting to perform) a function or duty or exercising (or purporting to exercise) a power on behalf of a public sector organisation or the Government.

The protections and remedies under the Act do not apply to Protected Disclosures under this Policy that do not amount to Serious Wrongdoing (as defined above).

Where a Protected Disclosure does not amount to Serious Wrongdoing under New Zealand law, Canva may nevertheless address your concerns under this Policy, however, you will not be entitled to the protections and remedies under the Act.

For the avoidance of doubt, Serious Wrongdoing can (in some cases) also include matters which give rise to a “personal grievance” under the Employment Relations Act 2000 (NZ). However, where you wish to pursue a “personal grievance”, you should follow the process for raising personal grievances set out in the Grievance Handling Procedure or Employee Handbook for your location.

How am I protected?

You will be protected under the Act if you make a Protected Disclosure that relates to Serious Wrongdoing in or by Canva either:

- in accordance with the procedure described under the “How to make a disclosure” section of this policy; or
- to an ‘Appropriate Authority’ (which includes the head of any public sector organisation or specified persons and bodies listed in the Act).

If you make a Protected Disclosure, you have certain legislative protections, including but not limited to:

Confidentiality

We will use our best endeavours not to disclose information that might identify you unless:

- you give your consent in writing to the disclosure of that information;
- there are reasonable grounds to believe that disclosure of that information is essential:
 - for the effective investigation of the disclosure;
 - to prevent a serious risk to public health, public safety, the health or safety of any individual or the environment;
 - to comply with the principles of natural justice; or
 - for an investigation by a law enforcement or regulatory agency for the purpose of law enforcement.

Any disclosure of identifying information will be managed in accordance with Canva’s obligations under law, including the Act and the Privacy Act 2020 (NZ).

No retaliation or victimisation

Employees who raise concerns in accordance with the Act are protected from retaliation and victimisation in relation to making a Protected Disclosure.

Immunity from civil, criminal and disciplinary proceedings

If you make a Protected Disclosure, or you are a receiver who refers a Protected Disclosure, you are protected from being liable to any civil, criminal or disciplinary proceeding because of making or referring the Protected Disclosure.



How am I protected? cont.

You are entitled to protection under the Act even you:

- are mistaken and there is no Serious Wrongdoing; or
- do not indicate that disclosure is being made under the Act;
- technically fail to comply with sections 11 or 14 of the Act (as long as they have substantially complied); or
- also make the disclosure to another person, so long as you do so on a confidential basis and for the purposes of seeking advice about whether or how to make a protected disclosure in accordance with the Act.

These protections do not apply where you make a disclosure known to be false or otherwise act in bad faith.