



Annexure 1 - Australia

Eligible Whistleblowers who make a 'Protected Disclosure' have protections under the law in Australia, including the Corporations Act 2001 (Cth) ('Act').

This schedule sets out a summary of the legal protections that may be available under Australian law. Canva is unable to advise you on how the law will apply to your specific circumstances. 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 are broader than under the policy, and include current and former employees, directors and other officers (as defined in the Act), contractors, suppliers, employees of suppliers, and associates of Canva, as well as any of their relatives and dependants.



What is a protected disclosure?

To be a Protected Disclosure, an Eligible Whistleblower must:

- have reasonable grounds to suspect that their disclosure concerns a 'Disclosable Matter'; and
- must make the disclosure to an 'Eligible Recipient' able to receive such disclosures under the law.

Whether there are reasonable grounds to suspect a Disclosable Matter is an objective test, based on what an Eligible Whistleblower is actually aware of at the time of the disclosure.

A disclosure can qualify for legal protection even if it is made anonymously or it turns out to be incorrect. The motive for making the disclosure is not relevant to whether it will be protected.



What is a protected disclosure? cont.

Types of Disclosable Matters and Eligible Recipients are summarised in the following table.

Disclosures which do not relate to a Disclosable Matter or which are not made to an Eligible Recipient will not qualify for legal protection under the Act.

Disclosable Matter

- Information about actual or suspected misconduct, or an improper state of affairs or circumstances in relation to Canva
- Information that Canva, or any officer (as defined in the Act) or employee of Canva, has engaged in conduct that:
 - contravenes or constitutes an offence against certain legislation including the Act; the Australian Securities and Investments Commission Act 2001 (Cth); Banking Act 1959 (Cth); Financial Sector (Collection of Data) Act 2001 (Cth); Insurance Act 1973 (Cth); Life Insurance Act 1995 (Cth); National Consumer Credit Protection Act 2009 (Cth); Superannuation Industry (Supervision) Act 1993 (Cth); or an instrument made under any of them; or
 - represents a danger to the public or the financial system; or
 - constitutes an offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more
- Personal work-related grievances (as defined in the policy) are not Disclosable Matters, except in limited circumstances including as set out in the policy.

Eligible Recipients

- A person authorised by Canva to receive protected disclosures – i.e. Whispli under this policy
- An officer or senior manager of Canva
- An auditor, or a member of an audit team conducting an audit, of Canva
- An actuary of Canva
- Australian Securities and Investments Commission ('ASIC'), Australian Prudential Regulation Authority ('APRA') or another Commonwealth body prescribed by regulation
- A legal practitioner for the purposes of obtaining legal advice or legal representation (even if the legal practitioner concludes the disclosure does not relate to a Disclosable Matter)
- Journalists or parliamentarians under certain circumstances allowing emergency and public interest disclosures. It is important for you to understand the criteria for making a public interest or emergency disclosure before doing so. You should contact an independent legal adviser before making a public interest or emergency disclosure.



How am I protected?

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

Confidentiality:

It is illegal for a person to identify you, or disclose information that is likely to identify you, except in certain circumstances including:

- you give your consent;
- the disclosure is to a lawyer for the purposes of obtaining legal advice or legal representation;
- if the disclosure is to ASIC, APRA, the Australian Taxation Office, the Australian Federal Police, a Commonwealth, State or Territory authority for the purpose of assisting the authority in the performance of its functions or duties, or to any other body which may be prescribed by legislation from time to time; or
- if it is reasonably necessary to share information that is likely to identify you (but not your identity itself) to investigate your disclosure, and all reasonable steps are taken to reduce the risk you will be identified as a result of sharing that information; and

Protection from detrimental conduct:

You are protected from detrimental acts or omissions in relation to making the disclosure. You can seek compensation and other remedies through the Courts if you suffer loss, damage or injury because of a disclosure and Canva has failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

A breach of the above protections is an offence under the law and you may be able to seek legal recourse. The person who commits the breach may also be liable for civil and/or criminal penalties.



How am I protected?

If you make a protected disclosure, you are also protected from the following:

- Civil liability – For example, this could include any legal action against you for breach of an employment contract, duty of confidentiality or another contractual obligation;
- Criminal liability – For example, this could include attempted prosecution of you for unlawfully releasing information, or other use of the disclosure against you in a prosecution (other than for making a false disclosure); and
- Administrative liability – For example, disciplinary action for making the disclosure.

You will not however have immunity for any misconduct you have engaged in that is revealed in a disclosure or investigation.

External Support

External providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636) are also available if you would like additional support.