



AUSTRALIAN HIMALAYAN FOUNDATION COUNTER-TERRORISM POLICY

Document Control

ORIGINAL: 2009

PREVIOUS APPROVAL: *July 2019 (Substantial updates and edits.
Reviewed by Intelligent Risks PTY Ltd (12 July
2019))*

LATEST APPROVAL: August 2021

NEXT REVIEW: 2023

1. INTRODUCTION

It is incumbent upon all those involved in managing and implementing AHF-supported projects to make all reasonable efforts to ensure that funds and resources are not used to support any terrorist or criminal activities.

This policy is to be read in conjunction with:

- AHF Risk Management Framework
- *AHF Fraud and Anti-Corruption Policy*
- *AHF Complaints and Whistleblowing Policy*
- *AHF Financial Management Policies*
- *AHF International Program Manual*

2. PURPOSE

The purpose of the *AHF Counter-Terrorism Policy* is to promote awareness and prevention of the support of terrorism and money laundering. Specifically, the policy seeks to prevent, detect and deter the deliberate or unknowing facilitation or support of any terrorist groups and organisations, or of any individuals associated with terrorism and/or organised crime.

AHF recognises its obligations under Australian and international laws, and resolves to put in place policies and procedures to:

- Prevent any of our assets, tangible and intangible, from being utilised by entities recognised as terrorists, or involved in criminal activity;
- Ensure our partnerships explicitly represent our mutual condemnation of terrorism or criminal activity.

3. SCOPE

This Policy applies to all AHF personnel including Board, employees, volunteers, consultants and other representatives, as well as in-country partners and affiliates. It also applies to individuals or groups engaged on a short-term basis by AHF and its partners.

Prevention of terrorism and financial wrongdoing is applicable in AHF operations and programs in Australia, as well as in all AHF activities overseas.

4. PRINCIPLES

- a. AHF has a zero-tolerance policy towards any association with terrorism and organised crime. AHF will ensure:
- Funds are not provided directly or indirectly to individuals or organisations associated with terrorism and/or organised crime.
 - All individuals or organisations involved in implementing or facilitating projects on behalf of AHF are in no way associated directly or indirectly with organisations or individuals associated with terrorism and/or organised crime.
 - All individuals and organisations involved in implementing or facilitating AHF projects and activities, and the actual project activities, general practice and functionality of AHF will fully comply with the relevant laws, regulations and policies of Australia and the countries in which AHF operates.
 - Any Australian Government donor is immediately informed of any breach of this policy and, if appropriate or required, the national security hotline and the Australian Federal Police (AFP) will also be informed.
- b. AHF requires all its project partner organisations to work closely with the AHF to comply with Australia's counter-terrorism laws and policies.

5. GUIDELINES

5.1 Organisation-wide risk management

AHF has an organisation-wide risk management framework. Terrorism risks are included in this framework. All risks are tracked on a risk register and any risks rated as *Medium* and above have risk mitigation plans and are regularly monitored. Any *High* (or above) risks are reviewed at each Finance and Governance Advisory Committee meeting and reported to the Board quarterly.

5.2. Human Resources

5.2.1 Safe Recruitment Practices

AHF will be vigilant in the recruitment and selection of all personnel (employees, interns, volunteers, consultants and others who may be engaged with AHF) to ensure due diligence in line with this policy.

Recruitment processes must follow AHF's Employee Handbook and AHF recruitment procedures, including:

- At least two professional reference checks for new employees.
- Police clearance checks (Australian Federal Police criminal record check, and any employee or Director who is a citizen of another country, or has lived in another country for 12 months or more in the past five years).
- Checking employees and Directors against DFAT's consolidated list and other national security lists prior to being employed and at least annually thereafter.
- All AHF personnel sign and adhere to AHF's Code of Conduct (which includes a clause on terrorism and criminal conduct).

In-country partners will undertake appropriate staff security clearances and screening procedures.

5.2.2 Induction and training

All employees and international volunteers will be made aware of the *AHF Counter-Terrorism Policy* and procedures, and their obligations including reporting procedures.

Refresher training sessions will be delivered to staff every two years or more regularly if government requirements change or if this AHF policy is subject to any significant revision.

5.3 Risk management of delivery partners and projects

AHF partner organisations must use their best endeavours to ensure that AHF funds, including funds used in sub-contracts, do not provide direct or indirect support or resources to terrorist organisations and individuals. AHF partner organisations must comply with all relevant laws, policies and regulations in Australia and in their home country in relation to:

- The proscription against providing direct or indirect support or resources to organisations and individuals associated with terrorism
- Corrupt practices, in particular the bribery of public and foreign officials
- Money laundering
- Violation of financial sanctions imposed by the Australian Government

5.3.1 Due diligence

Prior to working with a partner, AHF will conduct a due diligence process and ensure all partners' board members, senior employees (such as organisation management staff), key project staff, all AHF-funded staff, and volunteers working in executive or program management positions on the AHF-funded project will be checked against the *DFAT Consolidated List, National Security Australia list at: www.nationalsecurity.gov.au/Listedterroristorganisations; and the World Bank List at: <https://projects.worldbank.org/en/projects-operations/procurement/debarred-firms> and other DFAT requirements.*

Once accepted as a partner, screening checks of these key personnel will be conducted annually or more frequently if the project risk profile changes. The processes for assessing the capacity of partners, selecting partners, and for ongoing partner checks are outlined in the *AHF International Program Manual* and in *AHF Procedures*.

Partners must be informed of AHF's requirements regarding counter-terrorism and money laundering. Partners must inform AHF of any changes to Board members, senior employees, key project staff, all AHF-funded staff, and volunteers working in executive or program management positions on the AHF-funded project. Partners must inform AHF of any change in project staff prior to formalising their recruitment. Screening checks will be conducted on any new personnel.

AHF also requires that partner organisations check third-party organisations that they will be working with on any AHF-funded project, including contractors and consultants. They are required to formally acknowledge and accept this requirement and obligation in the Project Agreement which is the contractual arrangement between AHF and a partner entity for a project. AHF can support the Associate to check third party organisations but will require the Associate to provide details prior to engaging the third party organisation. Relevant training will be provided to partners as required.

Terrorism and money laundering risk management considerations will be included at all levels of project cycle management including project design, appraisal, monitoring, evaluation and reporting.

5.4 Visits to international programs

In addition to employees conducting monitoring visits, AHF programs are occasionally visited by Board or Committee members, contractors, consultants, volunteers and other representatives. Due diligence checks (such as AFP checks for Australian citizens, a legal equivalent for citizens of other countries or, when not available, a statutory declaration declaring they are not or have not been a member of a group or organisation involved in criminal activities) will be conducted prior to visits being undertaken and all visitors will also be requested to sign the *AHF Code of Conduct*.

Other visitors who may be supporting AHF through fundraising, volunteering or trekking (organised by AHF or by third parties) must adhere to and follow “*AHF Guidelines for fundraising/ volunteer trekkers*”.

AHF program employees and volunteers visiting the international program must be briefed on terrorism risks, criminal risks and general personal security risks to themselves in the Himalayan region in which the Foundation operates.

AHF personnel will also maintain contact with the Australian Embassy in the relevant country to ensure appropriate advice and interactions can occur on these matters.

5.5 Communications and data risk management

AHF will ensure all digital and online systems, software, storage and data (including project, financial, management and personal information) are appropriately secure to be protected from cyber-attacks.

AHF’s communication, both internally and externally, will not contravene the *AHF Policy on Counter-Terrorism*.

5.6 Reporting obligations regarding any suspected breach of this Policy

All AHF personnel, including partner organisations, must immediately report:

- any suspected or actual terrorist and/or criminal threat or activity by:
 - AHF personnel, including employees, volunteers, consultants, contractors, donors or members of the Board; and
 - personnel of any AHF partner organisation.
- any report made by anyone relating to suspected terrorist and/or criminal threat or activity or policy non-compliance by AHF personnel or personnel of an AHF partner organisation.

It is the responsibility of personnel to promptly report a breach, not to investigate it.

5.7 Incident reporting and handling

Any actual or suspected incident of fraud, terrorist or criminal behaviour should be reported to the AHF CEO at first instance. If the CEO is implicated in any suspected financial wrongdoing or other malfeasance then the matter should be reported directly to the AHF Chair. See AHF Complaints and Whistleblowing Policy (on AHF website) or the Contact details in Annex B of this policy.

All suspected, detected or actual instances of terrorism will be treated as a Serious Incident and follow reporting and investigation procedures as outlined in AHF Complaints and Whistleblowing Policy (and annexes).

Reports can be made anonymously - using AHF's Complaints form on AHF's website or by post. However anonymous reports that lack specific details will be reviewed, but may not be pursued further if insufficient supporting material is included.

AHF will treat all concerns raised seriously and ensure that all parties are treated fairly, and the principles of natural justice will be taken into account. All reports will be handled professionally, confidentially and efficiently.

Any person who reports terrorist or criminal behaviour shall not be penalised for raising a concern of this nature. AHF upholds whistleblowing protection laws as per the Whistleblowing section of AHF Complaints and Whistleblowing Policy.

AHF will report any suspected or actual terrorist threat or activity to the national security hotline, the Australian Federal Police and to DFAT if the matter relates directly or indirectly to DFAT funding.

6. ROLES AND RESPONSIBILITIES

All personnel are responsible for:

- ensuring they are familiar with and comply with this policy;
- conducting themselves with integrity and avoiding terrorism activity and financial wrongdoing of any kind;
- demonstrating awareness of prevention of terrorism and/or financial wrongdoing practices; and

- reporting any allegation, suspicion and cases of terrorism and/or financial wrongdoing as soon as possible in line with this policy.

6.1 Board and CEO

It is the ultimate responsibility of the Board to ensure that the AHF takes every precaution to prevent and detect financial wrongdoing and mitigate the risk of terrorism financing and money laundering in its areas of operations.

The Chief Executive Officer is responsible for ensuring that the internal control environment is effective.

6.2 Managers

Managers may act as the first point of contact to receive information of a suspected terrorist and/or criminal threat or activity, and they will immediately report to the CEO. They are also responsible for ensuring that the counter-terrorism policy and procedures are understood and implemented by the employees, volunteers and other employees they supervise.

6.3 Employees

All AHF program employees in Australia and overseas are responsible for ensuring that partners are compliant with AHF's risk-based approach to prevent any/all involvement with terrorism and money laundering, including checking project partners and ensuring partners in turn check third-party organisations they work with.

All other AHF employees are responsible for ensuring that programs and activities are compliant with AHF's risk-based approach to counter-terrorism and money laundering.

7. REVIEW OF POLICY

The *AHF Counter-Terrorism Policy* will be formally reviewed every two years to assess its relevance and effectiveness and ensure it meets current standards and legislation including applicable criminal codes. The CEO will manage the review which will be reported to the Board and relevant employees and other stakeholders will be consulted in the process.

8. LEGISLATIVE AND REGULATORY FRAMEWORK

- Anti Terrorism Act 1995 (Cth)
- Criminal Code Act 1995

- Criminal Code Amendments (Terrorism) Act 2003 & 2004
- Charter of the UN Act (Cth) 1945
- DFAT's Aid Programming Guide (2018)
- DFAT Terrorism Financing Risk Management Statement (2017)

ANNEX A

DEFINITION OF KEY TERMINOLOGY USED IN THIS DOCUMENT

Bribery – the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages.

Corruption – the abuse of entrusted power for private gain.

Counter-terrorism – the practice, techniques and strategy used to combat or prevent terrorism.

Financial Wrongdoing – behaviour that is illegal or immoral with regards to financial transactions. Includes bribery, corruption, fraud, money-laundering, terrorism financing and violation of sanctions imposed by the Australian government.

Fraud – Dishonestly obtaining a benefit, or causing a loss, by deception or other means.

Money Laundering – the process of concealing the origin, ownership or destination of illegally or dishonestly obtained money and hiding it within legitimate economic activities to make them appear legal

Terrorism - There is no universally accepted definition of ‘terrorism’. Accordingly, AHF applies the term broadly to include (but not be limited to):

- a) carrying out a ‘terrorist act’, being an action or threat of action which is done with the intention of advancing a political, religious or ideological cause and done by coercing or influencing by intimidation the government of the Commonwealth or a State, Territory or foreign country (or of part of a State, Territory or foreign country) or the public or a section of the public (including the public of a foreign country) (section 100.1 Criminal Code);
- b) any and all activities of a ‘terrorist organisation’ (Criminal Code) or a ‘proscribed person or entity’ (Charter of UN Act), even where those activities might not otherwise constitute ‘terrorist acts’:
 - (i) a “terrorist organisation” is as an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act or an organisation listed on the Australian National Security List (section 102.1(1) of the Criminal Code); and
 - (ii) a ‘proscribed person or entity’ is a person, group of people or entity listed by the Minister in DFAT’s Consolidated List or an entity proscribed in the regulations under the Charter of UN Act.

Terrorism Financing – intentionally providing or collecting funds and being reckless as to whether those funds would be used to facilitate or engage in a terrorist act.

Whistle-blower – A member of staff, volunteer, contractor or partner who reports suspected wrongdoing, including suspicion of fraud, misuse of resources, neglect of duties or a risk to health and safety.

ANNEX B: CONTACT DETAILS FOR REPORTING TERRORISM

AHF website complaints form:

<https://www.australianhimalayanfoundation.org.au/complaints-policy/>

AHF complaints@ahf.org.au (monitored by AHF CEO)

AHF CEO
PO Box 553, Crows Nest
NSW 1585, Australia
02 9438 1822
info@ahf.org.au

CEO - ANGELA FORD
angela@ahf.org.au
(02)94381822

CHAIR - SIMON BALDERSTONE
simon@waysandmeans.com.au

DFAT TERRORISM: counter-terrorism.resourcing@dfat.gov.au

National Security Hotline (Terrorism): 1800 123 400 (inside Australia); +61 1300 123 401 (outside Australia)