



ALOLA AUSTRALIA LIMITED COUNTER-TERRORISM POLICY AND PROCEDURE

Alola Australia Limited ('Alola Australia') raises funds for the development of women and children in Timor-Leste and raises awareness within the Australian community of development issues facing women and children in Timor-Leste.

Alola Australia conducts its activities in Timor-Leste primarily with Fundasaun Alola which is an organisation which works to increase maternal and child health, provide opportunities for and improve the quality of education, strengthen the economy of women in rural areas and strengthen women's leadership and decision making.

1. Introduction

The objective of the Australian Aid Program is to advance Australia's national interest by assisting developing countries to reduce poverty and achieve sustainable development.

Terrorism is against the law, against Australia's national interests and undermines sustainable development.

As a non-profit organisation operating in Australia and Overseas there is a risk of funds being misused by individuals or other organisations to finance or support terrorist activity. Alola Australia endeavours to avoid involvement in terrorist activities, avoid supporting terrorism, and avoid working with individuals and/or organisations that support terrorism.

Alola Australia has developed the Counter-Terrorism Policy and Procedure (the Policy) in accordance with the best practice principles provided by the Australian Government as spelt out in the ACFID Code of Conduct (<https://acfid.asn.au/good-practice-toolkit/quality-principle-8-resource-management>; https://acfid.asn.au/sites/site.acfid/files/resource_document/regional-risk-assessment-SMALL.pdf).

Alola Australia's status as a company registered in Australia makes it essential that the Board demonstrate its commitment to properly manage the funds received from donors. A clear statement of policy on Counter Terrorism forms part of this commitment.

2. Context

The Policy exists within the context of the Partnership Agreement between Fundasaun Alola and Alola Australia and applies to all activities undertaken as part of that partnership. The Policy recognises and aims to support the aspirations and commitment of the people of Timor-Leste to realise a positive future.

The Policy is intended to also describe requirements in the manner of a procedure in order to simplify and streamline Alola Australia's governance documentation.

3. Scope

The Policy applies to:

- The Board of Directors of Alola Australia;
- The Members of Alola Australia;
- Any employees or contractors engaged by Alola Australia;

- Any partners of Alola Australia; and
- Volunteers involved in financial administration of the company

3. Alola Australia Objectives

The objectives of Alola Australia are set out in clause 1.5 of Alola Australia's Constitution. Clause 1.5 reads as follows:

Objectives of the Company

- a) The Company must pursue charitable purposes only. The Company's Objectives are:
 - i. to establish and administer the Public Fund;
 - ii. to raise funds for the Public Fund and invite the public to contribute;
 - iii. to pursue awareness raising and educational activities for the objectives of the Public Fund and other charitable causes in Timor-Leste; and
 - iv. to pursue such other charitable purposes as the Board may determine from time to time.

The 'Public Fund' refers to the Alola Timor-Leste Relief and Development Fund pursuant to clause 22.1 in the Constitution.

4. Why is a Counter-Terrorism Policy necessary for Alola Australia?

The Policy is necessary because it:

- endeavours to ensure that Alola Australia and Australian funds and resources are not being used, directly or indirectly to support terrorist activities;
- endeavours to maintain Alola Australia's and Australia's ability to support sustainable development for women and children in Timor-Leste;
- endeavours to ensure continued community support for Alola Australia and Australian overseas aid program in Timor-Leste;
- endeavours to maintain Alola Australia's and Australia's reputation in delivering sustainable overseas aid in Timor-Leste; and
- provides a clear guide on what to do if terrorist activity is suspected.

Alola Australia may face criminal penalties if it provides financial support to a terrorist individual, organisation or act.

The *Criminal Code Act 1995 (Cth)* sets out criminal penalties (up to life imprisonment) for providing support internationally or recklessly by

- 'Directing the activities of a terrorist organisation' (section 102.2)
- 'membership of a terrorist organisation' (section 102.3)
- 'recruiting for a terrorist organisation' (section 102.4)
- 'training involving a terrorist organisation' (section 102.5)
- 'getting funds to, from or for a terrorist organisation' (section 102.6),
- 'providing support to a terrorist organisation' (section 102.7)
- 'associating with terrorist organisations' (section 102.8)
- 'financing terrorism' (section 103.1) and
- 'financing a terrorist' (section 103.2).

The *Charter of the United Nations Act 1945* also sets out penalties for making assets available to a proscribed person or entity.

For the purpose of that legislation two lists are maintained by the Australian Government. One is of terrorist organisations and is maintained by the Department of Foreign Affairs and Trade while the other is of proscribed persons and entities and is maintained by National Security Australia. Both are

available online at

<https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/default.aspx> and at <http://dfat.gov.au/international-relations/security/sanctions/pages/consolidated-list.aspx>

5. Policy implementation and monitoring

5.1. Policy responsibility

The chair of Alola Australia's Audit Risk Management Committee (ARMC) is responsible for the implementation, ongoing monitoring and periodic review of the Policy. Responsibilities include the review of all existing and new policies and proposed projects to ensure that they are consistent with the Policy.

5.2. Education

The Policy will be distributed to Alola Australia directors, members, contractors, Partners and volunteers.

5.3. Recruitment and selection

Existing and new Alola Australia directors, members, Partners and volunteers must acknowledge that they have read, understood and support Alola Australia's Counter-Terrorism Policy by signing in the appropriate space (Attachment A). These commitments shall be maintained on the Alola Drop Box in the ARMC folder.

The Policy will be sent to job applicants and new volunteers as appropriate.

A National Criminal Record Check is required for all Alola Australia directors at appointment and reappointment, and may be required for all new members and volunteers. If any person who has provided a National Criminal Record Check becomes aware of a change in their criminal record, they must immediately inform the board of Alola Australia of their changed status. Failure to comply with this requirement will lead to immediate expulsion from the Board or membership.

Alola Australia reserves the right to show these National Criminal Record Checks to the DFAT when audits of Alola Australia are conducted.

5.4. Partners

Alola Australia's main Partner is Fundasaun Alola. To enable Alola Australia to fulfil its objectives, Alola Australia may enter into formal partnership arrangements with other organisations to support the day to day operations of Alola Australia. All partnerships will be formalised by an Agreement, which will reference the Policy.

Alola Australia will ensure it obtains as much information as possible on all potential Partners (i.e. what they do, where they operate, who are their key decision makers and staff, what is their purpose) to confirm identity, credentials and good standing before considering any partnership arrangement.

Alola Australia ensures that it will check that these Partners are not on the lists maintained by the Australian Government as set out in Section 3.

Alola Australia will include a counter-terrorism clause in all formalised Partner agreements that will identify the Alola Australia counter-terrorism policy and ensure that all Partners will endeavor to maintain that policy.

5.5. Fundasaun Alola

In conjunction with clause 5 of the Policy, Alola Australia will seek to ensure that Fundasaun Alola is aware of its obligation to comply with the relevant Australian laws and this policy, and that they in turn are obliged to ensure that their distribution of the funds or support is made on the same basis.

Alola Australia will provide a copy of the Policy to Fundasaun Alola for this purpose. Alola Australia will conduct spot checks or regular monitoring visits to ensure that Fundasaun Alola is not on either list as set out in Section 3. This is the responsibility of the Audit and Risk Management Committee (ARMC).

5.6. Reporting suspected terrorism related activity

Alola Australia will also implement a general complaint handling policy and procedure to respond to any complaints related to counter terrorism issues. All complaints should be made in writing to the head of ARMC and must be investigated by a board member or AVO nominated by the ARMC. The existence of the complaint, the investigation of the complaint and the resolution of the complaint must be the subject of a written report to the Board and must be tabled in the Board minutes (adopting suitable conditions of anonymity where appropriate).

Alola Australia will cooperate with law enforcement agencies in investigating any breaches of the Policy or counter terrorism laws.

The Department of Foreign Affairs and Trade (DFAT) will be notified immediately if Alola Australia discovers any link whatsoever between Australian Government funds which are administered by Alola Australia or between an Alola Australia partner and a terrorist organisation.

5.7. Financial Transparency

Alola Australia ensures it will maintain the transparency and accountability of its organisation by:

- operating a separate bank account for the holding of monies donated by the public to meet Alola Australia's objectives;
- providing annual financial statements that provide detailed breakdown of incomes and expenditures; and
- having an annual audit undertaken by an external auditor.

5.8. Reporting suspected activity

Any suspected terrorist activity must be reported immediately to the Australian Federal Police or the national security hotline on 1800 123 400 (or through their liaison officers in country located in the Australian Embassies.)

6. Review mechanisms

The Policy will be reviewed at least every three years, by ARMC, and lessons learned will be incorporated into subsequent versions.

7. Definitions

7.1. Terrorist Act

Australia's terrorist act offences are contained in the Criminal Code Act 1995.

A 'terrorist act' is an act, or threat to commit an act, that is done with the intention to coerce or influence the public or any government by intimidation to advance a political, religious or ideological cause, and the act causes:

- death, serious harm or endangers a person
- serious damage to property
- a serious risk to the health or safety of the public, or
- interference with, disruption or destruction of critical infrastructure such as telecommunications or electricity network.

A terrorist act does not cover engaging in advocacy, protest, dissent or industrial action where a person does not have the intention to urge force or violence or cause harm to others. If found guilty of committing a terrorist act, a person could face up to life imprisonment.

7.2. Terrorist Offence

The terrorist act offences mean it is an offence to:

- commit a terrorist act
- plan or prepare for a terrorist act
- finance terrorism or a terrorist
- provide or receive training connected with terrorist acts
- possess things connected with terrorist acts, or
- collect or make documents likely to facilitate terrorist acts.

A person may be convicted of a terrorist act offence if the person intends to commit one of these offences or if the person was reckless as to whether his or her actions would amount to a terrorist act.

7.3. Other definitions

Avo refers to ‘grandmother’ or adviser, whose function will be to provide the Board and all Members of the Company with wise counsel on the Company’s activities, especially on matters that require sensitivity and reconciliation.

Member means a person specified in the application for the Company’s registration as a person who consents to become a member of the Company, and any person who has been admitted to membership in the Company under clause 2, and in each case whose membership has not terminated in accordance with the Constitution.

Partner means a person or organisation whose mission, values and purpose is congruent with that of Alola Australia, and with whom Alola Australia foresees a mutually beneficial professional relationship in order to meet the objectives of Alola Australia.

Volunteer is a person recruited or appointed by Alola Australia to carry out the work of Alola Australia.

8. Document Control and Record of Variation

Title	Counter-Terrorism Policy
Policy Authorised by:	Alola Australia Board of Directors
Date authorised:	20th March 2017
Date of last review:	May 2021
Date for next review:	May 2024

Version	Variation made	Date
01		10/12/2012
02	Policy Redraft – Claire Cunliffe	10/08/2015
03	Change to details regarding lists maintained by the Commonwealth government (DFAT and NAS); inclusion of definitions	20/03/2017
04	Policy review – Jacky Mandelbaum	May 2021

Attachment A:

Alola Australia Counter-Terrorism Policy Acknowledgement

I have read and understand the above policy and agree to comply with all requirements.

Name: _____

Role: _____

Signature: _____

Date: _____