

National Australia Day Council

Withdrawal of Award Policy

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1. Purpose

- (a) This policy is designed to ensure that current or incoming Australian of the Year Alumni do not bring the Australian of the Year Awards into disrepute and there is a clear procedure in place for the National Australia Day Council (**NADC**) to follow if circumstances arise where there might be an issue.
- (b) This policy is available to members of the public via the Website, and is provided to current and incoming Award Alumni, as well as potential National Recipients.

2. Scope

- (a) This policy applies to all current and incoming:
 - (i) State or Territory Recipients;
 - (ii) National Recipients; and
 - (iii) Award Alumni.
- (b) This policy does not apply to State or Territory Finalists or Nominees, but there are procedures in this document around how the NADC presents State or Territory Finalists to members of the public and what actions the NADC will undertake when information is received regarding the potential misconduct of State or Territory Finalists or Nominees.

3. Governing principles

The NADC and the Australian public expect:

- (a) Award Alumni to be outstanding citizens and good role models; and
- (b) that the Australian of the Year Awards preserve their reputation as one of the nation's most highly respected awards.

4. Definitions

In this policy:

- (a) **Award Alumni/us** means any existing National Recipient of an Australian of the Year Award in any of the four categories.
- (b) **Honour Roll** is the roll where the Award Alumni and State and Territory Finalists are listed on the Website.
- (c) **NADC** means the National Australia Day Council.
- (d) **National Announcement** means the public announcement of the National Recipients.
- (e) **National Recipient** means any person awarded a national Australian of the Year Award in any of the four categories by the NADC Board.
- (f) **Nominee** means a person nominated for an Australian of the Year Award in any of the four categories by a State or Territory.
- (g) **Reason for Review** means a reason set out in section 6.2 of this policy.
- (h) **State or Territory Finalist** means a person chosen by a State or Territory selection panel, and announced, as a finalist for an Australian of the Year Award in any of the four categories for their State or Territory.
- (i) **State or Territory Office** is a State or Territory-based organisation that supports and administers the Australian of the Year Awards for its State or

Territory.

- (j) **State or Territory Recipient** means any person awarded a State or Territory Australian of the Year Award in any of the four categories by a State or Territory selection panel.
- (k) **Website** means the australianoftheyear.org.au website.

5. Responsibilities

- (a) State or Territory Recipients are required to inform the NADC of any particulars that are in conflict with this policy before they are awarded a national Australian of the Year Award in any of the four categories.
- (b) The NADC will, to the best of its ability, monitor its Award Alumni to ensure that they continue to act within the parameters set out in this policy.
- (c) The NADC will, to the best of its ability, investigate any issues surrounding its Award Alumni that are raised by any member of the public.
- (d) If the NADC becomes aware of an Award Alumnus acting in conflict with this policy, whether through their own monitoring or by a member of the public, they will inform the NADC Board of the issue along with a recommended course of action (refer to section 8 of this policy).

6. Policy

6.1 Overview

- (a) The NADC and the Australian public expect Award Alumni to be outstanding citizens and good role models.
- (b) If any member of the public has any concerns about Award Alumni at a State or Territory or national level please email awardsinfo@australiaday.org.au and the NADC will investigate the issue to determine if a review is required.
- (c) The review and withdrawal of an Australian of the Year Award can happen at any time and may be based on events that occur before or after the granting of the Award, unless the NADC was aware of the particular issue at the time it chose to award the recipient.
- (d) The NADC Board reserves the right to reinstate a State, Territory or National Australian of the Year Award to a recipient at any time.

6.2 Reasons for Review and revocation

- (a) The NADC Board may review and revoke an Australian of the Year Award from a National Recipient if:
 - (i) a conviction for an offence carrying a maximum penalty greater than one year imprisonment has been recorded against the Recipient under:
 - (A) a law of the Commonwealth or a State or Territory of Australia; or
 - (B) a law of a foreign country,although considerations may be given if the sentence has been restricted because the offence is deemed minor;
 - (ii) a civil penalty under a law of the Commonwealth or a State or Territory of Australia; or a penalty of a similar kind under a law of a foreign country, has been imposed against the Recipient for acting in a manner considered dishonest;
 - (iii) a court or tribunal or other body exercising judicial or administrative power (under law in Australia or in a foreign country) has made a conclusion that is adverse to the Recipient, including where the Recipient is found guilty

- of an offence without the recording of a conviction;
 - (iv) in the opinion of the NADC Board the Recipient has behaved or acted in a manner that has brought the Australian of the Year Awards into disrepute;
 - (v) information provided to the NADC in relation to the Recipient, and on which the award decision was made, was materially false or misleading; or
 - (vi) the NADC Board is satisfied that it would not have been desirable to give the Recipient the Australian of the Year Award because of information that was not available to the NADC Board when the decision to give the Award was made (whether or not the information existed when the decision was made).
- (b) If the NADC becomes aware of a Reason for Review under section 6.2(a)(i) of this policy, it will ensure that it verifies the conviction (such as by consulting relevant court records) before taking action to review or revoke an Australian of the Year Award.
 - (c) The NADC will not take any action to revoke an Award if matters concerning a Recipient are still before a court or another body exercising judicial or administrative power.

7. Procedure – Prior to National Announcement

7.1 Nominees

If the NADC becomes aware of any Reason for Review relating to a Nominee, the NADC will research the issue and record the details of the Reason for Review and its findings on the nomination.

7.2 State or Territory Finalists

- (a) If the NADC becomes aware of any Reason for Review relating to a proposed State or Territory Finalist after the State or Territory selection panel has made its decision but before they are announced as a State or Territory Finalist, the NADC will inform the relevant State or Territory Office and the Chair of the State or Territory selection panel.
 - (i) The NADC may undertake additional research into the matter, and the NADC CEO and Chief Operating Officer will decide if an additional reference check needs to be undertaken of the proposed State or Territory Finalist. Any additional information obtained will be provided to the State or Territory Office and the Chair of the State or Territory selection panel.
 - (ii) If all three of these parties agree that the new information may alter the original selection panel's decision then that State or Territory selection panel must be invited to reconvene either face-to-face or via teleconference. All three parties must be in attendance for any additional discussions that take place.¹
- (b) If the NADC becomes aware of any Reason for Review relating to a State or Territory Finalist after they are announced as a State or Territory Finalist but before the State or Territory selection panel has convened to decide the State or Territory Recipient, the NADC will inform the relevant State or Territory Office, undertake further enquiries about the issue, including to verify any

¹ Not all original panel members need to be in attendance. Additional panel discussions should revisit all finalists in the category in question, while also providing the new information for consideration. The altering of rankings should be taken very seriously, properly documented and only happen in exceptional circumstances.

alleged misconduct record any research findings on the nomination for consideration by the State or Territory selection panel in determining the State or Territory Recipient.

- (c) State or Territory Finalists will only feature on the Website up until all the State and Territory Recipients have been announced. The Honour Roll will be reserved to profile only the State and Territory Recipients recognised each year.

7.3 State or Territory Recipients

- (a) If the NADC becomes aware of any Reason for Review relating to a proposed State or Territory Recipient after the State or Territory selection panel has made its decision but before they are announced as the State or Territory Recipient, the NADC will inform the State or Territory Office and the Chair of the State or Territory selection panel.
- (b) If NADC staff or directors becomes aware of any Reason for Review relating to a State or Territory Recipient after they are announced as the State or Territory Recipient but before the NADC Board has convened to decide the National Recipient, the NADC will seek out additional information through research, reference / police checks and contacting relevant parties for the NADC Board to review when making its decisions.

7.4 National Recipients

If the NADC becomes aware of any Reason for Review relating to a proposed National Recipient but before the National Announcement, the NADC will seek out additional information through research, reference / police checks, and contacting relevant parties for the NADC CEO to present to the Chair and Deputy Chair of the NADC Board.

- (a) If the NADC Chair, Deputy Chair and CEO agree that the new information may alter the NADC Board's decision regarding the National Recipient then the Board must reconvene either face-to-face or via teleconference to discuss their decision.
- (b) If the NADC Chair, Deputy Chair and CEO agree that the new information will not alter the NADC Board's decision regarding the National Recipient then the NADC will record the information and the decision to not re-convene the NADC Board. The NADC Board will be advised of the matter at the next NADC Board meeting.

8. Procedure – Award Alumni

8.1 Notice to Award Alumnus

- (a) If the NADC becomes aware of any Reason for Review relating to an Award Alumnus the NADC CEO will write to the Award Alumnus to:
 - (i) notify them about the matter, the specific Reason for Review and their right to respond;
 - (ii) inform them that their Australian of the Year Award will be the subject of review, and potential revocation, by the NADC Board; and
 - (iii) invite them to submit, in writing, any relevant information to be considered by the NADC Board, within 30 days.
- (b) If the NADC has not received a response from the Award Alumnus after 35 days of the notice being sent, the NADC must write to the Award Alumnus informing them that no response has been received.

8.2 Briefing the NADC Board

- (a) After the NADC has received the response from the Award Alumnus, or after 35

days has passed since the notice in section 8.1 was sent, the NADC CEO will brief the NADC Board with all the information it has regarding the matter and its recommended course of action.

- (b) The NADC Board has 20 working days to respond to the NADC CEO.
 - (i) If all of the NADC Board is in agreement with the NADC CEO's recommended course of action then the NADC will undertake that course of action.
 - (ii) If the NADC Board is not in agreement with the NADC CEO's recommended course of action then the matter will be tabled and discussed at the next NADC Board meeting with a course of action to be decided, and actioned by the NADC.

8.3 Notification of outcome of review

At the conclusion of the review, the NADC will notify the Award Alumnus in writing of the outcome of the review, and any further steps to be taken by the Award Alumnus.

9. Removal from the Honour Roll

- (a) If an Australian of the Year Award is to be revoked from an Award Alumnus they will be removed from the Honour Roll with an *Award withdrawn from recipient* to appear in its place.
- (b) An Award Alumnus can choose to relinquish their Australian of the Year Award. If they do so they will be removed from the Honour Roll with a *Recipient relinquished Award* to appear in its place.

10. Revision and approval history

This policy will be reviewed every three years.

| Date | Summary of changes | Author | Approved |
|---------------|---|-------------------------|----------|
| May 2017 | Establishment of document | Rachel Barnsley | Board |
| November 2021 | Revision of document to clarify the principles and procedures of the policy, and align closer with the <i>Terminations and Cancellations Ordinance</i> (relating to the Order of Australia). Reformatting of policy in line with NADC governance suite. | Chief Operating Officer | Board |