

## WHISTLEBLOWER POLICY

### 1. Introduction

- 1.1 BETTER is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.
- 1.2 BETTER recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct.
- 1.3 This Whistleblower Policy and Procedure has been developed so that people can raise concerns regarding situations where they believe that BETTER, or anybody connected with BETTER, has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below.

### 2. Purpose

- 2.1 This policy aims to:
  - a. encourage a person to report improper conduct in good faith if they know, or have reasonable grounds to suspect;
  - b. provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation;
  - c. enable BETTER to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower, and provide for secure storage of the information;
  - d. ensure that any Reportable Conduct is identified and dealt with appropriately;
  - e. ensure that individuals who disclose wrongdoing can do so safely, securely, and with confidence that they will be protected and supported; and
  - f. help to ensure that BETTER maintains the highest standards of ethical behaviour and integrity.

### 3. Scope

- 3.1 This policy applies to Employees, Staff, Volunteers, Officers, Contractors (including the employees of Contractors), Suppliers, Consultants. Within this policy, all of these people are referred to as “**Workers**”.
- 3.2 Although they are under no obligation to do so, any associate, family member or dependant of any person in the above groups of people may also speak up. If they do choose to speak up in line with this Policy, we will extend to them the relevant rights and protections under this Policy.

- 3.3 This Whistleblower Policy, (as is intended with all of BETTER’s policies), is worldwide including East Timor, and is applicable to any business, operations, and projects conducted by or in affiliation with BETTER.

## 4. Principles

- 4.1 **Higher standard** – This Policy is designed to comply with BETTER’s legal obligations. If anything in this Policy is inconsistent with any law imposed on the organisation, that legal obligation or the “higher standard” will prevail over this Policy.
- 4.2 **Speak up and report it!** – We encourage Workers to report any concerns in line with our policies and procedures.
- 4.3 **Our expectations of Workers** – BETTER expects Workers to act honestly and ethically, and to make any report on reasonable grounds.
- 4.4 **Our responsibility to Whistleblowers** – Our obligations to Workers are spelled out in this policy, but in particular in section 6 ‘Protection’.
- 4.5 **Confidentiality and consent** - BETTER will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While BETTER encourages Whistleblowers to identify yourself to a “Whistleblower Protection Officer” you may opt to report your concerns anonymously.

## 5. Reportable Conduct

### 5.1 Who can make a report?

- 5.1.1 A Whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with BETTER, and wishes to avail themselves of protection against reprisal for having made the report.
- 5.1.2 A Whistleblower may be a current or former Worker.

### 5.2 What is Reportable Conduct?

- 5.2.1 A person may disclose **any** information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to BETTER, or in relation to a related body corporate or associate of BETTER.
- 5.2.2 Reportable Conduct is any past, present, or likely future activity, behaviour or state of affairs considered to be:
- a. dishonest;
  - b. corrupt (including soliciting, accepting, or offering a bribe, or facilitating payments or other such benefits);
  - c. fraudulent;
  - d. illegal (including theft, drug sale or use, violence or threatened violence, or property damage);

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- e. in breach of regulation, internal policy, or code (such as our Code of Conduct);
- f. improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;
- g. a serious impropriety or an improper state of affairs or circumstances;
- h. endangering health or safety;
- i. damaging or substantially risking damage to the environment;
- j. a serious mismanagement of BETTER's resources;
- k. detrimental to BETTER's financial position or reputation;
- l. maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives); and
- m. concealing reportable conduct.

5.2.3 Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier, or service provider.

### 5.3 What is NOT Reportable Conduct?

5.3.1 While everybody is encouraged to speak up and report any concerns to BETTER, not all types of conduct are intended to be covered by this Policy or by the protections under the Corporations Act 2001 (Cth). For example, this Policy does not apply to complaint in respect of personal work-related grievances (see 5.3.2, 5.3.3 and 5.3.4), unless the grievance includes victimisation due to whistleblowing.

5.3.2 Personal work-related grievances are those that relate to the discloser's current or former employment with BETTER that might have implications for the discloser personally but **do not**:

- a. Have any other significant implications for BETTER (or another entity); or
- b. Relate to any conduct or alleged conduct about a disclosable matter (as set out in 5.2.2).

5.3.3 Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

5.3.4 However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

5.3.5 BETTER will offer any appropriate support to ensure the wellbeing of any personnel who is the subject of a whistleblowing allegation that, following an investigation, is determined to be not substantiated.

### 5.4 What information is required to make a report?

5.4.1 To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct.

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5.4.2 For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:

- a. date;
- b. time;
- c. location;
- d. name of person(s) involved;
- e. possible witnesses to the events; and
- f. evidence of the events (e.g. documents, emails).

5.4.3 In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

## 5.5 How can a Report be made?

5.5.1 A report must be made to

- a. A “Whistleblower Protection Officer”; or
- b. The organisation’s auditor (if one is appointed), or a member of the audit team

5.5.2 BETTER will also protect individuals who have made a report in connection with the organisation:

- a. To the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA) or another Commonwealth regulatory body prescribed in legislation;
- b. To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections; or
- c. That qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that you understand the criteria for making a public interest or emergency disclosure and you may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

5.5.3 While BETTER encourages you to identify yourself to a Whistleblower Protection Officer, you may opt to report your concerns anonymously such as by adopting a pseudonym.

## 6. Protection

### 6.1 How will I be protected if I speak up about Reportable Conduct?

6.1.1 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, BETTER will support and protect you and anyone else assisting in the investigation.

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- 6.1.2 BETTER will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:
- a. retaliation, dismissal, suspension, demotion, or termination of your role;
  - b. bullying, harassment, threats, or intimidation;
  - c. discrimination, subject to current or future bias, or derogatory treatment;
  - d. harm or injury;
  - e. damage or threats to your property, business, financial position or reputation; or
  - f. revealing your identity as a Whistleblower without your consent or contrary to law;
  - g. threatening to carry out any of the above actions.
- 6.1.3 This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.
- 6.1.4 This protection also applies to individuals conducting, assisting, or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.
- 6.1.5 Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.
- 6.1.6 If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to a Whistleblower Protection Officer, or an external body under this Policy. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.
- 6.1.7 Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.
- 6.1.8 You may also be entitled to the following legal protections for making a report:
- a. protection from civil, criminal or administrative legal action;
  - b. protection from having to give evidence in legal proceedings; and/or
  - c. compensation or other legal remedy.
- 6.1.9 Any such protections offered by the organisation or the law will depend on the local jurisdiction and the Higher Standard principle will apply in these situations.

## **6.2 How will BETTER ensure confidentiality?**

- 6.2.1 A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. BETTER will do all it can to protect confidentiality.

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- 6.2.2 However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. BETTER will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing appropriate company personnel to investigate your disclosures.
- 6.2.3 You may choose to report your concerns anonymously. However, if you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:
- a. you consent in writing to the disclosure;
  - b. the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);
  - c. the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
  - d. the disclosure is authorised under the Corporations Act 2001 (Cth); and/or
  - e. disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.
- 6.2.4 We encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.
- 6.2.5 It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. BETTER may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

### **6.3 False reports or disclosures**

- 6.3.1 Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.
- 6.3.2 The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

## **7. Handling and investigating a disclosure**

- 7.1 Upon receiving a Protected Disclosure, within 14 days, BETTER will endeavour to assess the disclosure to determine whether:
- a. It qualifies for protection; and
  - b. A formal, in-depth investigation is required.

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- 7.2 BETTER will endeavour provide the discloser with regular updates.
- 7.3 BETTER may not be able to investigate a disclosure if it is unable to contact the discloser.
- 7.4 BETTER will handle and investigate Protected Disclosures in accordance with the Whistleblowing Procedure below.

## 8. Monitoring and assurance

- 8.1 This Policy will be made available, to all Workers on commencement, as well as by email if the policy is updated or otherwise changed.
- 8.2 To ensure effective protection under the Policy, the Risk Committee will monitor and review this Policy annually.

## 9. Notes

- 9.1 From 1 January 2020, some entities in Australia, including companies limited by guarantee, will be required to have a whistleblowing policy that complies with the new section 1317A1 of the Corporations Act 2001.
- 9.2 ASIC has announced that public companies that are small not-for-profits or registered charities with annual revenue of less than \$1 million will be exempt from the new requirement.
- 9.3 Even if organisations are exempt from the Corporations Act requirement to adopt a whistleblower policy:
  - 9.3.1 all companies limited by guarantee must still comply with the whistleblower protections in the Corporations Act from 1 July 2019. ASIC Regulatory Guide 270 includes guidance on managing whistleblowing that may be helpful even for entities that are not required to have a policy.
  - 9.3.2 it may still be appropriate to adopt a whistleblower policy:
    - a. for registered charities - as part of their implementation of the Australian Charities and Not-for-Profits Commission (ACNC) External Conduct Standards in respect of their overseas operations; and
    - b. for all registered charities and not-for-profit organisations - as part of steps taken to protect vulnerable persons and ensure accountability in their general operations.

### 9.4 Outcome of an investigation

- 9.4.1 At the conclusion of the investigation, a report will be prepared outlining:
  - a. a finding of all relevant facts;

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- b. a determination as to whether the allegation(s) have been substantiated or otherwise;
  - c. the action that will be taken, which may include disciplinary action and dismissal.
- 9.4.2 The disciplinary action will be dependent on the severity, nature and circumstances of the Reportable Conduct.
- 9.4.3 Where possible and appropriate, having regard to BETTER's privacy and confidentiality obligations, the Whistleblower will be informed of the outcome of any investigation into their concerns.