

Whistleblower Protection Policy

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Purpose

The purposes of this Policy are 1) to establish the **yourtown**'s framework around the receipt and handling of disclosures of wrongdoing, and 2) to provide information to assist all **yourtown** personnel and stakeholders to understand:

- wrongdoing that is reportable and protected under the *Corporations Act 2001 (Cth)*
- who can be a whistleblower
- how to make a whistleblower disclosure
- the protections and supports available to whistleblowers
- how whistleblower disclosures are acted upon.

To these ends, this *Whistleblower Protection Policy* is accessible to all employees via the Document Portal and to other stakeholders via our website: www.yourtown.com.au.

Objectives

The objectives of the Policy are to:

1. Encourage disclosures of wrongdoing to deter wrongdoing
2. Uphold the rights of those disclosing wrongdoing ('whistleblowers')
3. Uphold our mission, values and ethos, and protect our reputation and sustainability
4. Ensure disclosures are handled in a timely and appropriate manner in accordance with the requirements of the Corporations Act 2001 (Cth) and related legislation.

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What is Whistleblowing?

Whistleblowing is the voluntary disclosure of information to **yourtown** where an individual has **reasonable grounds** to believe **misconduct** has or is occurring, or that an **improper state of affairs** exists within **yourtown**.

This Policy uses the term 'wrongdoing' to refer collectively to misconduct and an improper state of affairs.

Identifying Misconduct

Wrongdoing includes, but is not limited to behaviour and practices that:

- are dishonest, fraudulent or corrupt
- are illegal (e.g. theft, bribery, violence, harassment, intimidation, and similar breaches of the law)
- are unethical
- amount to an abuse of authority
- result in misuses of organisational or public monies
- are potentially damaging to **yourtown** and its reputation and sustainability
- attempt to conceal or delay the disclosure of any of the above.

Wrongdoing does **not** include conduct that is dealt with under alternate policies, such as workplace grievances, feedback, and complaints.

Similarly, this Policy does not replace normal communications between **yourtown** and its employees and stakeholders in respect to questions, suggestions, general concerns, or complaints. Serious matters or matters not satisfactorily resolved of this nature should be escalated through appropriate management channels in the normal course of business.

Only conduct that falls within the scope of wrongdoing is protected under the Corporations Act 2001 (Cth) and should be reported in accordance with this Policy.

Who can be a Whistleblower?

Under the *Corporations Act 2001 (Cth)*, individuals from the following groups can be whistleblower disclosures:

- past and present officers and employees of **yourtown**
- suppliers to **yourtown** and their employees
- associates of **yourtown**
- relatives and dependents of the above.

Disclosing Wrongdoing

To meet the Objectives of this Policy, individuals who have reasonable grounds to suspect that wrongdoing is occurring or has occurred at **yourtown** are encouraged to disclose information in accordance with this Policy so matters can be investigated and addressed.

All whistleblower disclosures received by **yourtown** will be considered seriously, with investigations undertaken to guide responses and actions. **yourtown** may seek legal advice or representation in responding to a whistleblower disclosure.

This position reflects **yourtown's** commitment to transparency and accountability, and supports a culture that does not tolerate wrongdoing and allows individuals to 'speak up' in a safe and secure manner.

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Before Making a Disclosure

Before making a whistleblower disclosure, individuals should familiarise themselves with the scope and operation of whistleblower law, or to seek legal advice, to avoid making disclosures that are not protected by under law. Guidance is available from the ASIC website: www.asic.gov.au

Vexatious or intentionally fabricated accusations of wrongdoing may result in disciplinary action and/or the pursuit of other remedies that may be available to **yourtown** and to those wrongly accused in the circumstances.

Protection for Whistleblowers

No Victimisation

Individuals making whistleblower disclosures allowed under whistleblower law will not be subject to detrimental action.

Detrimental action includes:

- action causing injury, harm, loss or damage (including psychological harm)
- damaging a person's property, reputation, business or financial position or causing any other damage to a person
- victimisation of any kind
- intimidation, bullying or harassment
- discrimination or other adverse treatment in relation to the whistleblower's employment, career, profession, trade or business, including dismissal, demotion or the taking of other disciplinary action
- current or future bias
- action that constitutes the making of a threat to cause any such retaliatory action to another person
- any conduct which incites others to subject the whistleblower to any of the above.

An employee who is found to have subjected a whistleblower to detrimental action will be subject to disciplinary action (which may include termination of employment) and may be guilty of an offence subject to prosecution.

Confidentiality

All information disclosed by an individual making a whistleblower disclosure will be treated as confidential and will be managed and maintained as such.

The identity of a whistleblower, including information that may identify them, will also be treated as confidential, except where:

- they consent to the information being disclosed
- during an investigation of a disclosure, **yourtown** needs to disclose information that may lead to the whistleblower being identified. All reasonable steps are to be taken to ensure their identity is not disclosed
- **yourtown** needs to disclose this information to obtain legal advice or representation
- **yourtown** is required by law to do so
- the information is provided to APRA, ASIC or a member of the police
- **yourtown** needs to disclose the information to prevent a serious threat to life, health or property.

Any breach of confidentiality will be treated as a serious disciplinary matter and may be subject to an offence and prosecution under relevant legislation.

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Files and records relating to whistleblower disclosures are to be stored securely in accordance with **yourtown's** *Records Management Policy*.

Whistleblower Protection Laws

Where an individual makes a whistleblower disclosure that is protected under whistleblower protection laws such as the *Corporations Act 2001 (Cth)*, the law provides that:

- they cannot be subject to any civil, criminal or administrative liability for making a protected disclosure
- they may be subject to civil, criminal or administrative liability for conduct that is revealed by their disclosure.

However, if the disclosure is made to ASIC, APRA or the Commissioner of Taxation, or is an Emergency Disclosure as permitted under the Corporations Act, the information is not admissible in evidence against the whistleblower in criminal proceedings, or in proceedings for the imposition of a penalty, except for proceedings in respect of providing false information.

If a whistleblower is victimised as a result of making an eligible disclosure there are possible remedies available under the whistleblower law that may include reinstatement, compensation, an order prohibiting the victimisation, or an apology. Substantial monetary fines or imprisonment may apply for victimisation.

Protections for **yourtown** employees also exist under the *Fair Work Act 2009 (Cth)*. These are enforceable as a matter of law and do not form part of this Policy.

Making a Whistleblower Disclosure

Whistleblower disclosures can be made to **yourtown** via Stopline, an independent, external whistleblower service.

Stopline is a **yourtown** Eligible Recipient, authorised to receive, record and forward to **yourtown** whistleblower disclosures.

Stopline's confidential avenues for reporting are available 24 hours a day, 7 days a week, and include web form, telephone, mail, email, and the mobile app.

- **Phone:** 1300 30 45 50
- **Website & Online Reporting Form:** <https://yourtown.stoplinereport.com>
- **Email:** yourtown@stopline.com.au

Individuals making a disclosure may remain anonymous if they wish.

Handling and Investigation of Disclosures

Eligible Recipients

Reports of whistleblower disclosures are received from Stopline by members of a group of internal Eligible Recipients. Eligible Recipients are those authorised to receive and handle whistleblower disclosures. This group includes **yourtown's** Executive managers and one or more Directors.

The role of this group is to provide a timely, effective and consistent approach to investigating and responding to whistleblower disclosures.

The group is responsible for ensuring that any individual who makes a disclosure that qualifies for protection under whistleblower law is appropriately protected from detrimental action, breaches of confidentiality, and is appropriately supported throughout the process.

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Response Process

Upon receipt of a disclosure, members from this group shall meet to consider the reported wrongdoing. This includes determining the need to:

- exclude from the process any Eligible Recipient negatively named or associated with the disclosure
- take any immediate actions that may be warranted in the circumstances
- gain further information from the whistleblower via Stopline
- instigate a formal investigation
- provide additional supports to assure the well-being of the whistleblower.

Once any investigation is completed, the group is to consider the findings and instigates appropriate action to rectify the wrongdoing. Feedback is to be provided to the whistleblower throughout the process via Stopline, as appropriate. Reports concerning disclosures and associated responses are to be available for the Board.

Underpinning Principles

All investigations and actions arising from whistleblower disclosure will be undertaken in accordance with the following principles:

- Any person accused of wrongdoing will have the presumption of innocence and will be afforded natural justice
- All investigations will be conducted without bias
- Persons accused of wrongdoing will be supported throughout the process and will be referred to external support services, as appropriate
- All disciplinary action will be proportionate to the seriousness of the breach
- All documentation will be retained in accordance with **yourtown's** *Records Management Policy*.
- The whistleblower and any person accused of wrongdoing will be kept informed of the progress and outcomes of the investigation.

Referenced and Related Documents

- Records Management Policy
- Ethical Code and Practice Policy in Client Service Delivery
- Conflict of Interest and Related Party Transactions Policy
- Employee Grievances Resolution Procedure
- Feedback and Complaints Policy
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)
- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Regulatory Guide 270: Whistleblower Policies (ASIC, Nov 2019).