

PURPOSE

This document defines the approach of Evolve Housing Vic Limited (EHVL) to the disclosure of information by Employees and others, through the process of ‘whistleblowing’.

EHVL is committed to developing a strong ethical culture within our company. The reporting of improper conduct is a key element in developing this ethical culture. This includes the ability for people in and outside of EHVL, being able to come forward with concerns about instances of fraud, corruption or general misconduct and not fear retribution.

This Whistleblower Protection Policy is based on the whistleblower protection provisions of the *Corporations Act 2001* and aims, among other things, to:

- Encourage the reporting of matters that may cause loss or damage to EHVL or it’s reputation;
- Enable EHVL to effectively deal with reports from whistleblowers in a way that will protect the identity of the whistleblower;
- Ensure a mechanism is in place for protecting whistleblowers against reprisal; and
- Comply with legislative requirements regarding the protection of whistleblowers.

This Policy will be supported by relevant procedures.

POLICY REFERENCE	VGRC005.1
POLICY OWNER	General Manager, Governance and Legal
APPROVED BY	Evolve Housing Ltd Board of Directors
APPROVAL DATE	1 Feb 2024
REVIEW DATE	1 Feb 2027

1. SCOPE

This Policy applies to all EHVL Directors and Employees, and others who represent EHVL. This includes contractors, volunteers and students. The provisions of this Policy are also relevant to EHVL suppliers and others who meet the definition of Eligible Whistleblower.

It is important that only genuine concerns are reported. Malicious or false allegations will be treated as a serious offence.

2. POLICY STATEMENT

It is generally acknowledged that whistleblowers perform a vital role in the community in exposing fraud, corruption and other misconduct. The act of whistleblowing helps to ensure that companies are held to account and operate within the confines of the law. It is therefore necessary to protect whistleblowers and promote open, transparent and accountable practices.

EHVL is committed to achieving and maintaining high standards in all its working practices with regard to behaviour at work and service to the public. Employees are expected to conduct themselves with integrity, impartiality and honesty.

EHVL seeks to develop a culture that encourages the challenge of inappropriate behaviour at all levels. To achieve this aim, EHVL encourages Employees to report genuine concerns about malpractice, illegal acts or failures to comply with recognised standards of work, without fear of reprisal or victimisation.

EHVL will not tolerate harassment or victimisation of a genuine Whistleblower and will treat such conduct as serious misconduct, which if proven, may result in dismissal.

2.1 Legislation

EHVL is a charity regulated by the Australian Charities and Not-for-profits Commission. EHVL is also a company regulated under the *Corporations Act 2001* (the Act), to which the provisions of Part 9.4AAA of the Act apply. Part

9.4AAA legislates the requirements around whistleblower rights and protection.

2.1.1 Important definitions

Under the Act, there are a number of specific definitions which relate to the protection of whistleblowers. Any capitalised term used in this Policy is fully defined in Section 4 of the Policy.

2.2 What is whistleblowing?

Whistleblowing is a disclosure of information (a Report) in connection with certain conduct by a company, its employees or representatives, by a person who is an Eligible Whistleblower (for example a past or current Employee or anyone who supplies goods or services to EHVL) and who wishes to be protected under the law against reprisal for having made that disclosure.

2.3 EHVL's whistleblowing process

An Eligible Whistleblower

- ⇒ reports **Reportable Conduct**,
- ⇒ to an **Eligible Recipient**, and
- ⇒ the **Report** is investigated.

2.4 Eligible Whistleblower

An individual who discloses information or makes a report about potential misconduct by a company or its employees, is referred to as a whistleblower.

In order to receive protection under this Policy (and the Act), the whistleblower must be an Eligible Whistleblower. Eligible Whistleblowers include individuals who are, or at any time in the past have been, any of one the following:

- (a) a Director or Employee of EHVL or any of EHVL's subsidiaries;
- (b) anyone who supplies services or goods to EHVL, or an employee of that supplier;
- (c) a Relative or dependant of an individual in (a) or (b).

An individual who is unsure whether they are a whistleblower, or is unsure about what protections or rights to compensation may or may not apply to them, should consider seeking advice from a properly accredited legal practitioner.

2.5 Reportable Conduct

Reportable Conduct is conduct by EHVL or a representative of EHVL, which the Eligible Whistleblower suspects may:

- concern misconduct in relation to EHVL; or
- indicate that EHVL or one of its Directors or Employees has engaged in conduct that represents a danger to the public, breaches the *Corporations Act 2001* or is a serious offence under any other Commonwealth law (e.g. *Trade Practices Act* or *Income Tax Assessment Act*).

Important: an Eligible Whistleblower must have reasonable grounds to suspect the conduct is Reportable Conduct. Examples of Reportable Conduct include:

- suspected fraud, bribery or corruption;
- conduct which is illegal or is a failure to comply with a legal obligation;

- a criminal offence;
- a danger to the health and safety of any individual;
- damage to the environment; or
- a deliberate concealment of information tending to show any of the above.

For the purposes of this Policy, Reportable Conduct also includes conduct which may negatively impact EHVL's finances or reputation.

EHVL will ensure any individual who is the subject of Reportable Conduct is treated in line with the principles of natural justice and procedural fairness, and prior to any action being taken. Where that individual is an Employee, the services of the Employee Assistance Program will be made available.

2.6 Eligible Recipient

To qualify for whistleblower protection under this Policy and the Act, the Eligible Whistleblower's Report needs to be made to someone who is eligible to receive the information - an 'Eligible Recipient'. Eligible Recipients for EHVL are:

- a Director of EHVL;
- EHVL's Chief Executive Officer (CEO);
- an EHVL General Manager (GM);
- EHVL's external auditor; and
- any other person authorised by EHVL to receive disclosures that may qualify for protection.

A Report by an Eligible Whistleblower will also qualify for protection if it is made to:

- a legal practitioner for the purpose of obtaining legal advice or legal representation; or
- the Australian Securities and Investments Commission (ASIC).

2.7 Whistleblower protections

Whistleblower protections are provided to whistleblowers to enable them to come forward to report misconduct without fear of retribution or personal detriment.

To be entitled to protection under this Policy and the Act, the whistleblower must:

- be an Eligible Whistleblower;
- have reasonable grounds to suspect the Reportable Conduct; and
- have disclosed the Reportable Conduct to an Eligible Recipient or other allowable party.

Where the above criteria have been met, an Eligible Whistleblower will receive protections in relation to:

- confidentiality of their identity, and
- victimisation, where it will be an offence to engage in conduct causing detriment to the Whistleblower due to any belief or suspicion that the Whistleblower made or proposed to make a disclosure. (Detriment can include discrimination, dismissal, injury or prejudice.)

EHVL will put mechanisms in place to ensure a Whistleblower is supported through the whistleblowing process and protected as far as possible from potential detriment. Where that individual is an Employee, the services of the Employee Assistance Program will be made available.

An Eligible Whistleblower can be compensated for any loss, damage, or injury they suffer.

If reprisals are taken or are claimed to have been taken against an Eligible Whistleblower and the matter cannot be resolved within EHVL, the Whistleblower can seek independent legal advice, or contact a regulatory body such as ASIC.,.

2.7.1 Personal work-related grievances

Whistleblower protections do not cover a report of misconduct by an Employee about a personal work-

related grievance. A disclosure of a work-related grievance will only be protected if it relates to EHVL's treatment of the Employee making the Report, or the conduct breaks employment or other laws, or it suggests systemic misconduct.

A disclosure of a work-related grievance may be protected if it is made to a legal practitioner in order to obtain legal advice or representation in relation to whistleblower provisions.

2.8 Investigation

All reports provided under this Policy will be the subject of a thorough investigation with the objective of locating evidence that either substantiates or refutes the claims made by the Whistleblower. Information on the investigation process can be found in the procedures which support this Policy.

Such investigations will be fair and independent. If deemed appropriate by the CEO or GM Governance and Legal, the investigation will be conducted by an independent third party.

2.9 Confidentiality

Any Eligible Whistleblower who provides a Report under this Policy will be given a guarantee of anonymity, unless there are legal requirements for the disclosure.

All documents (including emails) relating to the Reportable Conduct will be kept secure and confidential and only released to another party where required to do so under law, or if the Eligible Whistleblower has been consulted and consents in writing to the disclosure.

2.10 Communication with the Whistleblower

If desired by the Eligible Whistleblower, EHVL will ensure where possible, that the Whistleblower is kept informed of the outcomes of the investigation of the Report, unless the Report has been made anonymously.

This is subject among other things, to:

- the Eligible Whistleblower agreeing in writing, to maintain any information provided to him or her, in relation to their Report, confidential; and
- the consideration of privacy of those against whom the allegation is made and to EHVL's Privacy Policy.

2.11 Training and Communication

EHVL will ensure that new and existing Directors and Employees, and other parties as considered relevant, are informed about this Policy. Each Employee will have access to this Policy and be provided with training. A copy of this Policy will also be available on EHVL's website.

2.12 False Reporting

Where it is shown that a person purporting to be an Eligible Whistleblower has intentionally made a false report under this Policy, then that conduct itself will be regarded as "Serious Misconduct" under the Employee Disciplinary Procedure, and will lead to disciplinary action which may include termination of employment.

3. DEFINITIONS

- ACNC – Australian Charities and Not-for-profits Commission.
- ASIC – Australian Securities and Investments Commission.
- Eligible Recipient - each of the following is an eligible recipient under this Policy:
 - (a) an EHVL Director, EHVL's CEO and any General Manager of EHVL;
 - (b) EHVL's external auditor;
 - (c) any other person authorised by EHVL to receive disclosures that may qualify for protection.
- Eligible Whistleblower - An individual who is, or has been at any time in the past, any of the following:
 - (a) a Director or Employee of EHVL;
 - (b) anyone who supplies services or goods to EHVL (whether paid or unpaid);
 - (c) an employee of anyone who supplies services or goods to EHVL (whether paid or unpaid);
 - (d) an associate of EHVL as defined in Section 9 of the Act (and includes a subsidiary of EHVL and its directors and company secretary);
 - (e) a Relative of an individual referred to in (a) to (d);
 - (f) a dependant of an individual referred to in (a) to (d),
 - (g) a dependent of the spouse of an individual referred to in (a) to (d).
- Employee - any person employed by, or engaged to represent EHVL, including contractors, volunteers and students.
- Relative – includes a spouse, parent, child, brother or sister of the individual.
- Report – a report made by the Eligible Whistleblower and provided to an Eligible Recipient
- Reportable Conduct – any conduct by EHVL, or by a person or persons connected with EHVL, which is identified as a Disclosable Matter under Section 1317AA of the *Corporations Act 2001*.
- Reasonable Grounds - means that a reasonable person in your position would also suspect the information indicates misconduct or a breach of the law.
- Spouse - includes a de facto partner of the individual

4. RELATED RESOURCES

- EHVL Code of Conduct
- EHVL Conflict of Interest Policy
- EHVL Delegations of Authority Policy
- EHVL Employee Disciplinary Procedure
- EHVL Fraud, Bribery and Corruption Prevention Policy

5. VERSION CONTROL

VERSION	Date Approved	Author	Key Changes
1.0	1/02/2021	GAL	Policy adopted