



Whistleblower Policy

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1. POLICY STATEMENT

AWH is committed to a culture of corporate compliance and high ethical behaviour. AWH's ethical values are set out in AWH's Standards of Conduct.

This Policy complements AWH's Standards of Conduct. This Policy has been put in place to ensure employees and other relevant persons can raise concerns regarding any misconduct or improper state of affairs or circumstances (including unethical, illegal, corrupt or other inappropriate conduct) without being subject to victimisation, harassment or discriminatory treatment.

2. DEFINITIONS

2.1. **Disclosure** means the disclosure of information that a Whistleblower has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances, in relation to AWH.

2.2. **Eligible Recipient** means any of the following persons who are authorised to receive disclosures that may qualify for protection under this Policy:

- 2.2.1. an officer or senior manager of AWH/related body corporate of AWH;
- 2.2.2. an auditor/member of an audit team auditing AWH/related body corporate of AWH;
- 2.2.3. an actuary of AWH/related body corporate of AWH;
- 2.2.4. a member of the ELT.

2.3. **Whistleblower** means any person who makes a Disclosure who is, or has been, with respect AWH:

- 2.3.1. an employee;
- 2.3.2. a director or officer;
- 2.3.3. a contractor/employee of a contractors;
- 2.3.4. a supplier/employee of a supplier;
- 2.3.5. an associate;
- 2.3.6. a consultant; or
- 2.3.7. a relative, dependent, spouse, or dependent of a spouse of any of the above.

3. OBJECTIVES

The objectives of this Policy are to:

- 3.1. encourage Whistleblowers to report an issue if they reasonably believe someone has engaged in serious wrongdoing;
- 3.2. set out avenues available to Whistleblowers to report serious wrongdoing to AWH; and
- 3.3. outline how AWH will deal with whistleblowing reports.

This Policy is not designed to deal with general employment grievances or complaints.

All employees, contractors and officers should be aware that if they make a false report deliberately, maliciously or for personal gain, they may face disciplinary action.

4. APPLICATION OF THIS POLICY

4.1. Protected Disclosures

This Policy applies to Whistleblowers who make a Disclosure to:

- 4.1.1. an Eligible Recipient; or
- 4.1.2. a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to whistleblowing protection laws,

and the Disclosure relates to conduct by AWH/related body corporate of AWH or an employee or officer of AWH/related body corporate of AWH that:

- 4.1.3. breaches the Corporations Act;
- 4.1.4. breaches other financial sector laws enforced by ASIC or Australian Prudential Regulation Authority (**APRA**);

- 4.1.5. is an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- 4.1.6. represents a danger to the public or the financial system.

4.2. Examples of Potentially Protected Disclosures

Disclosure of conduct that involves any of the following may qualify for protection under this Policy:

- 4.2.1. dishonest behaviour;
- 4.2.2. fraudulent activity;
- 4.2.3. unlawful, corrupt or irregular use of company funds or practices;
- 4.2.4. illegal activities (including theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage against property);
- 4.2.5. unethical behaviour, including anything that would breach the AWH Code of Conduct;
- 4.2.6. improper or misleading accounting or financial reporting practices;
- 4.2.7. a breach of any legislation relating to AWH's operations or activities;
- 4.2.8. a breach of any other law
- 4.2.9. behaviour that is oppressive, discriminatory or grossly negligent;
- 4.2.10. an unsafe work-practice;
- 4.2.11. behaviour that poses a serious risk to the health and safety of a person at the workplace; or
- 4.2.12. a serious risk to public health, public safety or the environment; or
- 4.2.13. any other conduct which may cause loss to AWH or be otherwise detrimental to the interests of AWH.

4.3. Excluded Matters - Personal Work-Related Grievances

Personal Work-Related Grievances are not covered under this Policy and should be reported to the employee's direct line manager or the General Manager, HR & Safety.

A **Personal Work-Related Grievance** is a grievance about any matter in relation to the Whistleblower's employment, or former employment, having (or tending to have) implications for the Whistleblower personally. This includes:

- 4.3.1. an interpersonal conflict between the Whistleblower and another employee;
- 4.3.2. a decision relating to the engagement, transfer or promotion of the Whistleblower;
- 4.3.3. a decision relating to the terms and conditions of engagement of the Whistleblower; and
- 4.3.4. a decision to suspend or terminate the engagement of the Whistleblower, or otherwise to discipline the Whistleblower.

5. PROCEDURE FOR DISCLOSURE UNDER THIS POLICY

5.1. Disclosure

Any person who has reasonable grounds to suspect the occurrence of conduct that is reportable under this Policy is encouraged to report that suspicion by phone, email or in person to either of the following Eligible Recipients:

5.1.1. General Counsel: ☎ 0428 094 594; ✉ jda@awh.com.au; or

5.1.2. General Manager, HR & Safety: ☎ 0423 912 901; ✉ marniebriggs@awh.com.au.

If a Whistleblower is unable to use either of the above reporting channels, a Disclosure can be made to any other Eligible Recipient referred to in paragraph 2.2 of this Policy.

Reports to an Eligible Recipient must be made in person or by telephone; and the Whistleblower must first inform the Eligible Recipient that they wish to make a report under this Policy.

All matters that are sought to be reported under the protection of this Policy should provide specific, adequate and pertinent information with respect to dates, places, persons/witnesses, amounts, and other relevant information, in order to allow for a reasonable investigation to be conducted.

5.2. Anonymity and Confidentiality

A report can be made anonymously. Regardless, all Disclosures received will be treated on a confidential basis.

It may be difficult for AWH to thoroughly investigate or take other action to address matters disclosed in anonymous reports.

Whistleblowers are encouraged to disclose their identity to obtain the protection afforded to them at law. In circumstances where the Whistleblower has not consented to the Disclosure of their identity, the matter may be referred for investigation, but the investigator will be required to take all reasonable steps to reduce the risk that the Whistleblower will be identified as a result of the investigation.

6. INVESTIGATION

AWH will investigate all Disclosures as soon as reasonably practicable after the Disclosure has been made.

Where the investigator deems it necessary, they may:

- 6.1. use an external investigator to assist in, or takeover, the conduct an investigation; and/or
- 6.2. use an external expert to assist with an investigation.

All investigations will be conducted in a fair and independent manner and all reasonable efforts will be made to preserve confidentiality of the investigation.

The particulars of an investigation process will be determined by the nature and substance of the matter reported.

Where a Disclosure is not submitted anonymously, where appropriate, AWH will provide feedback to the Whistleblower regarding the progress and/or outcome of the investigation.

To avoid jeopardizing an investigation, a Whistleblower who has made a report under this Policy is required to keep confidential the fact that a report has been made (subject to any legal requirements).

7. FINDINGS

At the conclusion of an investigation, the investigator will prepare a report of the findings for the Chief Executive Officer. Where the final report indicates the occurrence of misconduct or an improper state of affairs, it will also include recommendations on:

- 7.1. steps to be taken to prevent reoccurrence in the future;
- 7.2. any action that should be taken to remedy any harm or loss having already arisen;
- 7.3. disciplinary proceedings against the person responsible for the conduct.

Any findings of the investigation related to criminal activity will be reported to the police and/or regulators. All material violations and any actions that may be required as a result of the investigations will be reported to the AWH Board of Directors.

8. PROTECTION FOR WHISTLEBLOWERS

8.1. Protection from Detrimental Conduct

A Whistleblower who makes a Protected Disclosure will not be subject to any disciplinary or other detrimental action by AWH in relation to that Protected Disclosure. This includes (but is not limited to) protection from:

- 8.1.1. termination of employment;
- 8.1.2. disciplinary action;
- 8.1.3. performance management;
- 8.1.4. bullying or harassment; and
- 8.1.5. unlawful discrimination.

AWH will ensure no person on its behalf victimises or threatens detrimental action against a person because of they have made a Disclosure under this Policy.

8.2. Protection of the Identity of the Whistleblower

Except in the circumstances specified below, AWH will not disclose the identity of a Whistleblower or any information that is likely to lead to the identification of a Whistleblower.

Information about a Whistleblower's identity and information that is likely to lead to the identification of a Whistleblower may be disclosed in the following circumstances:

- 8.2.1. where the information is disclosed to ASIC, APRA or the Australian Federal Police;
- 8.2.2. where the information is disclosed to a legal practitioner for the purpose of obtaining legal advice in relation to the operation of applicable whistleblowing protection laws; or
- 8.2.3. where the Whistleblower consents.



8.3. Protection of files and records



All files and records created from an investigation will be securely retained.

8.4. Support

Support available for Whistleblowers includes:

- 8.4.1. connecting the person with access to the Employee Assistance Program (EAP);
- 8.4.2. appointing an independent support person from the human resources team to deal with any ongoing concerns they may have; or
- 8.4.3. connecting the person with third party support providers such as:

Lifeline:  13 11 14;  lifeline.org.au;

Beyond Blue:  1300 22 4636;  beyondblue.org.au.

9. PERSONS IMPLICATED

9.1. During the Investigation Process

No action will be taken against employees or officers who are implicated in a Disclosure reported under this Policy until an investigation has determined whether any allegations against them are substantiated.

However, an employee or officer who is implicated may be temporarily stood down on full pay whilst an investigation is in process, or may be temporarily transferred to another office, department or workplace, if appropriate in the circumstances. Any such stand-down or temporary transfer may only continue for the duration of the investigation. If the investigation determines that the allegations are not substantiated, the employee officer must be immediately reinstated to full duties.



Any Disclosures that implicate an employee or officer must be kept confidential, even if the Whistleblower has consented to the Disclosure of their identity, and should only be disclosed to those persons who have a need to know the information for the proper performance of their functions under this Policy, or for the proper conduct of the investigation.



An employee or officer who is implicated in a Disclosure has a right to be informed of the allegations against them, and must be given an opportunity to respond to those allegations and provide additional information, if relevant, in the course of an investigation into those allegations (subject to the Whistleblower's right to anonymity).

9.2. Support

Support available for persons implicated in a report made under this Policy includes:

- 9.2.1. connecting the person with access to the Employee Assistance Program (EAP);
- 9.2.2. appointing an independent support person from the human resources team to deal with any ongoing concerns they may have; or
- 9.2.3. connecting the person with third party support providers such as:

Lifeline:  13 11 14;  lifeline.org.au;

Beyond Blue:  1300 22 4636;  beyondblue.org.au.

10. BREACH OF THIS POLICY

Any breach of this Policy will be taken seriously and may result in counselling and/or disciplinary action, up to and including summary dismissal.

11. REFERENCES

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)

Australian Securities and Investments Commission Act 2001 (Cth)

Corporations Act 2001 (Cth)

Protected Disclosures Act 1994 (NSW)

Public Interest Disclosure Act 2010 (Qld)

Whistleblowers Protection Act 1993 (SA)

Protected Disclosures Act 2012 (Vic)

Public Interest Disclosure Act 2003 (WA)

12. FURTHER INFORMATION AND ADVICE

For further information, refer to other related policies or contact the AWH's General Manager, National Safety & HR or the AWH General Counsel for further advice.

13. POLICY SUBJECT TO VARIATION

This Policy may be varied at any time at the discretion of the Chief Executive Officer.