

WHISTLEBLOWER POLICY

1 Overview

The Whistleblowing Policy sets out YourPlace Housing's approach to encourage and support the reporting of disclosable matters and to protect whistleblowers from any detriment that may arise as a result of raising a concern.

2 Objective

To encourage and support the reporting of disclosable matters by providing assurance to whistleblowers that it is safe for them to do so.

3 Scope

This policy applies to current and former directors, employees, contractors, consultants, suppliers (including their employees), third party providers, tenants, SIL providers, volunteers, work experience students and a relative, spouse or dependent of one of the foregoing people.

This policy sets out:

- > who is entitled to protection as a whistleblower under this policy
- > the protections whistleblowers are entitled to under this policy
- > how disclosures made by whistleblowers will be handled by YourPlace Housing

4 When will this Policy apply?

This policy will apply when a whistleblower makes a disclosure in accordance with the requirements under the whistleblower protections of the Corporations act 2001 (Cth) (Corporations Act)

Whistleblower protection is afforded when:

- > an eligible whistleblower;
- > makes a disclosure of information relating to a 'disclosable matter';
- > to an eligible recipient

5 Who is an eligible whistleblower?

An eligible whistleblower includes current and former:

- > employees (permanent, part-time, fixed-term or temporary, interns, secondees, managers)
- > directors
- > volunteers and work experience students
- > individuals who supply services or goods to YourPlace Housing (whether paid or unpaid), including their employees
- > tenants
- > SIL providers
- > relatives, spouses or dependents of any of the people listed above

6 What type of matters can be disclosed?

Disclosures can be about improper conduct which you suspect on reasonable grounds has occurred or is occurring within YourPlace Housing, including the conduct of a director or employee of YourPlace Housing.

Examples of disclosable matters may include:

- > illegal conduct including theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property
- > fraud, money laundering or misappropriation of funds
- > offering or accepting a bribe
- > financial irregularities
- > failure to comply with, or breach of, legal or regulatory requirements
- > engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure
- > a serious breach of YourPlace Housing's policies and procedures
- > conduct involving bullying, discrimination, harassment, victimization, abuse, or reprisal action

You can also make a protected disclosure to a lawyer where you seek legal advice or legal representation in relation the operation of the whistleblowers laws under the Corporations Act or Tax Administration Act where applicable, even if this does not relate to a disclosable matter.

Disclosable matters do no include 'personal work-related grievances' which instead should be raised in accordance with the YourPlace Housing HR policies and procedures to allow these issues to be resolved most effectively.

Personal Work Related Grievances are:

Grievances relating to a person's current or former employment that have implications for them personally (that is, they relate solely to them), and do not fall within the scope of a disclosable matter that qualifies for protection under the Corporations Act.

For example, the following would be classed as a personal work-related grievance:

- > an interpersonal conflict between the whistleblower and another employee,
- > a decision relating to their employments such as transfer, promotion or disciplinary action
- > or the terms and conditions of their employment, that does not involve a breach of workplace laws

However, if a person has raised a personal work-related grievance that has signification implications for YourPlace Housing, includes information about a disclosable matter or misconduct beyond a person's personal circumstances (e.g. relating to YourPlace Housing or other individuals), or relates to detriment they have suffered or have been threatened with because they have raised a concern about a disclosable matter, then that grievance may still qualify for protection and be covered by this policy.

You will not be penalised if a concern raised by you ultimately turns out to be incorrect, if your disclosure was made with a genuine belief regarding a disclosable matter. However, you must not make a report that you know is not true or is misleading. Where it is found that a whistleblower has knowingly made a false report, this will be considered a serious matter and may result in disciplinary action.

7 How can I make a whistleblowing disclosure? Who is an eligible recipient?

To be afforded whistleblower protection under both this policy and the Corporations Act, you must disclose your concerns about disclosable matters to an eligible recipient. The role of an eligible recipient is to receive disclosures that qualify for protection.

YourPlace Housing encourages reports to be made to YourPlace Housing Whistleblower Protection Officer (WPO) by telephone, in person, email or post.

WPO details are provided below:

<i>Name and Position</i>	<i>Contact Details</i>
Deb McBryde Manager - Projects	Office Tel: 08 83518466 deb.mcbride@yourplacehousing.com.au

Alternatively you can make a disclosure to any one of the following:

- > a manager or the CEO
- > a director of the YourPlace Housing Board

8 How will confidentiality be protected?

YourPlace Housing's priority is to support and protect whistleblowers who raise concerns about disclosable matters. If you raise a concern regarding a disclosable matter, your identity (and any information that YourPlace Housing has because of your report that someone could likely use to identify you) will only be disclosed if:

- > you consent to disclosing your identity
- > the disclosure is required by law
- > it is necessary to prevent a serious threat to a person's health or safety
- > it is reasonably necessary for investigating the issues raised in the disclosure

9 Can disclosure be made anonymously?

You can make an anonymous disclosure if you do not want to reveal your identity and still be protected by the whistleblowing provisions under the Corporations Act and our policy. Alternatively, you may wish to adopt a pseudonym for the purpose of your disclosure.

You can:

- > choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised, and
- > refuse to answer questions that you feel could reveal your identity at any time, including during follow up conversations.

If you do not provide your identity however, YourPlace Housing will assess the content of your report in the same way as if you had revealed your identity, and any investigation will be conducted as is possible in the circumstances. An investigation may not always be possible unless sufficient

information is provided, and it may be difficult to offer you the same level of practical support and protection if YourPlace Housing does not know your identity.

10 How will YourPlace Housing respond?

All reports of disclosable matters must be referred to the Whistleblowing Protection Officer (provided consent has been obtained from the whistleblower) to ensure they are managed in accordance with this policy.

The YourPlace Housing WPO will carefully assess the information provided in the disclosure to decide the best action to take, including whether an investigation is required and, if so, to determine the appropriate investigation process, including:

- > the nature and scope of the investigation
- > whether investigator should be external to the organisation
- > the nature of any technical, financial or legal advice that may be required
- > a timeframe for the investigation (having regard to the level of risk)

The appointment of any investigator will be made by the CEO, or if the CEO is the subject of the disclosure the Chair of YourPlace Board will appoint the investigator.

When a report is made which may fall under this policy, the following steps will be taken:

- > carefully assess the information provided to decide on the best action to take, including whether an investigation is required, to determine whether the misconduct is proven or not proven
- > keep the information provided in a confidential and secure system
- > coordinate and oversee the investigation where an external investigator has been appointed

- > advise the Whistleblower of the progress of the matter to the extent it is legally permissible and appropriate to do so
- > take all reasonable steps to ensure fair treatment for and to ensure the identity of the Whistleblower and the person/s who is the subject of the disclosure are kept confidential. An employee who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and prior to any actions being taken.

All whistleblowers who raise a concern under this policy will have access to the assistance of the WPO or their delegate.

If you consider that you have been subject to any detriment as a result of raising a concern, you should escalate this to the WPO who will decide the appropriate course for handling the matter.

How will the investigation be conducted?

The investigation will be conducted in a constructive, impartial and lawful way according to the principles of natural justice and procedural fairness and all efforts will be made to meet investigation best practices.

The investigator will:

- > gather information, material and documentation concerning the disclosure as quickly as possible. (This may involve taking steps to protect or preserve documents, materials and equipment).
- > focus on the substance of the disclosure and will not focus on the motives of the discloser
- > not assume that disclosures about conduct or behavior that appear to have had a personal impact on a discloser are somehow less serious. The discloser's experience may indicate a larger systemic issue.
- > take a statement or record of interview and or tape formal interviews with witnesses as required. Where the whistleblower wishes to remain anonymous and does not wish to make a statement they will not be asked to do so.
- > keep information gathered in the investigation securely
- > take all reasonable steps to protect the identity of the Whistleblower. Where disclosure of the identity of the whistleblower cannot be avoided due to the nature of the allegations, the investigator will first gain the consent of the whistleblower before providing identifying information to any additional persons
- > complete the investigation and provide a report of their findings as soon as is reasonably practical.

Investigator's Report

At the conclusion of the investigation, the investigator will provide a written report to the recipient including:

- > a finding of all relevant facts
- > whether the disclosure is proven, not proven or otherwise
- > recommendation/s, when requested to do so, as to any action that may be taken in respect of the findings

YourPlace Housing will use the report to determine the action (if any) to be taken including disciplinary action. The findings will be communicated to the relevant parties involved to the extent that it is legally permissible and appropriate to do so.

Will the whistleblower be kept informed?

Subject to privacy and confidentiality requirements the whistleblower will be kept informed of

- > when the investigation process has begun
- > relevant progress of the investigation
- > the outcome of the investigation

To the extent that it is legally permissible and appropriate to do so.

What happens if the misconduct is proven?

If the misconduct is proven, YourPlace Housing will decide what action to take including disciplinary action up to dismissal. The disciplinary action will depend on the severity, nature and circumstance of the misconduct.

11 What protections exist for whistleblowers?

YourPlace Housing is committed to protecting whistleblowers from any detriment arising as a result of them raising a concern of a disclosable matter. These protections are an essential element of creating an environment in which whistleblowers feel safe to raise disclosable matters.

12 Protection from detriment

No person may cause detriment to someone else (or threaten to do so) because of (or for reasons including) a belief or suspicion that person has made, may make, proposes to make or could make, a protected disclosure in relation to a disclosable matter. Detriment may include:

- > termination of employment
- > harassment, bullying or intimidation
- > personal or financial disadvantage
- > unlawful discrimination
- > harm or injury to a person, including psychological harm
- > damage to reputation, or
- > any other conduct that constitutes retaliation

Other protections available

YourPlace Housing will ensure that whistleblowers do not suffer detriment because they raise a concern. The protections offered will be determined by YourPlace and depend on things such as the disclosable matter and the people involved. In protecting you from detriment, YourPlace Housing may undertake the following:

- > risk assessments undertaken to determine the risk of detriment against a whistleblower
- > monitoring and managing the behaviours of other employees
- > access to support services including counselling or other professional or legal services
- > strategies to help a whistleblower to minimise and manage stress, time or performance impacts, or other challenge resulting from the disclosure or its investigation
- > actions for protecting a discloser from risk of detriment – for example, we may allow the discloser to perform their duties from another location, reassign the discloser to another role at the same level, make other modifications to the discloser’s workplace or the way they perform their work duties, or reassign or relocate other staff involved in the disclosable matter
- > processes for ensuring that management are aware of their responsibilities to maintain the confidentiality of a disclosure, address the risk of isolation or harassment, manage conflicts and ensure fairness when managing the performance of, or taking other management action relating to a discloser

- > procedures on how a discloser can lodge a complaint if they have suffered detriment, and the actions they may take in response to such complaints (e.g. the complaint may be investigated as a separate matter by an officer who is not involved in dealing with disclosures and the investigation findings will be provided to the Board and Governance, Performance and Remuneration Committee.
- > Interventions for protecting a discloser if a detriment has already occurred – for example, we may investigate and address the detrimental conduct, such as by taking disciplinary action, or we may allow the discloser to take extended leave, develop a career development plan for the discloser that includes new training and career opportunities, or offer compensation or other remedies.

YourPlace Housing will look for ways to support all whistleblowers who raise a concern, but it may not be able to provide non-employees with the same type and level of support that it provides to its employees.

We will thoroughly investigate reports of detrimental acts. If proven, those who have victimised another will be subject to management action including disciplinary action including dismissal. It is also an offence/contravention under the Act which carries serious penalties for individuals and companies. If you are a discloser of a reportable matter and you suffer detrimental acts you may also be eligible to claim compensation and remedies under the Act. Nothing in this policy is intended to change or take away any other protections which may be available in law

13 Escalations relating to the Whistleblowing Process or Outcome

A whistleblower may escalate their concerns directly to the Chair of the YourPlace Housing Governance, Performance and Remuneration Committee if:

- > they are not satisfied with a decision not to conduct an investigation into their concern, or the findings of any investigation
- > they consider that the Whistleblowing Protection Officer has not adequately resolved a complaint regarding detrimental conduct; or
- > they consider that this policy has not been followed by YourPlace Housing

A whistleblower may escalate their concern by providing a written submission to the Chair of the YourPlace Housing Governance, Performance and Remuneration Committee outlining their reasons for review. This is to be submitted to the WPO who is obliged to escalate the concerns unless it concerns the WPO in which case it should be submitted directly to the Chair of the YourPlace Housing Governance, Performance and Remuneration Committee.

When considering an escalation, the Chair of the YourPlace Housing Governance, Performance and Remuneration Committee is not required to reopen or reinvestigate the matter. To arrive at a decision, the Chair may review any submission by the whistleblower, the basis of the decision giving rise to the request, and any other information the Chair of the YourPlace Housing Governance, Performance and Remuneration Committee considers relevant. The Chair of the YourPlace Housing Governance, Performance and Remuneration Committee may make a final determination following the consideration of this material.

14 Reporting to the Board or its delegated committee

Subject to the confidentiality obligations outlined in this policy, the WPO will provide the Board and the Governance, Performance and Remuneration Committee monthly reports on all whistleblower matters, including information on:

- > the status of any investigations underway
- > the outcomes of any investigations completed and actions taken as a result of those investigations

15 How this Policy interacts with Australian whistleblower laws

By making a disclosure in accordance with this policy, you may be afforded protection under the Australian whistleblower laws.

While this policy principally deals with internal disclosures of information, Australian whistleblower laws also protect some types of disclosures made to external parties (such as legal representatives, the

Australian Securities and Investments Commission (ASIC), the Australian Commissioner of Taxation, members of parliament or journalists). Any person who is a whistleblower under Australian whistleblower laws must be treated in accordance with, and is entitled to, protections afforded by this policy.

For more information about these laws, see the information available on the ASIC and ATO websites.

16 Availability of Policy and Training

All YourPlace Housing staff will have access to a copy of this policy on the intranet and will receive training about the policy and their rights and obligations under it. Key YourPlace Housing staff, including those involved in its Whistleblowing Program, will also receive regular training.

A copy of this policy will be available on YourPlace Housing's website. A hard copy of this policy may be obtained by contacting the Whistleblowing Officer.

17 Periodic Review

This policy will be reviewed annually to check it is operating effectively and whether any changes are required. The policy was approved on the 25 May 2020.