

Why this is important

1. This Procedure sets the mechanisms and processes for implementing the Whistleblower Policy (**Policy**). It is important because this Procedure supports the Policy in delivering Heritage's commitment to encouraging reporting of illegal, dishonest, unfair or other undesirable conduct. This Procedure should be read in conjunction with the Policy.
2. This Procedure is designed to produce these outcomes:
 - a) Outline how this Procedure can be accessed;
 - b) Outline the avenues available to make disclosures of reportable matters;
 - c) Detail the process for the investigation of disclosures;
 - d) Outline the process for the protection of whistleblowers.

Who this applies to and when

3. This Procedure applies to everyone eligible to make a Whistleblower disclosure under the Policy.
4. It applies whenever a Whistleblower disclosure is made.

Requirements

Use Sub-Headings Where Appropriate

How can the Procedure and Policy be accessed

5. This Procedure and the Policy can be accessed by Heritage staff through the internal intranet (HiVE). They are also publicly available through the Heritage external website.

What is a Whistleblower Disclosure

6. A Whistleblower disclosure is a clear statement alleging conduct, behaviour, activity, practices or arrangements that amount to reportable conduct, misconduct or an improper state of affairs in relation to Heritage or an associated entity. This may include, but is not limited to:
 - Illegal or unlawful acts in contravention of State or Federal legislation (including laws relating to Heritage's licensing or prudential environment); or
 - A threat to safety; or
 - A threat to the public or financial system.
7. Whistleblower disclosures may be made anonymously and do not have to be in any particular format. Disclosures may be made:
 - In person;
 - By telephone;

- By email;
- In writing;
- Or by any other method identified by a body able to take the disclosure.

To ensure accuracy of content, disclosures made in person or by telephone must be written down by the person taking the disclosure. Except where the Whistleblower wishes to make the disclosure anonymously, the Whistleblower should sign the written version of the disclosure to verify the disclosure's content.

8. Any Whistleblower disclosure should contain sufficient detailed information to enable an investigation to be conducted into the disclosure. This is particularly important with anonymous disclosures, as the anonymous nature of the disclosure precludes further details, if necessary, from being sought from the Whistleblower. If the Whistleblower cannot be contacted, this may prevent an investigation from being conducted due to insufficient information. Where a disclosure contains insufficient information, and the identity of the Whistleblower is known, the Whistleblower may be contacted by the Whistleblower Investigation Officer to obtain further information necessary to conduct an investigation.
9. Whilst not intending to at all discourage Whistleblowers from reporting matters of genuine concern, it is strongly suggested Whistleblowers ensure, as far as possible, that disclosures are:
 - Based on reasonable grounds;
 - Factually accurate;
 - Complete and with no material omissions;
 - Provided from first-hand knowledge; and
 - Presented in an unbiased fashion (and any possible perception of bias of the Whistleblower is disclosed).

Personal Work Related Grievances

10. With some exceptions, personal work related grievances do not attract the protections that apply to Whistleblower disclosures under the Corporations Act;
11. Personal work related grievances may qualify for protection if:
 - a. The grievance is about or includes misconduct, or suggests misconduct beyond the individual;
 - b. The person lodging the grievance suffers from, or is threatened with, a detriment for lodging the grievance;
 - c. The person lodging the grievance seeks legal advice or representation about Whistleblower protections under the Corporations Act;
 - d. Heritage has breached employment or other laws punishable by imprisonment of 12 months or more, or engaged in conduct that represents a danger to the public;
12. Personal work related grievances that are not protected under the Corporations Act can be raised through the Grievance and Complaint Handling Policy. Examples of personal work related grievances include:
 - An interpersonal conflict in the workplace;
 - A decision regarding appointment, promotion or transfer;
 - Terms and conditions of employment or engagement; and
 - A decision to take disciplinary action, which may include a decision to terminate an employee's employment.

Relationship to other Reporting Policies

13. In addition to the Policy, there are a number of other Heritage policies that provide for the reporting of matters that may be considered as reportable conduct. Such policies include:
- Financial Crimes Policy;
 - Incident/Breach Reporting Policy
 - Information Security Policy
 - Grievance and Complaint Handling Policy.

Details of these policies and procedures are located on the HIVE and are available to all staff. It is envisaged that the majority of matters raised will be addressed according to one of these policies;

14. In some circumstances, a Whistleblower disclosure may be more appropriately investigated under another policy (eg Financial Crimes Policy in the case of alleged external fraud) rather than the Policy. In these circumstances, the disclosure will be investigated under the appropriate policy framework.

How can a Whistleblower Disclosure be made

15. Whistleblowers are encouraged to report matters in the first instance to their managers. However, there is no obligation to do so and reporting to a manager is not a pre-requisite to qualifying for whistleblower protection under the Corporations Act.
16. For a disclosure to qualify for protection under the Corporations Act, the disclosure must be made to an eligible recipient. Whistleblowers can make reports directly to any of the following as eligible recipients:
- The Whistleblower Investigation Officer;
 - An Officer (as defined in the Corporation Act) of Heritage (which includes a director, company secretary or Senior Executive Group member);
 - A Senior Manager of Heritage;
 - An auditor of Heritage, or a member of an audit team conducting an audit of Heritage;
 - An actuary of Heritage;
 - An independent external hotline service (Whistleblower Hotline by mail, telephone, email or their website. Details are available on the HIVE and Heritage website);
 - ASIC;
 - APRA;
 - Another Commonwealth body prescribed by a regulation; or
 - A legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the Disclosure. Whistleblowers should seek independent legal advice before making an Emergency Disclosure or a Public Interest Disclosure.
17. In limited circumstances, disclosures qualifying for protection can be made to a member of Parliament (Federal or State) or a journalist as an Emergency Disclosure, but only when:
- The Whistleblower has previously made the disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation; and
 - The Whistleblower has reasonable grounds to believe that the disclosure concerns a substantial and imminent danger to health or safety of 1 or more persons, or the natural environment; and
 - The Whistleblower has informed the entity to which the previous disclosure was made by written notification (including sufficient information to enable the previous disclosure be

identified) that the Whistleblower intends to make an emergency disclosure; and

- The information disclosed in the emergency disclosure is no greater than is necessary to inform the recipient of the substantial and imminent danger.
18. Similar to an Emergency Disclosure, a Public Interest Disclosure can be made to a member of Parliament or a journalist, but only when:
 - a. The Whistleblower has previously made the disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation; and
 - b. A 90 day period has passed since the previous disclosure was made; and
 - c. The Whistleblower does not have reasonable grounds to believe that action has been, or will be, taken to address the matter;
 - d. The Whistleblower has reasonable grounds to believe that a further disclosure would be in the public interest;
 - e. The Whistleblower has informed the entity to which the previous disclosure was made by written notification (including sufficient information to enable the previous disclosure be identified) that the Whistleblower intends to make a public interest disclosure; and
 - f. The information disclosed in the public interest disclosure is no greater than is necessary to inform the recipient of the misconduct, improper state of affairs or circumstances or conduct to which applies to the disclosure.
 19. All Disclosures of reportable conduct made to Heritage, including those made to the Hotline, will be referred to the Whistleblower Investigations Officer. Staff to whom Disclosures are made must maintain the confidentiality of the identity of the Whistleblower (including in referral to the Whistleblower Investigations Officer) unless the Whistleblower has given permission for their identity to be disclosed.
 20. Permission by the Whistleblower to disclose their identity may be given verbally, but it is preferable for Whistleblower's consent to be in writing.

Investigation of Whistleblower Disclosures (details in Attachment 1)

21. An appropriate investigation will be conducted into all disclosures by the Whistleblower Investigations Officer who will be impartial, fair and independent. The nature and scale of the investigation will be contingent on the circumstances of the reportable conduct.
22. The rules of natural justice will be observed in that the investigation will be conducted without bias and any person against whom an allegation is made will be given the opportunity to respond.
23. The Whistleblower Investigation Officer with the approval of the CEO and Chief People Officer or the Chairman may engage internal or external professionals to assist in and/or conduct any investigation process.
24. Information obtained from a Whistleblower will only be disclosed to the extent necessary to conduct an investigation into the matter or if the Whistleblower consents to the disclosure, or as may be required by law. This consent may be applied in conjunction with various aspects of the Disclosure and subsequent investigation. For example, a Whistleblower may consent to their identity being disclosed to the Whistleblower Investigations Officer, but may not consent to their identity being disclosed during the investigation. A Whistleblower may remain anonymous in making a disclosure, during the course of investigation and after the investigation has been finalized. A Whistleblower may also refuse to answer questions they feel could reveal their identity at any time.
25. Where a Whistleblower has not consented to their identity being disclosed, all practicable steps will be taken to minimise the likelihood that the identity of a Whistleblower may be indirectly disclosed including during an investigation.
26. Where possible, the Whistleblower will be kept informed of the outcome of the investigation of his

or her disclosure, subject to privacy and confidentiality considerations by the Whistleblower Investigation Officer. All Whistleblowers must maintain confidentiality of all such reports, and not disclose the same to any person.

27. Unauthorised disclosure of information other than in accordance with this policy may be the subject of disciplinary proceedings, including summary dismissal or referral to police.
28. At the conclusion of the investigation, the Whistleblower Investigations Officer will generate a report outlining the findings of the investigation and provide recommendations. Heritage is committed to assessing the findings and recommendations of any investigation with a view to rectifying any wrongdoing as far as is practicable in the circumstances. The findings of the investigation may be used as the basis for disciplinary action, which may include termination of employment.

Protection of Whistleblowers (details in Attachment 2)

29. A Whistleblower who believes he or she, or his or her family, has been penalised or disadvantaged or suffered a detriment by reason of their status as a Whistleblower, should immediately report the same to the Whistleblower Protection Officer. A Whistleblower may also seek advice or contact regulatory bodies such as ASIC, APRA or the ATO if they believe they have suffered a detriment.
30. The Whistleblower may request that relocation or leave of absence be provided as a means of protection. Any such requests will be considered in good faith by the Whistleblower Protection Officer for approval by the CEO. As a matter of practical necessity, such a request may require that the Whistleblower consent to their identity being disclosed to relevant Heritage staff.
31. Any request for relocation or leave of absence must be in writing. Leave of absence will, in the first instance, be debited from the Whistleblower's existing leave entitlements, although Heritage may approve a paid leave of absence, in the absence of existing entitlements, at its discretion.
32. The Whistleblower Protection Officer must inform the Whistleblower Investigation Officer of any instances of requests for relocation or leave of absence.

Reporting Whistleblower Disclosures

33. The Whistleblower Investigation Officer will report to the Chief People Officer each month whether any disclosures have been made. The Chief People Officer will report to the Board each month whether any disclosures have been reported or no disclosures reported in the month.
34. The Whistleblower Investigation Officer and the Whistleblower Protection Officer will both report their findings and actions directly to the Heritage Audit and Compliance Committee, the CEO, and the Chief People Officer.

Conflicts of Interest

35. In circumstances where staff with accountabilities under the Policy or Procedure has a conflict of interest either through being accused of reportable conduct, or where he or she has a close personal relationship with the person against whom the accusation is made, he or she will be excluded from involvement at any stage of the Whistleblower Procedure.
36. Where a conflict of interest exists, the accountabilities under the Policy and Procedure will be exercised according to the following table:

POSITION	ALTERNATE POSITION
Chief Executive Officer	Chairman of Heritage Board
Chief People Officer	Chief Executive Officer
Whistleblower Investigation Officer	Chief People Officer
Whistleblower Protection Officer	Head of Learning and Development

Accountabilities

37. The accountabilities specific to this Procedure appear in the table below:

POSITION	ACCOUNTABILITIES
Heritage Board	<ul style="list-style-type: none"> • Reviewing monthly reports on Whistleblower activity from the Chief People Officer. • Reviewing reports of specific whistleblower disclosures from the Whistleblower Investigation Officer and Whistleblower Protection Officer.
Board Audit Committee	<ul style="list-style-type: none"> • Reviewing reports of specific whistleblower disclosures from the Whistleblower Investigation Officer and Whistleblower Protection Officer.
Chief Executive Officer	<ul style="list-style-type: none"> • Reviewing reports on Whistleblower activity from the Whistleblower Investigations Officer. • Considering requests for alternate protection by Whistleblowers. • Appointing a Whistleblower Investigation Officer and a Whistleblower Protection Officer.
Chief People Officer	<ul style="list-style-type: none"> • Providing the Heritage Board with monthly reports of whether any whistleblower disclosures have been made.
Eligible Recipient	<ul style="list-style-type: none"> • Receiving reports of reportable conduct directly from Whistleblowers; • Forwarding Whistleblower disclosures to the Whistleblower Investigation Officer; • Maintaining confidentiality and anonymity protections.
Whistleblower Investigation Officer	<ul style="list-style-type: none"> • Receiving reports of reportable conduct directly from Whistleblowers, or through an eligible internal report recipient or the external reporting hotline; • Investigating the substance of the report from the Whistleblower to determine if there is evidence in support of the matters raised, or alternatively, to refute the report made. • Keeping the Chief People Officer, Audit and Compliance Committee and Whistleblower Protection Officer appropriately informed of reports received.
Whistleblower Protection Officer	<ul style="list-style-type: none"> • Safeguarding the interests of the Whistleblower in terms of the Policy, this procedure and any applicable legislation. • Considering requests for alternate protection from Whistleblowers. • Keeping the Audit and Compliance Committee appropriately informed of reports received.

Contacts for Questions & more Information

37. This Procedure is owned by Manager, Employee Relations. If you would like more information or have any questions about this Policy, you should contact:

Mr Anthony Johns, Manager Employee Relations
Telephone (07) 4694 9288 or 0488 070 249
Email johns.a@heritage.com.au

Definitions

38. In this Procedure the words listed below have the meanings shown below:

Detriment	means dismissal, demotion or other form of injury to their employment, alteration of an employee's position or duties to their disadvantage, any form of harassment or intimidation, harm or injury (including psychological harm), damage to property, reputation, business or financial position, discrimination, bias or any other damage.
Disclosure	means a report by a Whistleblower of reportable conduct made under the Policy.
Corporations Act	means the <i>Corporations Act (2001) (Cth)</i>
Eligible Whistleblower	means current and former officers, employees, secondees, contractors or suppliers (and their employees) and consultants of Heritage and its associated entities, including associates and family of these individuals making a disclosure under the Policy.
Heritage	means Heritage Bank Limited and all related entities.
Improper State of Affairs or Circumstances	means policies, practices, acts or conduct, while not unlawful, that are unethical, unconscionable or fall below reasonable community standards and expectations.
Misconduct	means acts or conduct in breach of the standards and duties required in employment including but not limited to theft, fraud, deception or dishonesty, illegal or unlawful acts or conduct, corruption, conflict of interest, negligence, serious breach of policy or procedure, disrepute, breach of trust or good faith duty.
Personal Work Related Grievance	means a grievance that relates to the disclosers current or former employment having personal implications for the discloser, but do not: a) have any other significant implications for Heritage or another entity; b) relate to conduct, or alleged conduct, about misconduct or an improper state of affairs.
Reportable Conduct	means breaches of the Code of Conduct, or activities that could be damaging to our members, employees or the community.
Whistleblower	means current and former Officers, employees, secondees, contractors or suppliers (and their employees) and consultants of Heritage and its associated entities, including associates and family of these individuals, who attempts to make or wishes to make a report in connection with reportable conduct under the Policy.

Whistleblower Investigation Officer means the Manager, Employee Relations.

Whistleblower Protection Officer means the Manager, Human Resources.

Procedure Information

Effective from	20 December 2021		
Owner	Manager Employee Relations	Anthony Johns	1 December 2021
Approver	Chief Executive Officer	Peter Lock	17 December 2021
NEXT Review due:	1 December 2022		
Related documents	Whistleblower Policy Code of Conduct Grievance and Complaint Handling Policy Performance Management and Managing Misconduct Procedure		

Document History

Version	Date	Amended by	Details of amendment
1	8/01/2019	Anthony Johns	Draft of Procedure
2	4/3/2019	Anthony Johns	Procedure amended to incorporate legislative changes
3	15/2/2021	Anthony Johns	Procedure drafted in new Procedure template and amended to incorporate ASIC RG 270: Whistleblower Policies
4	3/11/2021	Anthony Johns	<ul style="list-style-type: none"> • Details provided of how the Policy can be accessed. • 'Reasonable Grounds' defined • Expansion of the definition of Officer to reflect Corporations Act definition • Clarification of protection of disclosures to eligible receipts • Specifies anonymous disclosures are protected • Expands the examples of possible remedies available to Whistleblowers and specifies that Heritage may be liable to compensate Whistleblowers

ATTACHMENT 1

INVESTIGATION OF DISCLOSURES

The purpose of Attachment 1 is to provide transparency regarding the process for investigating Whistleblower Disclosures. This will be achieved through:

- Outlining the key steps taken when a Whistleblower Disclosure is received;
- Outlining the key steps in investigating Whistleblower Disclosures;
- Outlining the measures to ensure fairness to the subject of the disclosure during the investigation;
- Providing indicative timeframes for investigating the Whistleblower Disclosures;
- Indicating the communications with Whistleblower regarding their Disclosure; and
- Outlining the reporting of the outcomes of the Whistleblower Disclosure investigation;

1.1 What happens when a Whistleblower Disclosure is received?

- a) When a Whistleblower makes a Disclosure, the timing and location of the disclosure should be assessed by the eligible recipient to determine if they are suitable to receive the disclosure. A suitable time and location preserves the confidentiality of the discussion, allows a more free and frank disclosure and protects the identity of the Whistleblower.
- b) If the timing and/or location is not suitable, the eligible recipient should suggest an alternate timing/location that are suitable to receive the Disclosure.
- c) The eligible recipient needs to confirm that the Whistleblower agrees to have their identity revealed (whether directly or indirectly) to the Whistleblower Investigation Officer. If the Whistleblower declines to agree to have their identity revealed, the eligible recipient must ensure that the Disclosure (or any other information) does not contain any information that could lead to the identity of the Whistleblower (see Attachment 2 for guidelines on protecting Whistleblower identity).
- d) If the Disclosure is verbal, the Disclosure must be recorded by the eligible recipient and reviewed by the Whistleblower.
- e) The Whistleblower Disclosure must be referred to the Whistleblower Investigation Officer only. The eligible recipient must ensure that any records of the Whistleblower Disclosure are kept securely or destroyed in a secure manner consistent with confidential documentation.
- f) The Whistleblowers should be offered Heritage's Employee Assistance Program (EAP).

1.2 What are the key steps in the investigation a Whistleblower Disclosure?

- a) Upon receipt of the Whistleblower Disclosure by the Whistleblower Investigation Officer, the Disclosure will be assessed to determine if it qualifies for protection, and the nature of scope of investigation required, specifically if a formal in-depth investigation is warranted. Factors to be considered in determining the scope and nature of an investigation, include (but not limited to):
 - The seriousness of the matters contained in the Disclosure;
 - The nature and complexity of the issues;
 - The extent of the matters outlined (is it an isolated incident involving a single person or a systemic pattern of behaviour/conduct involving several individuals);
 - The availability of corroborating information;
 - The potential impact on members;
 - The potential financial and /or reputational impact for Heritage;
- b) Where an investigation is warranted, the appropriate Policy for the conduct of the investigation

is determined by the Whistleblower Investigation Officer. If the Disclosure is protected, the investigation must comply with the protections afforded to Whistleblowers irrespective of the Policy framework for the investigation (see Attachment 2).

- c) The investigation may take a number of different forms depending on the situation disclosed. This may include the investigation of specific allegations requiring responses from individual(s) for alleged misconduct, or a broad review of the issue without allegations being directed at specific individuals.
- d) The Whistleblower Investigation Officer will determine if suspension (or other removal from the workplace eg move to a different job or location) of the person(s) who are the subject of a Disclosure is warranted to mitigate any risk attached to their remaining in the workplace.
- e) Other supporting information that may assist in investigating the Disclosure should be obtained where appropriate. It may prove necessary to contact the Whistleblower (where possible) to obtain further information or clarify the Disclosure in light of supporting information.
- f) Where a formal in-depth investigation is required, responses will be sought from the person(s) who are the subject of the investigation.
- g) The information is assessed and a decision made regarding whether the matters disclosed are substantiated on the balance of probability.
- h) The investigation outcomes are reported as appropriate.

1.3 How is fairness ensured during a Whistleblower Disclosure Investigation?

- a) Heritage is committed to ensuring fairness to anyone mentioned in a Whistleblower disclosure, including any subject of an investigation. To achieve this goal, investigation of Whistleblower Disclosures will be conducted using the principles of natural justice. In practice, the application of natural justice means;
 - Ensuring the purpose of the investigation is to determine whether the matters raised are substantiated through an objective assessment of the available information;
 - The Disclosure and its contents will be confidential as far as reasonably practicable. Confidentiality means that only information necessary to conduct the investigation will be provided to individuals for the purpose of conducting the investigation;
 - The investigation will be conducted by suitably qualified and/or experienced staff;
 - The investigation is conducted in an unbiased manner independently of the individuals and business unit mentioned in the disclosure. In the event of any actual or perceived conflicts of interest affecting the investigating staff, a suitable alternate investigator will be appointed;
 - Individuals subject to an investigation will be provided with:
 - Sufficient information about the matter(s) to enable them to provide a response;
 - Any appropriate documentation relevant to the matter;
 - Reasonable time to consider the information;
 - The opportunity to respond to the matters raised prior to any decision being made;
 - The ability to have their responses objectively considered;
 - The opportunity to have a support person present during any formal meeting in relation to the investigation;
 - Only relevant information will be considered to determine an investigation outcome;
 - Only matters put to an individual can be used in a decision regarding that individual;
 - The Heritage Employee Assistance Program (EAP) will be offered to all individuals involved in an investigation;

- 1.4 What are the indicative timeframes for investigating a Whistleblower Disclosure?
- a) In general, the investigation should be conducted as quickly as possible bearing in mind the need for the investigation to be thorough. The timeframes for an investigation may vary due to a number of factors, including:
- The complexity and scope of the matters of the matters to be investigated; and
 - The availability of information and individuals relevant to the investigation;
- b) Although variable, an indicative timeframe for the investigation components would be:
- | | |
|---|--------|
| Receive Disclosure/clarify contents | 2 days |
| Obtain relevant information | 2 days |
| Obatins responses from subject of the investigation | 1 day |
| Assess information | 2 days |
| Determine outcomes | 1 day |
- 1.5 What communications will be held with the Whistleblower regarding their Disclosure?
- a) Where the Whistleblower can be contacted, the Whisteblower will be provided with updates of the progress of the investigation. The frequency and timeframe of the updates may vary depending on the nature of the disclosure and investigation. In general, updates will occur:
- When the decision to investigate the disclosure is made to advise the action to be taken
 - During the course of the investigation to advise progress and status. During an investigation, Whistleblowers may be contacted to seek their feedback on matters raised in the investigation
 - At the conclusion of the investigation
- b) The information contained in the updates may vary. Factors that may vary the information include the nature of the matters raised during the investigation and outcomes.
- c) Where the Whistleblower cannot be contacted (eg where the identity is unknown with an anonymous disclosure), the Whistleblower will need to maintain two way communication with the Whistleblower Investigation Officer in order to receive investigation updates.
- 1.6 How are Whistleblower Disclosure investigation outcomes reported?
- a) Although the methd for documenting and reporting may vary depending on the nature of the disclosure, in general, at the conclusion of an investigation a written report will be created that will appropriately outline:
- The allegations contained in the Disclosure;
 - The investigation conducted;
 - The findings of the investigation for each of the allegations;
 - Recommendations for further action. The recommendation may include: disciplinary action to be taken and/or process or procedure changes
- b) The person conducting the investigation will be responsible for generating the investigation report.
- c) The written report will be provided to the relevant Committee/individuals as outlined in the Procedure.
- d) The Whistleblower will be informed, in writing, of the investigation outcomes concerning whether the allegations have been substantiated. There may be circumstances (such as for privacy reasons regarding disciplinary action) where it is not appropriate to provide the Whistleblower with all the investigation outcomes.

ATTACHMENT 2

WHISTLEBLOWER PROTECTIONS

Heritage has obligations under the Corporations Act to protect Whistleblowers. The purpose of Attachment 2 is to outline how Heritage will protect Whistleblowers. This will be achieved through:

- Identifying who qualifies for protection;
- Outlining the protections available to preserve the anonymity of Whistleblowers where their identity is unknown and the confidentiality of Whistleblower's identity where their identity is known;
- The protection available to Whistleblowers under the Corporations Act;
- Outlining the protections available to Whistleblowers from detrimental conduct;
- Outlining the remedies available to Whistleblowers

2.1 Who qualifies for Whistleblower protections?

- a) Whistleblower protections are available to eligible Whistleblowers who have made a disclosure in relation to misconduct, an improper state of affairs or a reportable matter to an eligible recipient (see paragraphs 16 to 18);
- b) In order to qualify for protection a Whistleblower must have reasonable grounds for their suspicion. A Whistleblower's motive for making a Disclosure, or their personal opinion of the person(s) involved, does not prevent them from qualifying for protection. A mere allegation with no supporting information is not likely to be considered as having reasonable grounds to suspect. However, a Whistleblower does not need to prove their allegations.

2.2 Protections to preserve Whistleblower anonymity or identity

- a) Whistleblowers can elect to make disclosures anonymously. They can retain their anonymity during the course of the investigation and after the investigation has been completed. When a disclosure is made where the identity of the Whistleblower cannot be determined as they have not revealed their identity, and cannot be ascertained from the email address it will be treated as an anonymous disclosure;
- b) If a Whistleblower wishes to remain anonymous, disclosures should be made through a method that will not reveal their identity. This can be achieved through using a generic email address or writing a hard copy letter without any identifying features (such as name or address). Whistleblowers may also wish to use a pseudonym rather than their actual identity. To facilitate follow up and feedback, anonymous Whistleblowers should maintain two-way communication;
- c) Anonymous Disclosures qualify for the legal protections under the Corporations Act;
- d) Heritage has a legal obligation under the Corporations Act to protect the confidentiality of a Whistleblower's identity. It is illegal for person to disclose a Whistleblower's identity or information that might lead to the identification of a Whistleblower, with the following exceptions:
 - Disclosure to ASIC, APRA or a member of the Australian Federal Police
 - Disclosure to a legal practitioner for the purpose of obtaining advice or representation about the whistleblower provisions in the Corporations Act
 - Disclosure to a person or body prescribed by regulations
 - Disclosure with the Whistleblower's consent

- e) If a Whistleblower considers their identity has been disclosed, they can lodge a complaint internally with the Whistleblower Protection Officer, or externally with ASIC or APRA
- f) The information in a Whistleblowers disclosure can be disclosed without their consent if:
 - It doesn't include their identity
 - All reasonable steps have been taken to reduce the risk the Whistleblower can be identified from the information
 - It is necessary to investigate the matters raised in the disclosure
- g) Measures to protect the identity of Whistleblowers include:
 - Discussing with the Whistleblower any information in the Disclosure that may identify them (e.g. being one of a small number of people with access to the information in the Disclosure, or being a party involved a private discussion included in the Disclosure, or having discussed their intent to disclose to another person)
 - Only communicating with the Whistleblower when there is no possibility of anyone else overhearing the discussion (e.g. in a closed office)
 - Reminding everyone handling or involved in the investigation of a Disclosure of the requirements to protect the Whistleblower's identity, including that unauthorized disclosure of the Whistleblower's identity may be a criminal offence
 - Restricting the number of people involved in handling or investigating the Disclosure and limiting access to information to only the minimum that is required
 - Deidentifying information in the Disclosure (e.g. redacting the Whistleblower's identity and any personal information) and using gender neutral language
 - Only using secure emails and other technology (such as printers) that cannot be accessed by other staff
 - Securely storing all information relating to the Disclosure both physically (e.g. storage in locked filing cabinet) and electronically (e.g. password protected folders)
 - Where appropriate, obtaining additional information for a group rather than the Whistleblower specifically
 - Where appropriate, the identity of anyone else involved in an investigation (e.g. as a witness) will have their identity protected as if they were a Whistleblower

2.3 Corporations Act Whistleblower protections

- a) The Corporations Act provides protection for Whistleblower in relation to their Disclosure from:
 - Civil liability (e.g. legal action for breach of an employment contract, duty of confidentiality, or other contractual obligation)
 - Criminal liability (e.g. attempted prosecution of the Whistleblower for unlawful releasing information, or other use of the Disclosure against the Whistleblower in a prosecution (except for making a false Disclosure))
 - Administrative liability (e.g. disciplinary action for making the Disclosure)
- b) Although while not intending to discourage Disclosures, the protections do not grant immunity for any misconduct that the Whistleblower has engaged in that is revealed by their Disclosure;

2.4 Protections for Whistleblowers from detrimental conduct

- a) A person cannot engage in conduct that causes a detriment to Whistleblower (or another person) in relation to a Disclosure because they believe or suspect that the Whistleblower has, could, or may, make a disclosure, and that belief is part of the reason for the conduct;
- b) Similarly, a person cannot make a threat to cause a detriment to a Whistleblower (or another

person) in relation to a Disclosure. The threat may be explicit or implied, conditional or unconditional. It is irrelevant if the Whistleblower (or another person) believes or fears that the threat will be carried out;

- c) Actions to address the risk of detrimental conduct and provide support Whistleblowers include:
- Maintaining the confidentiality of the Whistleblowers identity
 - Offering EAP to Whistleblowers
 - Asking the Whistleblowers regarding their views of the risk of detrimental conduct
 - Assessing the risk of detrimental conduct
 - Assigning the Whistleblower to modified or alternate work or work location, or a leave of absence, in accordance with the Whistleblower Procedure
 - Ensuring relevant managers, where appropriate, are aware of their responsibilities to address risks of detrimental conduct (such as isolation or active harassment) and ensure fairness to the Whistleblower (this may necessitate the Whistleblower agreeing to their identity being revealed to their manager)
- d) All allegations of detrimental conduct will be investigated separately to the matters raised by the Whistleblower. Staff found to have engaged in detrimental conduct may be subject to disciplinary action that may include termination of employment. Where appropriate, Whistleblowers who have suffered a detriment may be offered alternate work or work location;
- e) Examples of conduct that does not comprise detrimental conduct include:
- Reasonable administrative action to protect the Whistleblower from detriment (e.g. relocating the Whistleblower to another work site)
 - Management of unsatisfactory work performance consistent with the Performance Management framework
- It is important that the reasons for non-detrimental conduct are explained to the Whistleblower.
- f) If a Whistleblower considers they suffered a detriment, they can lodge a complaint internally with the Whistleblower Protection Officer, or externally with ASIC or APRA. The Whistleblower may also seek independent legal advice;

2.5 Remedies for Whistleblowers

- a) A Whistleblower can seek compensation or other remedies through the courts if:
- They suffer loss, damage or injury because of the Disclosure, and
 - Heritage failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct
- b) In some circumstances, Heritage may be liable to compensate Whistleblowers for the actions of managers or employees;
- c) In addition to compensation, the law makes a range of other remedies available to Whistleblowers, such as injunctions, reinstatement for termination and exemplary damages;
- d) Other employees (or other persons) presumed to be Whistleblowers can seek remedies in the same manner as if they were a Whistleblower;
- e) Whistleblowers should seek independent legal advice if they are considering applying for compensation or a remedy through the courts.