

### **The aim of this Policy:**

Beyond Bank Australia (The Group) is committed to creating and maintaining a working environment in which concerns about actual or suspected misconduct or improper states of affairs in relation to the Group's business can be disclosed, investigated and, if appropriate, remedied.

The Group is committed to the establishment, implementation and management of an effective Whistleblower program that enshrines our legal obligations under the Corporations Act 2001, and reflects the Code of Conduct and Values of The Group.

### **Who should use this Policy:**

This Policy applies to all Group operations and persons who have worked or are working for us, or are doing something in connection with their work for us.

### **Risk Consequences:**

A failure to adhere to this Policy could lead to:

- financial and/or non-financial loss for the Group, which may go undiscovered
- potential whistleblowers being dissuaded from making disclosures, which may perpetuate the undesirable activity
- whistleblowers suffering detriment, as a result of a failure to keep their disclosure or identity secure
- civil penalties and/or fines for individuals or the Group.

### **The obligations of this Policy:**

#### **1 Objectives**

To maintain and promote a whistleblower protection disclosure regime that articulates:

- the persons eligible for protection as a whistleblower
- the persons to whom disclosures may be made and how
- the protections available to whistleblowers
- how the Group will support whistleblowers
- how the Group will investigate disclosures and ensure fair treatment of persons mentioned in the disclosure or to whom the disclosure relates
- how this Policy and the whistleblower regime will be made available to all people throughout the Group.

The ultimate aim is to demonstrate the Group's commitment to a fair workplace with an open and transparent culture that emulates the mantra "Doing the right things and doing things right – exceeding expectations".

Nothing in this Policy should be read as in any way constraining or impeding a whistleblower from disclosing information to APRA or ASIC, from discussing issues with APRA or ASIC of relevance to the management and prudential supervision of the Group, or from providing documents under their control to APRA or ASIC, that may be relevant in the context of the management or prudential supervision of the Group. Such persons are also not constrained or impeded from providing information to auditors, and others, who have statutory responsibilities in relation to the Group.

Nothing in this Policy is intended to change or take away any other protections which may be available at law.

## 2 Definitions

- 'Act' means Corporations Act 2001 (Commonwealth).
- 'Whistleblower' means past and current:
  - officers and managers
  - board members
  - employees
  - volunteers
  - individuals who supply goods and services to us, and their employees
  - work experience students
  - commissioned agents and consultants
  - a relative of an individual referred to above
  - a dependant of an individual referred to above or of such an individual's spouse.

## 3 Who may make a disclosure?

Any person defined as a Whistleblower may make a disclosure under this Policy.

## 4 What misconduct should be disclosed

If you have seen or have reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, concerning our organisation you should report it (Disclosure).

Misconduct includes but is not limited to:

- bribery
- extortion
- obtaining or offering a secret commission
- fraud, stealing or forgery
- perverting the course of justice
- loss of revenue
- sedition
- offences against persons
- dishonest, corrupt or illegal conduct
- damage/sabotage, violence, drug or alcohol sale/use
- significant risks to health and safety
- serious inappropriate or unethical conduct
- serious misuse of information
- bullying, discrimination, harassment or other serious unacceptable behaviour
- serious breach of our policies and procedures or the law
- substantial waste of company resources
- modern slavery or other human rights abuses
- victimising someone for making or being involved in a disclosure
- causing substantial financial or non-financial loss or detriment to our organisation
- other serious improper conduct

(collectively referred to as "Misconduct").

Misconduct relating to breaches of law or that represents a danger to the public (Section 1317AA (5) of the Act) should also be disclosed. Refer to **Appendix A** for further details.

## 5 Personal work-related grievances

The Act states that the protections under the Act do not apply to a disclosure that:

- concerns a personal work-related grievance of the whistleblower; and
- does not concern a contravention, or an alleged contravention, of section 1317AC (protection against victimisation) that involves detriment caused to the whistleblower or a threat made to the whistleblower.

## 5.1 Examples of personal work-related grievances

The Act provides these examples that may be personal work-related grievances:

- an interpersonal conflict between the whistleblower and another employee
- a decision relating to the engagement, transfer or promotion of the whistleblower
- a decision relating to the terms and conditions of engagement of the whistleblower
- a decision to suspend or terminate the engagement of the whistleblower, or otherwise to discipline the whistleblower.

The Group has established Policies and Procedures for the purpose of addressing personal work-related concerns.

## 5.2 Other examples where protection under the Act does not apply

Protections under this Policy do not apply to:

- customer complaints (these are handled in accordance with the Customer Complaints Policy)
- maintenance issues (property, plant or equipment, etc)
- information technology performance issues
- organisational compliance breaches not attributable to inappropriate conduct, as described in Section 4 above (such issues to be addressed in accordance with the Group Compliance Policy)
- interpersonal or behavioural issues not related to the types of conduct described above
- a personal work-related grievance except where the disclosure:
  - concerns alleged victimisation of the whistleblower;
  - has significant implications extending beyond the whistleblower; or
  - is made to a legal practitioner for the purposes of obtaining legal advice or legal representation.

## 6 Making a disclosure

A disclosure may be made:

1. internally to our organisation (primarily for current Group employees)
2. to independent whistleblower service provider – Your Call (for persons external to the Group, but also available for current employees)
3. to external authorities and entities.

A person making a disclosure may do so anonymously.

### 6.1 Making a disclosure internally to our organisation

*(For current Group employees)*

We support openness and teamwork. This Policy is not intended to discourage the resolution of issues quickly and internally where appropriate. If you are comfortable with doing so, you can raise your concerns at any time with your immediate leader to resolve possible misconduct informally and internally, but you are not obligated to do this.

If you do not feel able or safe to raise misconduct with your leader, you may make a disclosure to:

- an executive officer or senior leader of our company or a related company
- an auditor, or a member of an audit team, conducting an audit of our company or a related company
- a person authorised by our company to receive disclosures, including to our independent service provider.

The Group's authorised Disclosure Officers, to whom you may make a disclosure, and their contact details, are listed in the whistleblower system SharePoint site.

Any person within our organisation who receives an internal disclosure must record the disclosure via our online Incident Reporting tool.

## **6.2 Making a disclosure to independent service provider – Your Call**

*(For persons external to the Group, or current employees)*

If you are not a current Group employee, or you are a current Group employee and for any reason you do not feel able or safe to make a disclosure internally, you may do so to our independent whistleblower service provider, Your Call.

Your Call operates under a Service Agreement with our organisation and acts as the intermediary, providing the means for a whistleblower to retain anonymity. Disclosures received by Your Call are reported to us in accordance with this Policy. Your Call also enables us to obtain further information if required and enables the whistleblower to receive updates from us.

This is done via the use of an online anonymous Message Board to which the whistleblower will have access after making a disclosure. The Message Board allows you to:

- communicate with Your Call and/or the Group without revealing your identity
- securely upload any relevant documentation and/or material that you wish to provide
- receive updates
- request support or report victimisation.

This option allows you to:

- remain completely anonymous if you wish
- identify yourself to Your Call only
- identify yourself to both Your Call and the Group.

Your Call enables disclosures to be made anonymously and confidentially. While we prefer whistleblowers to disclose their identity in order to facilitate a comprehensive investigation, whistleblowers are not required to identify themselves and will not be named in any report to our organisation unless they have consented to their identity being disclosed.

Your Call contact options are:

- Website: <https://www.yourcall.com.au/report>
  - Available 24/7
- Telephone: 1300 790 228
  - Available 9am to 12am on recognised Australian national business days (AEST)

Online disclosures can be made via the website address listed above. Our organisation's unique identifier code is: "BBA5000".

If a disclosure received by Your Call relates to an authorised Group Disclosure Officer, Your Call will exclude that Disclosure Officer from all communications when providing the disclosure to our organisation. The Disclosure Officers who are not named in the disclosure will then receive and determine how the matter will be addressed or investigated as required.

Your Call always remains an independent intermediary and will only communicate with those authorised within our organisation.

### National Relay Service

If you are deaf, or have a hearing or speech impairment, you can contact Your Call online or through the National Relay Service. Simply choose your contact method at [www.relayservice.gov.au](http://www.relayservice.gov.au) and request Your Call's hotline 1300 790 228.

### **6.3 Making a disclosure to external authorities and entities**

Misconduct relating to Section 1317AA (1) of the Act can also be disclosed to various external authorities and entities. Refer to **Appendix B** for further details.

## **7 Further information and guidance regarding a disclosure**

If you need information and guidance about making a disclosure or the support and protection available, you may discuss the matter in confidence with any of the nominated Disclosure Officers.

**Note:** If you do not formally make a disclosure, we may nevertheless be compelled to act on the information provided during the discussion if the information reasonably suggests misconduct has occurred or may occur.

## **8 Supporting evidence of misconduct**

We do not expect a disclosure to include absolute proof of misconduct. Where possible it should include:

- the name, job title and workplace address of the person who is the subject of the disclosure
- details of the misconduct including dates and places
- names of anyone who may substantiate the disclosure
- any other evidence that supports the disclosure such as email, documents, CCTV.

These details will assist us in deciding how best to deal with and resolve the disclosure.

## **9 Protection**

A whistleblower who makes a disclosure is protected under the Act and will not be subjected to detriment, which includes, without limitation:

- dismissal
- harm or injury, including psychological harm
- alteration to their employment position, duties or remuneration that are to their disadvantage
- any form of harassment, intimidation or discrimination
- victimisation
- reprisals
- current or future bias
- damage to personal property, reputation or business standing
- civil or criminal liability or enforcement of contractual or other remedies against the whistleblower on the basis of the disclosure.

All internal recipients or staff required to act in respect of or involved in a disclosure are equally protected from the above for carrying out their duties in relation to the disclosure.

Assistance is available pursuant to the Employee Assistance Program (EAP) for current Group employees and their family members. Contact details are:

AccessEAP

- Phone – 1800 818 728
- Web – [accesseap.com.au](http://accesseap.com.au)
- Email – [info@accesseap.com.au](mailto:info@accesseap.com.au)

We will thoroughly investigate reports of victimisation or detriment. If proven, those who have victimised another will be subject to management action including disciplinary action up to dismissal.

Nothing in this Policy is intended to change or take away any other protections which may be available at law.

**Note:** Victimisation is also an offence under the Act which carries serious penalties for individuals and companies.

## 10 Confidentiality

There is no requirement for a whistleblower to identify themselves in order for a disclosure to qualify for protection under the Act or under this Policy.

The Group and Your Call will not disclose the identity of a whistleblower, or information that is likely to lead to their identification, unless:

- they consent to disclosing their identity;
- the disclosure is required by law; or
- it is necessary to prevent a serious threat to a person's health or safety.

There are also limited exceptions which may include disclosing to ASIC, APRA, the AFP or a legal representative for advice or representation and other qualifications to allow a full investigation of a disclosure.

The identity of people involved in the disclosure or investigation, including the person(s) under investigation and witnesses, will be kept confidential.

Any documents gathered during the course of an investigation, including notes and records of interview, will be kept confidential. Documents will not be stored on unsecured computers. All reports and records relating to a disclosure will be stored securely and able to be accessed only by authorised staff.

An unauthorised disclosure of:

- the identity of a whistleblower; or
- information that is likely to lead to the identification of the whistleblower where the information was obtained because of the disclosure

will be regarded as a disciplinary matter and will be dealt with in accordance with the Group's disciplinary procedures.

The confidentiality provisions do not preclude anyone involved in the disclosure from sharing the information with their representative or support person.

**Note:** An unauthorised disclosure is also an offence/contravention under the Act which carries serious penalties for individuals and companies.

## 11 Communication with the Whistleblower

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

- relevant progress of the disclosure
- the outcome of the disclosure

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

## **12 False or misleading statements**

Anyone who makes a disclosure or a statement in respect of the disclosure knowing it to be false or misleading may be subject to disciplinary action, including dismissal.

The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

## **13 What Your Call does when a disclosure is made**

Your Call is the external intermediary between you and the Group.

Your Call will:

- receive the disclosure you make to Your Call
- make a record of the information you provide
- ensure your identity is kept confidential from the Group if you wish
- allow you to access the Your Call Message Board to enable you to communicate with the Group. You may post questions and information online for the attention of the Group. If you wish, you can remain anonymous throughout the communications.
- refer the disclosure, including the information and documents provided by you, to the nominated Disclosure Officer(s) of the Group within one business day.

**Note:** Your Call is not the decision maker. All decisions relating to dealing with the disclosure, including the investigation and resolution of the disclosure, are entirely the responsibility of the Group.

## **14 What the Group does when a disclosure is made**

The Disclosure Officer(s) has been appointed by the Group to receive the disclosure directly from you (if you make an internal disclosure to our organisation) or from Your Call (if you make an external disclosure to Your Call). When appointing the appropriate Disclosure Officer(s), every reasonable effort will be made to avoid actual or potential conflict of interest with the whistleblower or the person(s) who is the subject of the disclosure.

The Disclosure Officer(s) will:

- carefully assess the information provided to decide 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 investigator has been appointed
- appoint a Whistleblower Protection Officer to support and protect the whistleblower, if necessary, from victimisation
- advise the whistleblower (through Your Call where anonymity is requested) of the progress of the matter to the extent it is legally permissible and appropriate to do so
- take all reasonable steps to ensure the identities of the whistleblower and the person(s) who is the subject of the disclosure are kept confidential.

## **15 General Support and Protection**

If necessary, the Group will appoint a Whistleblower Protection Officer to arrange or coordinate support for anyone who has made, or is in the process of making, a disclosure or is otherwise involved in the disclosure. The support may include a support person and/or other support services as may be appropriate based on the circumstances. Protection measures may include changes to the whistleblower's working arrangements, assessed on a case-by-case basis.

## **16 Role of Whistleblower Protection Officer**

The Whistleblower Protection Officer is a designated Group representative appointed by the Group to:

- assess the immediate welfare and protection needs of a whistleblower
- take responsibility for protecting and safeguarding the interests of a whistleblower within the meaning of this Policy and the law
- address any issues or concerns of victimisation or detrimental treatment.

The Group may appoint a person from within the organisation or a third party to be the Whistleblower Protection Officer. The Whistleblower Protection Officer will not be the same person as the Disclosure Officer or an investigator.

## **17 Investigation of the disclosure**

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

- the nature and scope of the investigation
- who will conduct the investigation and whether that person should be external to our 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).

Investigations will be conducted independently, impartially and objectively.

The principles of natural justice will be observed. Natural justice is a safeguard applying to the individual whose rights or interests are being affected.

It requires investigators to:

- a) 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.
- b) Inform people, against whose interests a decision may be made, of the substance of any allegations against them.
- c) Give people a reasonable opportunity to put their case, whether in writing or verbally, in response to the allegations.
- d) Hear all relevant parties and consider submissions from them.
- e) make all reasonable enquiries or investigations before making a decision.
- f) 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 warn the whistleblower of this probability.
- g) Act fairly and without bias.
- h) Complete the investigation and provide a report of their findings as soon as is reasonably practicable.

## **18 Investigator's Report**

At the conclusion of the investigation, the investigator will provide a written report to the Disclosure Officer 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.

The Group will use the report to determine the action (if any) to be taken including disciplinary action. The disciplinary action will depend on the severity, nature and circumstance of the misconduct.

The findings will be communicated to the relevant parties involved to the extent that it is legally permissible and appropriate to do so.

## **19 Reporting the matter to external authorities**

The Group will refer:

- the information in the disclosure
- the findings of an investigation

which revealed conduct that may constitute a legal or criminal offence, or when required to do so by law, to the relevant external agency, such as the police, ASIC or APRA.

## **20 Internal Reporting**

For the purposes of this section, if the CEO, the Chair of the Board or the Chair of the Board Governance and Remuneration Committee is the subject of the accusation, or where any of those parties has a close relationship with the person subject to accusation, they will be exempt from the line of reporting.

Internal reporting arrangements will ensure that:

- all verifiable corruption and compliance failures are dealt with appropriately
- systemic and recurring problems of corruption and non-compliance are reported to those with sufficient authority to correct them.

The Disclosure Officer and Whistleblower Protection Officer will have a direct line of reporting to the CEO, Chair of the Board, and/or the Chair of the Board Governance and Remuneration Committee.

## **21 Review of this Policy**

The whistleblower protection program, as set out in this Policy, will be reviewed biennially by the Board (or delegate) to ensure its effectiveness and to confirm that it meets the stated Corporate Governance objectives of the Board and applicable laws, regulations and codes.

Any amendments to this Policy shall be made known to employees and officers of our organisation by posting an updated version of the Policy on the Group intranet (Athena) and the website.

## **22 Education and Training**

All Group employees will be made aware of the misconduct that may arise from their day-to-day work given the nature of the Group's operations and will be given practical advice on how to avoid these situations.

The importance of reporting misconduct and the Group's reasons for such reporting will be part of the training program.

This will be included as part of both the Group's induction training and ongoing training. The training will also emphasise the consequences of malicious or vexatious reporting. The training and education program will incorporate the Group Code of Conduct Policy.

Persons authorised to receive disclosures will be provided with training to appropriately handle and manage the disclosure.

### **23 Visibility and Communication**

The Group's commitment to, and requirements for, the disclosure of misconduct will be continuously publicised to staff, agents, contractors and other relevant third parties. Details of this Whistleblower Policy will be maintained on the Group's Intranet site, Athena.

To the extent it is legally permissible and appropriate to do so while protecting confidentiality, the results of completed investigations will be reported to all staff to positively reinforce the benefits of the Whistleblower Policy.

## Appendix A

Misconduct under Section 1317AA (5) of the Act should also be disclosed. It includes conduct that constitutes an offence against, or a contravention of, a provision of any of the following:

1. the Act;
2. the ASIC Act;
3. the Banking Act 1959;
4. the Financial Sector (Collection of Data) Act 2001;
5. the Insurance Act 1973;
6. the Life Insurance Act 1995;
7. the National Consumer Credit Protection Act 2009;
8. the Superannuation Industry (Supervision) Act 1993;
9. an instrument made under an Act referred to in any of subparagraphs 1. to 8. or constitutes an offence against any other law of the Commonwealth that:
  - is punishable by imprisonment for a period of 12 months or more; or
  - represents a danger to the public or the financial system; or
  - is prescribed by the regulations for the purposes of this paragraph.

## Appendix B

Misconduct can also be disclosed to various external authorities and entities.

### Concerning misconduct under the Act

If the misconduct relates to the Corporations Act 2001 Section 1317AA (1) you may make a disclosure to:

- ASIC
- APRA
- a Commonwealth authority prescribed for the purposes of Section 1317AA (1).

### Concerning disclosures relating to superannuation entities

If the misconduct concerns a regulated entity that is a superannuation entity you may make a disclosure to:

- an officer of the superannuation entity
- an auditor, or a member of an audit team conducting an audit, of the superannuation entity
- an actuary of the superannuation entity
- an individual who is a trustee (within the meaning of the Superannuation Industry (Supervision) Act 1993) of the superannuation entity
- a director of a company that is the trustee (within the meaning of the Superannuation Industry (Supervision) Act 1993) of the superannuation entity
- a person authorised by the trustee or trustees (within the meaning of the Superannuation Industry (Supervision) Act 1993) of the superannuation entity to receive disclosures.

### Concerning disclosures made to legal practitioner

If you make a disclosure to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of Part 9.4 of the Act (which includes the whistleblower protections and confidentiality of a whistleblower's identity) the disclosure will be protected under the Act.

### Concerning public interest disclosures

You may make a disclosure in the public interest to a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory or a journalist if:

1. you have previously made a disclosure of that misconduct, and
2. at least 90 days have passed since the previous disclosure was made; and
3. you do not have reasonable grounds to believe that action is being, or has been, taken to address the misconduct to which the previous disclosure related; and
4. you have reasonable grounds to believe that making a further disclosure of the misconduct would be in the public interest; and
5. after the end of the 90 day period you give the person to whom you made the previous disclosure a written notification that:
  - a. includes sufficient information to identify the previous disclosure; and
  - b. states that you intend to make a public interest disclosure; and
6. the public interest disclosure is made to:
  - a. a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory; or
  - b. a journalist; and
7. the extent of the information disclosed in the public interest disclosure is no greater than is necessary to inform the recipient referred to in paragraph (6) of the misconduct or the improper state of affairs or circumstances referred to in subsection 1317AA(4) or the conduct referred to in subsection 1317AA(5), as the case may be.

**Concerning emergency disclosures**

You may also make an emergency disclosure to a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory or a journalist if:

1. you previously made a disclosure that qualifies for protection under the Act (Part 9.4 under subsection 1317AA(1)); and
2. you have reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment; and
3. you give the body to which the previous disclosure was made a written notification that:
  - a. includes sufficient information to identify the previous disclosure; and
  - b. states that you intend to make an emergency disclosure; and
4. the emergency disclosure is made to:
  - a. a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory; or
  - b. a journalist; and
5. the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the recipient referred to in paragraph (4) of the substantial and imminent danger.

**Note:** Journalist means a person who is working in a professional capacity as a journalist for any of the following:

1. a newspaper or magazine;
2. a radio or television broadcasting service;
3. an electronic service (including a service provided through the internet) that:
  - a. is operated on a commercial basis, or operated by a body that provides a national broadcasting service (within the meaning of the Broadcasting Services Act 1992); and
  - b. is similar to a newspaper, magazine or radio or television broadcast.