

# WHISTLEBLOWER PROCEDURE

**1. PURPOSE**

HAMBS is committed to operating in an ethical, fair and legal manner. The objective of this procedure is to provide a safe mechanism for reporting wrongdoing of legitimate concern and protecting those who make a disclosure.

**2. SCOPE**

This procedure applies to all eligible whistleblowers as defined by the Corporations Act, which includes all HAMBS employees, contractors, Board members and suppliers.

This Procedure should not be used for complaints relating to personal workplace grievances or concerns which relate to individual working arrangements. Concerns of that nature should be raised with your manager or with People & Culture and will be managed through the HAMBS Grievance Procedure.

**3. POLICY STATEMENT**

HAMBS is committed to the highest standards of conduct and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance. HAMBS encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving HAMBS and provides protections and measures so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage or reprisal.

When a person makes a disclosure:

- Their identity must remain confidential according to their wishes
- They will be protected from reprisal, discrimination, harassment or victimisation for making the disclosure
- An independent internal inquiry or investigation will be conducted
- Issues identified from the inquiry/investigation will be resolved and/or rectified
- They will be informed about the outcome
- Any retaliation for having made the disclosure will be treated as serious wrongdoing under this procedure

**3.1 Definitions:**

Whistleblowing	Disclosure by (or for) a witness of an actual or suspected Reportable Matter
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## WHISTLEBLOWER PROCEDURE

Whistleblower	<p>A person who discloses a Reportable Matter in accordance with this procedure, which includes:</p> <ul style="list-style-type: none"> <li>• an officer or employee of HAMBS (this includes current and former employees who are permanent, fixed-term or temporary contractors, managers and directors);</li> <li>• a person who supplies goods or services to HAMBS or an employee of a person who supplies goods or services to HAMBS (whether paid or unpaid) - this could include current and former volunteers, contractors, consultants, service providers and business partners;</li> <li>• a person who is an associate of HAMBS; or</li> <li>• a relative of any person referred to in this definition of Whistleblower.</li> </ul>
Reportable Matter	<p>Conduct that includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• Breaches legislation, regulations or is otherwise illegal (including whistleblower laws, corporations law, theft, drug sale/use, violence or threatened violence or criminal damage against property)</li> <li>• Is an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more</li> <li>• Is corrupt or is an abuse of public trust or position as a public official</li> <li>• Is dishonest or fraudulent</li> <li>• Perverts the course of justice</li> <li>• Unreasonably endangers health and safety or the environment</li> <li>• Is maladministration (e.g. unjust, based on improper motives, is unreasonable, oppressive or negligent)</li> <li>• Is serious or substantial waste (including public money or public property)</li> <li>• Is gross mismanagement or repeated breaches of administrative procedures</li> <li>• Has financial or non-financial loss detrimental to the interests of HAMBS</li> <li>• Is an unethical breach of the Code of Conduct</li> <li>• Is serious improper conduct or an improper state of affairs</li> </ul>

## WHISTLEBLOWER PROCEDURE

Whistleblower Protection Officer (WPO)	External party assigned by HAMBS to receive disclosures of Reportable Matters. HAMBS has assigned this responsibility to <b>Stopline</b> .
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### 3.2 Responsibilities:

#### Whistleblowers

- A Whistleblower must provide information to assist any inquiry/investigation of the wrongdoing disclosed

#### Managers

- Notify the assigned Whistleblower Protection Officer (external to HAMBS) of the details of any disclosure received
- Maintain confidentiality in accordance with this procedure

#### Investigator

- Investigate all matters reported under this procedure as soon as practicable after the matter has been reported
- Must have internal independence of line management in the area affected by the wrongdoing disclosure

## 4. PROCEDURE

### 4.1 Making a report:

In the first instance, prior to action under this procedure, the whistleblower is encouraged to follow normal reporting channels and discussing the matter with their direct manager.

If the nature of the matter is such that it is not appropriate to report through normal channels, or if the whistleblower has concerns in doing so, a report can be made directly to HAMBS' external Whistleblower Protection Officer (WPO), Stopline. Stopline is a confidential, independent provider of whistleblowing services who will take full details of the concerns via telephone or online, as per the details below:

**Phone:** 1300 30 45 50

**Website & Online Reporting Form:** <https://hams.stoplinereport.com/>

## WHISTLEBLOWER PROCEDURE

Stopline will review reports and refer on for further investigation as necessary.

A whistleblower may choose to report a matter anonymously; however they should recognise that anonymity may be inconsistent with natural justice for the person or persons that the complaint is made about and may severely hamper the investigation process. Anonymity may also mean that it is difficult to provide feedback on the status of the investigation to the whistleblower and also to provide the protection afforded to whistleblowers under this procedure.

Whistleblowers should ensure as far as they are able that their report is factually accurate, complete, based on first-hand knowledge, and presented in an unbiased fashion. The report should be as detailed as practicable and include (but not be limited to):

- the exact nature of the alleged misconduct believed to have occurred
- when the alleged misconduct took place, if known
- where the alleged misconduct took place, if known
- who was involved in the alleged misconduct
- the names of witnesses who may know information that is relevant to investigating the alleged misconduct.

### **4.2 Conducting an Investigation:**

All reports made under this procedure will be investigated in a fair manner with the objective of obtaining evidence that either substantiates or refutes the claims made by the whistleblower. This process will be carried out by an external investigator who will be fair and independent in their investigation.

The investigation will be conducted without bias and any person against whom an allegation has been made will be given the opportunity to respond.

If requested, the identity of the whistleblower may be kept confidential, noting that any commitment to confidentiality will be subject to reasonableness and the requirements of the law.

Where a report is submitted anonymously, the investigation will be conducted and its enquiries based on the information provided to it.

As soon as practicable after the investigation is concluded, the investigator will prepare a report providing a summary of the facts of the suspected misconduct and of the findings of the investigation (i.e. whether the misconduct was substantiated or unsubstantiated).

## WHISTLEBLOWER PROCEDURE

The report is provided to the WPO who will ensure that appropriate actions are taken in light of the findings in the report, which may include notification to regulatory and/or enforcement agencies.

The WPO will provide a brief explanation to the Whistleblower concerning the results of the investigation and actions taken.

### **4.3 Protection of Whistleblowers:**

If a person or organisation makes a report of alleged or suspected wrongdoing under this procedure, HAMBS will endeavour to protect that person's or organisation's identity from disclosure where possible.

Generally, HAMBS will not disclose the person's or organisation's identity unless:

- The person or organisation making the report consents to the disclosure;
- The disclosure is required or authorised by law; and/or
- The disclosure is necessary to further the investigation.

HAMBS will also take responsible precautions to store any records relating to a report of wrongdoing securely and to permit access by authorised persons only. Unauthorised disclosure of information relating to a report, the identity of a person or organisation that has made a report of wrongdoing or information from which the identity of the reporting person or organisation could be inferred will be regarded seriously and may result in disciplinary action, which may include dismissal.

Making a disclosure may not protect the Whistleblower from the consequences flowing from involvement in the wrongdoing itself. However active cooperation in the investigation, an admission and remorse may be taken into account when considering disciplinary or other action.

### **4.4 Retaliation:**

HAMBS is committed to protecting and respecting the rights of a person or organisation that reports actual or suspected wrongdoing in good faith. HAMBS will not tolerate any retaliatory action or threats of retaliatory action against any person or organisation that has made or is believed to have made a report of wrongdoing, or against that person's colleagues, or employer (if a contractor). Any such retaliatory action or victimisation will be treated as serious misconduct and will result in disciplinary action, which may include dismissal.

## WHISTLEBLOWER PROCEDURE

### **4.5 Management of a Person Against Whom a Report is Made:**

HAMBS recognises that individuals against whom a report is made must also be supported during the handling and investigation of the actual or suspected wrongdoing report. HAMBS will take steps to treat fairly the person who is the subject of the report.

Where a person is identified as being suspected of possible wrongdoing, but preliminary inquiries determine that the suspicion is unfounded and that no formal investigation is warranted, the Whistleblower will be informed of this outcome and the matter not progressed. The WPO will decide whether or not the person named in the allegation should be informed that a suspicion was raised.

If an investigation does commence, HAMBS must ensure that the person who is the subject of any report:

- Is informed of the substance of the allegation;
- Is given a reasonable opportunity to answer the allegation before the investigation is finalised;
- Is informed about the substance of any adverse comments that may be included in any report arising from the investigation before it is finalised; and
- Has their response set out fairly in the Investigator's Report.

Where the allegations in a disclosure report have been investigated and the person who is the subject of the report is aware of the allegations or that an investigation is occurring, they must be formally advised of the outcome of the investigation in writing.

HAMBS will give its full support to a person who is the subject of a report where the allegations contained in the report are clearly wrong.

### **5. OUTCOME**

Any breach of this procedure may result in disciplinary action that could result in dismissal from the company, including a report made via this procedure which has been substantiated as vexatious in nature.

### **6. REVIEW**

This procedure is reviewed every year or as necessary in response to new legislation and/or policy changes.

WHISTLEBLOWER PROCEDURE

7. DOCUMENT CONTROL

Revision	Date	Made By	Approved By	Reason
NEW	June 2020			New procedure in line with new Whistleblower legislation and engaging independent external Whistleblower service Stopline.