

Whistleblower Policy

Sustain-Ed Projects Limited (ABN 26 680 123 246). Version 1.0. Registered charity with the Australian Charities and Not-for-profits Commission (ACNC).

Purpose

- The Entity is dedicated to cultivating a culture of open communication, where honesty, integrity, and business ethics are integral to daily conduct.
- The organisation encourages the reporting of any incidents that may be deemed unethical, illegal, or serious wrongdoing ('Reportable Conduct'). The Entity offers safeguards and procedures to ensure that individuals reporting such matters can do so confidentially and without apprehension of intimidation, disadvantage, or retaliation.
- This Policy establishes a framework for identifying instances of misconduct and offers guidance on raising concerns related to suspected or actual unethical or unlawful behaviour.

Scope

This Policy applies to:

- the Entity (which comprises the Entity and its controlled entities),
- the Entity's Workers (as defined below),
- suppliers and contractors (and their employees) to the Entity, and
- relatives and dependents of any of the persons mentioned above.

This Policy forms part of the Entity's Ethics Policy Suite including the Code of Conduct.

- Any Worker who makes, or is the subject of, a report under this Policy is encouraged to contact the Entity's EAP and/or Chaplaincy services for support if required.

Definitions

Reportable Conduct:

Reportable Conduct encompasses any past, present, or anticipated future activity that:

- Is deceitful, corrupt, or unethical.
- Involves theft, fraud, money laundering, or the improper use of funds.
- Constitutes a systemic, deliberate, or severe violation of the law in connection with the Entity, or its internal policies and processes.
- Involves the giving or receiving of a bribe from any individual.
- Is unlawful (e.g., illicit drug sale or use, violence or the threat of violence, and criminal property damage).
- Poses a significant or serious threat to the health and safety of employees.

- Involves a serious mismanagement of the Entity's resources.
- Results in victimisation of an individual for reporting Reportable Conduct.
- Involves any directive to conceal or attempt to conceal serious wrongdoing.
- Interferes with any ongoing internal or external audit processes.
- Presents a serious risk to the reputation or financial stability of the Entity.

What is Not Reportable Conduct:

This Policy is not intended to apply to disclosures relating to conduct concerning a person's individual employment (other than as set out in Reportable Conduct) such as:

- personal, work-related grievances such as those relating to harassment, discrimination, or disciplinary matters.
- alleged workplace discrimination or bullying.
- personal disputes between staff; or
- decisions regarding the engagement, transfer, or promotion of staff.

These matters will not be deemed to be Reportable Conduct and will typically be investigated or addressed separately.

This Policy is also not intended to apply to reporting concerns involving children and young people (other than as set out in Reportable Conduct). To respond to such concerns please refer to the Entity's policies regarding child protection and protection of vulnerable persons.

- **Disclosable conduct:** In circumstances where the Entity is engaged under Federal or State Government contracts, Reportable Conduct may extend to include "disclosable conduct" such as conduct that:
 - perverts, or attempts to pervert, the course of justice,
 - constitutes maladministration (i.e., conduct that breaks the law, is unreasonable, unjust, or improperly discriminatory, or based wholly or partly on improper motives),
 - is an abuse of public trust,
 - results in the wastage of any public money or money held by the Commonwealth / a corporate Commonwealth entity,
 - results in the wastage of any property (other than money) that is owned by or held by the Commonwealth / a corporate Commonwealth entity, or
 - results in a danger, or a risk of danger, to the environment.
- **Detrimental Conduct:** any reprisal, discrimination, harassment, victimisation, retaliation, or threats of retaliation against a person making a report. This may include dismissal, suspension or demotion; alteration of a person's position or duties to their disadvantage; disciplinary action; harassment or intimidation; discrimination; harm (including psychological harm) or injury; damage to the person's reputation; or damage to the person's property, business or financial position.

- **Eligible Public Recipients:** is a person that is a member of Commonwealth Parliament, a member of a State Parliament, a member of the legislature of a Territory or a journalist.
- **Integrity Line:** Is a hotline to receive Reportable Conduct disclosures as well as unresolved reports of wrongdoing.
- **Whistleblower Protection Officer:** is the Executive Governance, Legal and Risk or a person appointed by that Executive.
- **Worker:** Any person performing work for the Entity regardless of whether it is paid or voluntary. All Board Directors, Board Committee Members, Executives, employees (including current or former employees), volunteers, students, contractors, and consultants are workers for the purposes of this Policy.

Policy

Reporting ‘Reportable Conduct’

- The Entity encourages a culture of speaking up and coming forward if a person is aware, has knowledge of, or reasonably suspects, that someone has, or will, commit Reportable Conduct.
- A Worker can make a report by:
 - Contacting the Entity’s Integrity Line above via email.
- A Worker can also make a report to:
 - a director, company secretary, CEO, or member of the Board.
 - an auditor or a member of an audit team conducting an audit of the Entity.
 - the Australian Securities and Investments Commission (ASIC); and
 - a legal practitioner for the purposes of determining if the protections will apply to them.
- A person who is not a Worker of the Entity can make a report via:
 - by email to the Chair or Directors of charity; or
 - an auditor or member of an audit team conducting an audit of the Entity.
- Reports and disclosures can be made verbally or in writing and can be anonymous. They should include as much information as possible, including the details of the misconduct, people involved, dates, locations and any other evidence that exists.
- A person making a report must not make a false or vexatious claim. Protections under this Policy will not be applied to false reports or vexatious claims. The Entity may apply disciplinary proceedings to any Worker making them.

Anonymous Reporting and Confidentiality

- All reports can be made anonymously and still receive the protection provided under this Policy. However, when deciding whether to make a report anonymously, please be aware that anonymity may limit the Entity’s ability to investigate the matters reported. The Entity encourages you to disclose your identity when making a report under this Policy, as this will also enable us to monitor your wellbeing and protect you from any retaliation or detriment.

- The Entity will treat all reports, as well as all confidential information acquired while investigating a report, with the strictest confidence. Subject to compliance with legal requirements the Entity will only disclose the identity of the person who made the report, or any other information that is likely to lead to the identification of that person, with their prior consent or otherwise in the limited circumstances listed below.
- In limited circumstances, the Entity may need to disclose the identity of the person making the report without their consent to certain third parties, including:
 - Entity lawyers.
 - The Australian Securities and Investments Commission (ASIC)
 - The Australian Taxation Office (ATO)
 - The Australian Charities and Not-for-profits Commission (ACNC)
 - The Australian Federal Police / State Police.
 - The Commonwealth Ombudsman (where we are engaged under a relevant Federal Government contract).
 - The Inspector-General of Intelligence and Security (where we are engaged under a Relevant Federal Government Contract).
 - Any third party where the investigating authority, public authority, officer, or public official is of the opinion that disclosure of your identity is necessary to investigate the matter effectively, or it is otherwise in the public interest to do so (where we are engaged under a relevant Federal or State Government contract).

Protection from Detrimental Conduct

- The Entity understands that the decision to make a report can be a difficult one to make. We are committed to ensuring any person feels safe in making a report. When a report in relation to Reportable Conduct is made, the identity of the person making the report will remain confidential and the person will be protected from Detrimental Conduct for making the report.
- Under this Policy, any Detrimental Conduct against a person reporting Reportable Conduct will be treated as a serious wrongdoing. These protections will apply even where it is subsequently determined that a report was mistakenly made or not substantiated.
- If a person makes a report and subsequently faces any kind of Detrimental Conduct, they are encouraged to notify the Entity's Whistleblower Protection Officer. The Whistleblower Protection Officer will ensure the matter is investigated promptly. If a person is found to have disadvantaged or retaliated against a person because of the submission of a report, that will be grounds for disciplinary action, up to and including dismissal.
- The Entity understands that there may also be some serious repercussions for individuals who are mentioned in a report. Accordingly, the Entity will ensure their fair treatment and will extend the protections stated above to these individuals where appropriate.

Responding to Reportable Conduct

- The Entity's Whistleblower Protection Officer will assess all received reports and will determine whether the matter falls under this Policy.
- If the Entity's Whistleblower Protection Officer determines a report does not fall under or relate to Reportable Conduct, they will advise the person making the report and advise them of how the report will be handled.

Investigating Reportable Conduct

- Any Worker who makes, or is the subject of, a report is encouraged to contact the Entity's Chaplaincy services for support if applicable and required.
- A report made that is assessed as falling within this Policy will be investigated:
 - The Entity's Whistleblower Protection Officer will determine whether the internal or external investigator will investigate, depending on the nature of the report.
 - The investigator will conduct the investigation as soon as practicable and will ensure it is fair and independent from any persons to whom the disclosure relates.
 - The investigator will conduct the investigation promptly, and in an objective and fair manner, ensuring that every individual subject to the investigation is granted sufficient opportunity to reply to allegations before any findings are made.
 - Issues identified from the investigation will be resolved or otherwise finalised.
 - The Entity's Whistleblower Protection Officer will inform you of the outcome of the investigation.
 - The details of investigation and the outcome will be reported to BARC, on a confidential and anonymous basis.

Public Interest and Emergency Disclosure Reporting

- The Entity encourages a person to make a report by contacting the Integrity Line in the first instance where possible.
- Reports made in "public interest" and "emergency disclosure" situations are also protected. Under these circumstances, reports can be made to an Eligible Public Recipient. It is important that a person making a report understands the criteria for making a public interest or emergency disclosure and we suggest that independent legal advice is sought on the relevant requirements for these types of disclosures.

- Reports made in the public interest are protected from Detrimental Conduct if a person:
 - has already made a report to the Entity concerning Reportable Conduct (Initial Report) and at least 90 days have lapsed since the Initial Report was made; and
 - has no reasonable grounds to believe that action is being, or has been, taken to address the matters relating to the Initial Report; and
 - has reasonable grounds to believe that making a further report would be in the public interest; and
 - gives a written notification to the Entity after the 90 days mentioned above have lapsed, that easily identifies the Initial Report and the intention to make a public interest report; and
 - makes the public interest report to an Eligible Public Recipient and the extent of the information reported is no greater than is necessary to demonstrate the misconduct or improper state of affairs or circumstances.
- Reports made in emergency situations are protected from Detrimental Conduct if a person:
 - has already made an Initial Report to the Entity; and
 - has reasonable grounds to believe that the information in the Initial Report concerns a substantial and imminent danger to the health or safety of person(s) or the natural environment; and
 - has given to the Entity written notification that easily identifies the Initial Report and the intention to make an emergency report; and
 - makes the emergency report to an Eligible Public Recipient and the extent of the information reported is no greater than is necessary to inform the Eligible Public Recipient of the substantial and imminent danger.

Failure to Comply with This Policy

- Any breach of this Policy by a Worker will be regarded as misconduct and may result in disciplinary action (up to and including dismissal where relevant).
- A breach of this Policy may also amount to a civil or criminal contravention under the Australian whistleblower protection laws (in particular, the regime contained in the Corporations Act and the Taxation Administration Act), giving rise to significant penalties.

Contacts

For questions about this Policy, please email the Entity's Whistleblower Protection Officer via the Board of Directors.

Responsibilities

- Reporting Individual Disclose any activity or conduct, whether historical, current, or anticipated, falling under the definition of Reportable Conduct as outlined in this Policy.

- Recipient of Report Any individual receiving a report under the provisions of this Policy is obligated to uphold the confidentiality of the reporting person and promptly inform the Integrity Line via telephone or email.
- Investigator
 - As directed by the Entity's Whistleblower Protection Officer Investigate reports received from whistleblowers.
 - Update Whistleblower Protection Officer with their investigation results in a timely manner.
 - Maintain confidentiality when handling reports when practical and appropriate in the circumstances, and be objective, fair and independent throughout the investigation process.
 - Conduct a sufficient and proper inquiry into the content of the Entity's Whistleblower report.
 - Maintain Investigator training and competency.
- Whistleblower Protection Officer
 - Provide mentoring and other support to persons making a report of Reportable Conduct.
 - Provide protection to persons making a report of Reportable Conduct according to this Policy.
 - Keep persons making a report of Reportable Conduct informed of the progress and outcomes of the inquiry/ investigation subject to considerations of privacy of those against whom a disclosure has been made.
 - Regularly review and report to the Entity's Whistleblower reports to determine whether and what type of organisational action is required to address any underlying trends or patterns.