



WHISTLEBLOWER PROTECTION POLICY

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LOCATION OF POLICY	The V&ult > Corporate Library > Policies
REGULATORY REQUIREMENTS	Corporations Act ASIC Regulatory Guide 270 – Whistle-blower policies
RELATED POLICIES	Code of Conduct Fraud & Corruption Policy and Framework
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2.0	07/05/2013	Mgr HR Cultural Development	Alignment to P&N Bank, job titles and whistleblower email address
3.0	30/12/2013	Snr Mgr HR	Specified APRA as reporting Agency
4.0	11/11/2014	Mgr HR	Inclusion of Corruption & Policy Framework
5.0	10/12/2014	GM HR	Updated titles added policy map
5.1	01/02/2016	GM HR	Updated Titles added revised policy map
6.0	01/03/2017	GM Organisational Development	Updated Titles, added revised policy map, Ref to policy scope, new phone line
7.0	11/04/2018	GM People & Culture	Updated in line with Whistleblower reform legislation
7.1	21/05/2019	GM People & Culture	Minor change to definition of Whistleblower in line with Whistleblower reform legislation
8.0	19/08/2019	GM People & Culture	Updated in line with Whistleblower reform legislation, legal review
9.0	05/05/2021	Chief People Officer	Updated in line with ASIC Regulatory Guide 270 and other minor amends, including provision of clarity of Grievance process
10.0	12/9/2022	Snr Mgr HR	Update to include section 9. Whistleblower Review Process.
11.0	28/2/2022	Snr Mgr HR	Update to Eligible Recipients to amend details of External Auditor
12.00	30/05/2023	Snr Mgr HR	Update to position title GM Legal to GM Governance and Company Secretary

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1. Introduction

This policy reaffirms the corporate position regarding the protection of individuals who report suspicions or knowledge of matters that may cause financial or non-financial loss to Police & Nurses Limited (PNL) or damage to organisational reputation. PNL is committed to a culture of corporate compliance and ethical behaviour and this policy aims to preserve and protect an ethical working environment. This policy details the procedures to follow to protect the identity of a whistleblower and to ensure the provision of appropriate levels of protection against retaliation or victimisation should an individual wish to make a disclosure (as defined in part 3 below). It also sets out information on the types of Disclosures that qualify for protection under the *Corporations Act* (**Whistleblower Protection Scheme**), who those Disclosures can be made to and how those Disclosures will be investigated.

PNL acknowledges the importance of adhering to legal and community standards and is committed to complying with applicable laws and practises including the Banking Act and Corporations Law. Underpinning the policy is the principle of a guarantee of fair treatment, whereby the Bank encourages all individuals to report any conduct they feel may contravene these standards without fear of reprisal or disadvantage as a result of their actions.

The policy complements the PNL Code of Conduct and Fraud & Corruption Policy and Framework.

This policy is available through the PNL Vault. This policy is not incorporated into any employment contract or agreement.

2. Eligible Whistleblowers

Any individual making a Disclosure must have reasonable grounds to suspect that the Disclosure indicates:

- misconduct or an improper state of affairs or circumstances in relation to PNL or one of its related bodies corporate; or
- PNL, a related body corporate or one of its or their officers or employees has engaged in conduct that constitutes an offence against the Corporations Act or other specified financial services legislation, an offence against other Commonwealth legislation that is punishable by imprisonment for 12 months or more or represents a danger to the public of the financial system.

The following people are eligible to make a Disclosure and receive associated protections:

- Current and former employees, contractors and officers of PNL.
- Current and former suppliers, their employees and associates of PNL.
- Relatives or dependents of any of the above individuals (including spouse, parent or other lineal ancestor, child or grandchild, and sibling).

3. Disclosures

A 'Disclosure' is defined as a concern or issue raised by an individual that relates to any action, omission, situation or decision that could reasonably be construed to be misconduct or an improper state of affairs or contrary to the interests of PNL and its members or in breach of legislation, statutory regulation, company policy, or the PNL Code of Conduct (Disclosure).

Examples of a Disclosure could include:

- Breaches of the Law;
- Breaches of Bank Policy and/or Code of Conduct including dishonesty, fraud, corruption; or

- Any other conduct which could be considered detrimental to the interests of PNL and its members.

An individual will only be protected if they have objectively reasonable grounds to suspect that the information that they disclose concerns misconduct or an improper state of affairs or circumstances or other conduct (as raised above) falling within the scope of the Whistleblower Protection Scheme. The protections do not extend to vexatious complaints.

Depending on the circumstances, it may be appropriate for PNL to take disciplinary action against any person who does not have objectively reasonable grounds for their Disclosure.

3.1 Public interest disclosures

Public interest Disclosures can be made to journalists and members of Parliament but only if the individual complies with the following strict requirements:

- the individual has made a Disclosure to ASIC, APRA, or a prescribed Commonwealth authority;
- at least 90 days has passed since the Disclosure was made;
- the individual does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the Disclosure related;
- the individual has reasonable grounds to believe that making a public interest Disclosure would be in the public interest;
- after 90 days have passed, the individual must give the body to which the Disclosure was originally made, a written notification that:
 - includes sufficient information to identify the Disclosure; and
 - states that the individual intends to make a public interest Disclosure; and
- the extent of information disclosed in the public interest disclosure is no greater than to inform the journalist or member of Parliament of the misconduct or improper state of affairs or circumstances, or other conduct falling within the scope of the Whistleblower Protection Scheme.

3.2 Emergency disclosures

These Disclosures can be made to journalists and members of Parliament but only if the individual complies with the following strict requirements:

- the individual must have first made a Disclosure to ASIC, APRA or a prescribed Commonwealth authority;
- the individual has reasonable grounds to believe that information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment; and
- the individual gave notice to the body to which Disclosure was made that states:
 - that they intend to make an emergency disclosure; and
 - includes sufficient information to identify the Disclosure; and
- the extent of the information disclosed in the emergency Disclosure is no greater than is necessary to inform the journalist or member of Parliament of the substantial and imminent danger.

3.2.1 Personal work-related grievances

A Disclosure does not qualify for protection or investigation under the Whistleblower Protection Scheme to the extent that the information disclosed:

- concerns a personal work-related grievance; and
- does not concern a contravention, or an alleged contravention of 5.1 of this policy.

For the purposes of this policy and the Whistleblower Protection Scheme, a disclosure is a 'personal work-related grievance' if:

- the information concerns a grievance about any matter in relation to the eligible whistleblowers employment, or former employment, having (or tending to have) implications for the eligible whistleblower personally. Examples include interpersonal conflict between employees, a performance review, remuneration, transfer, promotion or disciplinary action and;
- the information does not:
 - have significant implications for PNL, or another regulated entity, that do not relate to the discloser; and
 - concern real or alleged misconduct or an improper state of affairs or circumstances in relation to PNL or one of its related bodies corporate; or
 - concern real or alleged conduct that indicates PNL, a related body corporate or one of its or their officers or employees has engaged in conduct that constitutes an offence against the Corporations Act or other specified financial services legislation, an offence against other Commonwealth legislation that is punishable by imprisonment for 12 months or more or represents a danger to the public or financial system.

An employee who has concerns regarding a personal work-related grievance that does not qualify under this policy is encouraged to initially approach their leader or leader once removed and make genuine and reasonable attempts to resolve the matter without the need for a formal employee complaint process.

Where an employee is not comfortable attempting to resolve the issue themselves or this is unsuccessful, an employee may also elect to raise a formal complaint or appeal a decision in accordance with the Management & Handling of Employee Complaints Policy.

4. Making a Whistleblower Disclosure

It is expected that whistleblower Disclosures can be satisfactorily resolved within PNL, however individuals have the ultimate right to refer a Disclosure or make a subsequent Disclosure to an external agency if the process fails to adequately resolve an issue.

Any individual who on a bona fide basis makes a Disclosure will be supported by PNL.

A Disclosure may be submitted anonymously if the whistleblower does not wish to disclose their identity. The whistleblower continues to remain anonymous over the course of any investigation and after the investigation has been finalised. If a whistleblower does not share their identity, PNL will assess the disclosure in the same way as if the whistleblower had revealed their identity. However, it is important to note that there may be some practical limitations in conducting the investigation if the whistleblower does not share their identity. For example, should further information be required PNL may be unable to contact you.

PNL has several channels for making a Disclosure if a person becomes aware of any issue or behaviours which they consider to be disclosable conduct.

Current employees or contractors of PNL can make a Disclosure to the following 'eligible recipients':

- PNL officers or 'senior managers'. In this context, 'senior managers' refers to C suite officers including members of the Executive, including but not limited to:
 - The Senior Manager Human Resources
 - The Chief People Officer
 - The Chief Executive Officer
 - The Chairman of the Board of Directors (where any Disclosure relates to the conduct of the CEO)
- By contacting the engaged Audit firm (Grant Thornton), or any member of the audit team conducting an audit of PNL or of a related body corporate of PNL:
- PwC Manager, Michael McKenzie, 0407 744 817, michael.g.mckenzie@pwc.com
- By post to PO Box 8609, PERTH BC WA 6849 (marked to the attention of any of the above)
- Via the Whistleblower email - whistleblower@pnbank.com.au or whistleblower@bcu.com.au
- The contents of this email address are only reviewed by the Senior Manager Human Resources and Chief People Officer and not by any other person.
- Via the Whistleblower phone line which is monitored by Senior Manager Human Resources and Chief People Officer.
 - Internal number: ext. 876
 - External number: 08 9219 7876
- By contacting the Australian Federal Police, APRA, ASIC, ATO or any other appropriate Government authority or regulator.
- A whistleblower will also be protected by this Policy if they make a Disclosure to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the disclosure.

Note: Where a Disclosure has not been acted upon by a regulator after a reasonable period the discloser may make a Disclosure pursuant to clause 3.1 or 3.2 of this Policy.

5. Whistleblower Protection

Where an individual discloses improper conduct their identity and the information they provide will be treated as confidential in accordance with this policy. Failure to adequately protect a whistleblower is considered an offence and subject to both criminal and civil penalties. PNL will at all times endeavour not to disclose any particulars that would suggest or reveal the identity of the whistleblower without first obtaining the whistleblowers consent. PNL will also endeavour to explain where relevant any reasonable steps taken to protect the whistleblower.

The individual who receives the Disclosure must take all reasonable immediate steps to protect the whistleblower. This could include:

- Relocation to another work area;
- Paid leave of absence;
- Ensuring security of information; and
- Minimising the number of people with knowledge of the report.

If the individual is comfortable doing so, they are encouraged to consent to their identity being disclosed as this will assist in an efficient investigation of the matters that an eligible whistleblower discloses. Eligible recipients are to obtain advice from the Chief People Officer or Senior Manager Human Resources where relevant to ensure the correct treatment of the disclosure.

5.1 Protection from detrimental treatment

PNL will not tolerate detrimental treatment or threats of detrimental treatment (including dismissal, demotion or alteration of an employee's duties to their disadvantage, harassment, discrimination, bias, or threats of or actual harm, injuring an employee in their employment, or damage to property or reputation or business or financial position, and any other damage) against an individual under the belief that the individual made, may have made, proposed to make or could make a Disclosure.

Courts are given broad scope to make orders remedying a detriment or threatened detriment. These include to order injunctions, compensation orders (including against individual employees and their employers), reinstatements, exemplary damages, and the making of apologies. Civil and criminal sanctions also apply to breaches of the Whistleblower Protection Scheme.

PNL will be prohibited from pursuing any civil, criminal, administrative or contractual action against an individual in relation to any Disclosure that they make in accordance with this policy.

5.2 Authorised Disclosure of Identity

The identity of a whistleblower is confidential, and every effort will be made to protect the identity of the Whistleblower, other than:

- Where there is an order of a court;
- where the whistleblower provides their consent to do so; and
- disclosures to ASIC, AFP, APRA, or the Commissioner of Taxation.

Where the authorised disclosure of the identity of a whistleblower takes place, the Whistleblower Management Committee (WMC) and the whistleblower must be informed as soon as possible.

It will still be lawful to disclose information that may lead to the identification of the individual if this is reasonably necessary for the purpose of investigating the Disclosure.

6. Investigation of Whistleblower Disclosure

PNL will investigate all matters disclosed under this policy as soon as possible after the matter has been reported.

Subject to this policy, whistleblowers and any individuals mentioned in a disclosure who qualify for protection are guaranteed that the management and handling of a qualifying disclosure will be:

- **CONFIDENTIAL** – Only the person(s) directly involved in investigating a complaint will have access to and knowledge of information about the complaint. (In some circumstances the outcomes of an investigation may necessitate information being given to an external agency or disclosed at law).
- **UNBIASED** – All parties involved will have the opportunity to put forward their case and respond to the complaint/allegation. All relevant information will be collected and considered.
- **FREE FROM VICTIMISATION** – No action of any kind will be initiated by any individual, or any individual be involved with the complaint unless they have a designated role in the complaint handling process.

- **FREE FROM CONSEQUENCES** – An individual making a Disclosure will be protected from any form of harassment and/or, recrimination, both at the time of the investigation and subsequent to the incident, that occurs in connection with the protected Disclosure. This includes any potential actions that may disadvantage the individual in the workplace, including demotion or dismissal.
- **TIMELY** – All Disclosures will be dealt with as quickly as possible to ensure effective resolution and to minimise disruption and undue stress to the individuals involved. Feedback will be provided to the whistleblower as to the progress and outcomes from their Disclosure, subject to any privacy considerations.

The following process will be followed in investigating any Disclosure -

- If the initial whistleblower Disclosure is made to an eligible recipient, they will compile the initial basis of the Disclosure and will then provide this information to the Senior Manager Human Resources.
- The Senior Manager Human Resources will review and determine if the complaint falls within the scope of this Policy.
- If the event is considered to be of a serious nature the issue will be referred to PNL's WMC comprising:
 - Chief People Officer (Chair);
 - Chief Risk Officer; and
 - General Manager Governance and Company Secretary
- The WMC will meet as required to:
 - Review the information submitted by the whistleblower and determine the extent of the investigation required and who will conduct the investigation.
 - Formulate the terms of reference of any investigation and gain approval from the CEO (or Chairman in the event the qualifying disclosure relates to the CEO).
 - Appoint the individual responsible for conducting the investigation (Whistleblower Investigation Officer), which depending on the circumstances may include appointing an external party if deemed appropriate.
 - Consider whether, due to materiality or the nature of the Disclosure the report needs to be referred to an external agency (i.e. ASIC, APRA, ATO).
 - Oversee the conduct of the investigation and report the outcome to the CEO (or Chairman in the event the Disclosure relates to the CEO) and the internal source, if applicable.
- It is acknowledged that the Whistleblower Investigator Officer may be required to appoint further Investigators to ensure an effective investigation
- The WMC Chair will report as required to the CEO (or Chairman in the event the qualifying disclosure relates to the conduct of the CEO).
- A member of the WMC will be designated to provide feedback to the whistleblower regarding the investigation's progress and/or outcome, as appropriate.

7. Support for the Whistleblower

Where an employee makes a Disclosure under this Policy they are entitled to support from the Bank. In addition, PNL's usual EAP services will be available to all employees affected by the Disclosure, should they require that support.

The Senior Manager Human Resources is the appointed Whistleblowers Support Officer to assist any individual who makes a Disclosure in accordance with section 5. It is the Whistleblowers Support Officer's responsibility on behalf of PNL to ensure the welfare and rights of the whistleblower are protected.

Additional resources can be found here:

<https://www.asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/guidance-for-whistleblowers/>

8. Impacted Employee Protection

8.1 Confidentiality

The Whistleblower Investigation Officer and any Investigator must take reasonable steps to protect the confidentiality of the person who is the subject of the report during the assessment and investigation process.

If an investigation does not substantiate the whistleblower concern, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the report are all to be kept confidential.

8.2 Information sharing

Subject to any privacy, confidentiality and other legal considerations, if the Whistleblower Investigation Officer conducts an investigation they or any Investigator will make sure that the person who is the subject of the investigation:

- is informed of the substance of any allegations;
- is entitled to respond to any allegations;
- has their position or circumstances set out fairly in any report by the Whistleblower Support Coordinator and Investigator; and
- is informed of the outcome of any investigation.

8.3 Support for implicated individuals

PNL also recognises that a person who is the subject of a whistleblower concern should be supported during the handling and investigation of a report.

Employees who are the subject of a report are encouraged to make use of the Employee Assistance Program at any time. They may also contact the Whistleblower Support Officer, who may appoint an independent support person from the People and Culture team to assist in managing the employees' health and wellbeing.

9. Whistleblower Appeal Process

Where the individual who has made a Disclosure is not satisfied with the outcome of the investigation that has been conducted by the WMC, the below process will be followed:

- The individual who made the Disclosure is to advise Senior Manager HR in capacity of the Whistleblower Support Officer, or eligible recipient if the Whistleblower Support Officer role is not in place, that they are not satisfied with the outcome of the investigation and formally state the reasons / concerns in writing (the **Appeal**).
- The recipient of the Appeal to escalate the information to the CEO (or Chairman in the event that the Disclosure relates to the CEO)

- CEO (or Chairman in the event that the Disclosure relates to the CEO) is to appoint an external Independent Officer who was not involved in the handling or investigation of the Disclosure to seek counsel and conduct a review into the investigation that occurred and the details of the Appeal.
- The review outcomes following the Appeal may include;
 - A decision not to reopen the investigation and to conclude the review if the Independent Officer finds the investigation was conducted properly, or new information is either not available or would not change the findings of the investigation; or
 - A re-investigation of the original Disclosure; or
 - An assessment of the rigour and intensity of the investigation that was performed.
- The review findings are to be presented to the Board.
- It is noted that the person who has made the Disclosure may choose to lodge a complaint with the regulator, such as ASIC, APRA or the ATO, if they are not satisfied with the outcome of the WMC investigation.

10. Appendices

9.1 Appendix A – Roles & Responsibilities

Role	Responsibilities
Board	<ul style="list-style-type: none"> • Approve this Policy.
Risk Committee	<ul style="list-style-type: none"> • Provide Whistle-blower updates to the Board where relevant via the Risk Committee Chair updates, or through publication of the RC minutes within the Board papers and Portal. • Receive reporting in respect of the performance of the Whistle-blower Policy, including Whistle-blower reports, as applicable.
Whistle-blower Management Committee (WMC)	<ul style="list-style-type: none"> • Review the information submitted by the whistle-blower and determine the extent of the investigation required. • Formulate the terms of reference of any investigation and gain approval from the CEO (or Chairman in the event the qualifying disclosure relates to the CEO). • Appoint the individual responsible for conducting the investigation (Whistle-blower Investigation Officer), which depending on the circumstances may include appointing an external party, if appropriate. • Consider whether, due to materiality or the nature of the Disclosure the report needs to be referred to, and report to that an external agency (i.e., ASIC, APRA, ATO), as required. • Oversee the conduct of the investigation and report the outcome to the CEO (or Chairman in the event the Disclosure relates to the CEO) and the internal source, if applicable. • Provide feedback to the whistle-blower regarding the investigation's progress and/or outcome, as appropriate.
Chief Executive Officer	<ul style="list-style-type: none"> • Approve the terms of references of a Whistle-blower Investigation. • Receive reports from the Whistle-blower Management Committee on the status of a Whistle-blower complaints and investigations.
Chief People Officer	<ul style="list-style-type: none"> • Chair of the Whistle-blower Management Committee. • Oversight of the development, implementation, and maintenance of this Policy. • Provide reporting to the CEO (or Board Chair) on Whistle-blower Disclosures and investigations, as relevant. • Provide appropriate challenge to ensure adherence to Whistle-blower Policy requirements across the business.

Role	Responsibilities
	<ul style="list-style-type: none"> Develop, implement, and oversee the management and operation of the underlying Whistle-blower procedures.
Executive	<ul style="list-style-type: none"> Receive Whistle-blower disclosures and escalate to the Senior Manager – Human Resources. Maintain the confidentiality of individuals that make a Whistle-blower Disclosure, in accordance with this Policy.
Senior Manager – Human Resources	<ul style="list-style-type: none"> Receive Whistle-blower disclosures and escalate to the Whistle-blower Management Committee. Determines whether a disclosure falls within the scope of this Policy. Maintains the confidentiality of individuals that make a Whistle-blower Disclosure, in accordance with this Policy. Appointed as the Whistle-blowers Support Officer. Protects the welfare and rights of the Whistle-Blower.
All staff	<ul style="list-style-type: none"> Operate in alignment with this Policy. Make Whistle-blower disclosures in accordance with this Policy, if applicable.