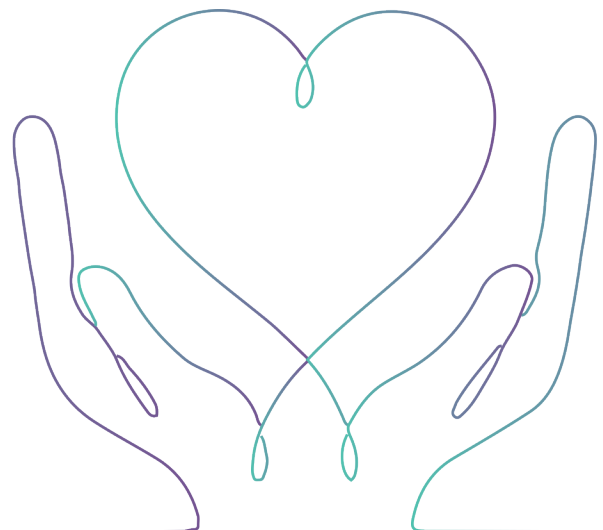


Westhaven Whistleblower Policy and Procedure

Policies & Procedures



Purpose

Westhaven is committed to the highest standards of legal, ethical, and moral behaviour and will not tolerate unethical, unlawful, or undesirable conduct.

The purpose of this policy is to maintain a positive and open environment where Eligible Whistleblowers (as defined below) can report legitimate concerns without fear of victimisation, detriment, or retaliation.

This policy ensures:

- Whistleblowers are encouraged to speak up about possible (for example serious and criminal) wrongdoing and know how to do so.
- There is transparency around Westhaven's process for handling disclosures.
- Whistleblowers receive the protections they are entitled to under legislation.

A failure to speak up about wrongdoing exposes Westhaven to risks and undermines our culture. Westhaven will not tolerate anyone being discouraged from making a disclosure.

Scope: Eligible Whistleblowers

- This policy applies to Westhaven and individuals defined as Eligible Whistleblowers: All of Westhaven's current and past employees, volunteers, officers, contractors, and suppliers (including employees of suppliers) and associates.
- Any relative, dependent, or dependent of the spouse of a person listed above.

Protected Disclosures

Protections under this policy and the Corporations Act 2001 (Cth) will apply if an Eligible Whistleblower makes a disclosure about a 'disclosable matter' to an 'Eligible Recipient'. This applies even if the disclosure is anonymous or ultimately turns out to be incorrect, regardless of the whistleblower's motive.

Disclosures that do not meet these criteria will not qualify for protection.

Note on Personal Work-Related Grievances: Personal work-related grievances are generally not 'disclosable matters' under the Corporations Act unless they include a disclosable matter or relate to detriment suffered because the individual raised a concern about a disclosable matter. These grievances should be raised with your immediate manager or People and Culture, in line with Westhaven's Positive Workplace Relationships Policy.

What is a Disclosable Matter?

A disclosable matter is information where the whistleblower has reasonable grounds to suspect that it concerns misconduct, or an improper state of affairs, in relation to Westhaven or a related body corporate. **Before submitting a Whistleblower complaint, complainants are encouraged to consider the situation against these points.**

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Reasonable grounds to suspect includes, but is not limited to, conduct by Westhaven (or its officers/employees) that:

- Contravenes or constitutes an offence against certain Australian legislation (including the Corporations Act, ASIC Act 2001, Banking Act 1959, Financial Accountability Regime Act 2023, Financial Sector (Collection of Data) Act 2001, Insurance Act 1973, Life Insurance Act 1995, National Consumer Credit Protection Act 2009, and Superannuation Industry (Supervision) Act 1993, and any instruments made under those Acts).
- Represents a danger to the public.
- Constitutes an offence against any Australian Commonwealth law that is punishable by imprisonment for 12 months or more.

Examples of Disclosable Matters include (but are not limited to):

- Dishonest, fraudulent, or corrupt conduct.
- Unethical behavior (e.g., altering records, questionable accounting).
- Unsafe work practices or WHS breaches.
- Discrimination, severe bullying, harassment, or abuse.
- Illegal conduct (e.g., theft, illicit drugs, violence, criminal damage).
- Financial irregularities.
- Breach of legal or regulatory requirements.
- Engaging in or threatening detrimental conduct against a person who has made a disclosure.
- Unauthorised use of confidential information or breaches of privacy/data protection.
- Conduct likely to damage Westhaven's financial position or reputation.
- Deliberate concealment of any of the above.

If in doubt, Westhaven encourages you to make a disclosure, which will be assessed to determine if it falls under this policy.

Warning against False Reports: Knowingly making a false report of wrongdoing (a matter the reporter knows or ought to know has no substance) is considered a serious matter and may lead to disciplinary action, including dismissal.

Who Can Receive a Disclosure (Eligible Recipients)

For a disclosure to qualify for protection, it must be made to an Eligible Recipient as specified under this policy and the Corporations Act.

Preferred Internal Recipients:

Westhaven encourages reporting to one of the following:

Recipient Name

Director of People & Culture

Contact Details

Submit a Whistle Blower form <https://www.westhaven.org.au/whistleblower-form/> (can be done

anonymously; forms received by the Director People & Culture)

Recipient Name

Member of the Westhaven Executive or Any Director on Westhaven Board

Contact Details

Direct Contact (verbal or in writing)

Recipient Name

Chair of the Board

Contact Details

Acts as the primary recipient for disclosures involving the CEO or the Director of People and Culture. Responsible for ensuring the independence of investigations into the Executive Leadership Team.

Other Eligible Recipients under the Corporations Act:

- Any officer (including a Westhaven Director) or Executive Leadership Team Manager of Westhaven or a related body corporate.
- An auditor or member of an audit team.
- An actuary of Westhaven or a related body corporate.
- ASIC, APRA, or any other prescribed Commonwealth authority.
- A legal practitioner for the purpose of obtaining legal advice or representation on whistleblower laws.

Public Interest and Emergency Disclosures: In limited circumstances, reports can be made as public interest or emergency disclosures to a member of Parliament or a journalist. Individuals should obtain independent legal advice and ensure they understand the criteria before proceeding with such a disclosure.

Roles and Responsibilities

Role

Board of Directors

Responsibility

Overseeing the integrity and effective implementation of the Whistleblowing policy, ensuring it provides a safe, confidential mechanism for reporting misconduct and protects the interests of the organisation and the whistleblowers.

Chair of the Board receiving any Whistleblower complaints

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Board (Governance Committee) Receives regular de-identified reports to monitor the effectiveness of the policy, the prevalence of reports.

Role

Chief Executive Officer

Responsibility

Maintaining a system that ensures eligible Whistleblowers have a mechanism to confidently raise concerns.

Role

The Executive Leadership Team Managers

Responsibility

Accountable to the Westhaven Board for ensuring organisation-wide compliance with this Policy.

Role

Director People and Culture

Responsibility

Response Coordinator. Responsible for policy implementation and encouraging a culture of openness by dealing with concerns appropriately.

Role

Eligible Recipients

Responsibility

Liaising with and supporting the whistleblower; ensuring the whistleblower receives protections; engaging the Response Coordinator (consistent with confidentiality obligations) to coordinate the response.

Role

Response Coordinator

Responsibility

Coordinating Westhaven's response (e.g., seeking legal advice, identifying actions, coordinating investigations, ensuring protections)

Role

Senior Managers

Responsibility

Responsible for policy implementation within their service lines and encouraging a culture of openness.

Role

Employees

Responsibility

Responsible for complying with this policy.

How to Make a Disclosure

Any Eligible Whistleblower can make a disclosure, including an anonymous disclosure, by submitting the Whistleblower Reporting Form or using one of the contact methods in Section 4.

- **Provide Information:** Whistleblowers are encouraged to provide as much information as possible.
- **Confidential Record:** All disclosures are recorded in the confidential [disclosure register]. A whistleblower's name is only recorded with their consent. The register information is used only to determine the appropriate response and inform any investigation.
- **Anonymity:** You can remain anonymous. However, Westhaven's ability to investigate may rely on ongoing contact. Anonymous whistleblowers are recommended to maintain two-way communication to allow for follow-up questions.
- **Consent to Share:** The Eligible Recipient may seek your consent to disclose information necessary to conduct an investigation.

Handling and Investigating Disclosures

Disclosures will be received and treated sensitively and seriously.

Investigation Process

- **Acknowledge Receipt:** Westhaven will confirm receipt of an internal disclosure as soon as possible and apply the set protections.
- **Assessment:** All disclosures will be thoroughly assessed to determine if it meets the required level for a WhistleBlower disclosure and an investigation is necessary.
 - Stage 1: Preliminary Intake & Triage
 - Stage 2: Core Criteria Assessment (The "Protected Disclosure" Test)
 - Stage 3: Threshold Determination and Next Steps
- **Conducting the Investigation:**
 - Where appropriate, the investigation will be timely, objective, fair, and independent of any persons to whom the disclosure relates.
 - Investigations will generally be overseen by the Director of People and Culture or their

delegate, who may engage employees or external advisors.

- The results will be recorded in a confidential formal internal report which is the property of Westhaven.
- Communication and Fair Treatment:
 - Whistleblowers will be kept informed of the decision to investigate, the investigation's progress, and any final outcomes, unless there are sufficient reasons not to do so. The formal investigation report will not be provided to the whistleblower.
 - Subjects of the disclosure will be treated fairly. Unless there are confidentiality reasons not to do so, they will be informed of the allegation at an appropriate time and given a chance to respond.
 - The procedure, including timeframes and documentation, may vary based on the nature and circumstances of the disclosure.
- Conflict of Interest in the Investigation Process

If any person involved in the intake or investigation of a disclosure (including the Response Coordinator or an Eligible Recipient) has a conflict of interest, the following actions will be taken:

- Self-Disclosure: Any person assigned to handle a disclosure must immediately declare any actual, potential, or perceived conflict of interest to the CEO or the Board Chair.
- Automatic Recusal: If an Eligible Recipient or the Response Coordinator is named in a disclosure, or is closely related to a person named in a disclosure, they must be automatically recused from all aspects of the handling, investigation, and decision-making regarding that matter.
- Alternative Management: In the event of a conflict involving the Director of People and Culture, the CEO will appoint an alternative internal Executive or an independent external investigator to act as the Response Coordinator for that specific case.
- Board Oversight: If a disclosure involves the CEO or a Director, the matter will be managed directly by the Chair of the Board (or the Chair of the Audit and Risk Committee) to ensure total independence.

Protections for Whistleblowers

Confidentiality and Identity Protection

Westhaven has a strict obligation to protect a whistleblower's identity if a protected disclosure is made.

It is unlawful to disclose the identity of a whistleblower, or information likely to identify them, unless the disclosure is made:

- To ASIC, APRA, or a member of the Australian Federal Police (AFP).
- To a legal practitioner (for legal advice about the Corporations Act whistleblower provisions).
- To a person or body prescribed by the regulations.

- With the whistleblower's consent.

Information contained in a protected disclosure (without the identity) can be disclosed if:

- It does not include the whistleblower's identity.
- All reasonable steps have been taken to reduce the risk of identification.
- It is reasonably necessary for investigating the issues.

Westhaven protects confidentiality by:

- Treating unauthorised disclosure of information seriously and taking disciplinary action (up to and including termination).
- Storing records and information securely.
- Limiting access to those directly involved in managing and investigating.
- De-identifying reports before sharing, unless the whistleblower consents otherwise.
- Ensuring disclosures are handled by qualified staff.

Protection from Liability and Detriment

When a protected disclosure is made, the whistleblower is protected from civil liability or criminal liability related to the disclosure, and Westhaven will take no disciplinary action for making the disclosure.

- **Misconduct by the Whistleblower:** These protections do not apply to any misconduct a whistleblower has engaged in that is revealed in the disclosure. The act of whistleblowing does not protect a person from reasonable consequences for their involvement in wrongdoing. However, reporting the wrongdoing, cooperating with an investigation, or admitting involvement may be a mitigating factor when considering action.
- **Protection from Detrimental Conduct:** It is illegal to engage in or threaten conduct that causes detriment to a whistleblower (or another person) if the belief or suspicion that a disclosure was, may be, or could be made is the reason, or part of the reason, for the conduct.

Examples of Detrimental Conduct include (but are not limited to):

- Dismissal or Demotion.
- Any form of Harassment or Discrimination.
- Any form of harm, injury, or damage, including psychological harm and reputational damage.

Detrimental conduct does not include:

- Reasonable administrative actions taken to protect a whistleblower from detriment (e.g., moving them to a different work area).
- Reasonable actions taken to manage misconduct or unsatisfactory work performance.

Westhaven protects whistleblowers from detriment by:

- Assessing the risk of detriment and taking reasonable steps to reduce or eliminate those risks.
- Treating breaches of these protections seriously and taking appropriate disciplinary action (up to and including termination).

- Offering support services.
- Ensuring management is aware of their responsibilities.

Lodging a Complaint for Breach of Protections

If you wish to complain to Westhaven about a breach of confidentiality or detriment, you are encouraged to contact:

- Response Coordinator using the details in Section 4, OR
- Another internal Eligible Recipient directly.

Alternatively, you may lodge a complaint with a relevant regulator.

Policy Availability and Status

This policy is an important tool for identifying wrongdoing. Westhaven will ensure this policy is made available to employees and officers on the Westhaven website.

- For further information or questions about this policy, contact the Director of People and Culture
- This policy does not form part of any contract of employment or engagement.
- Where this policy requires an employee or contractor to act or refrain from acting in a certain way, this constitutes a lawful and reasonable direction from Westhaven that must be complied with.
- Subject to applicable law, Westhaven reserves the right to vary, replace, supplement, withdraw, or rescind this policy, or any portion of it, from time to time as it deems appropriate, in its sole and absolute discretion.
- Subject to applicable law, Westhaven reserves the right to determine the actual procedure to be adopted in its discretion and to apply or not apply the policy, or any portion of it, to a particular set of circumstances.

Policy Details

Policy No.	P&C / 36A
Current Version	6.1
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Division	People & Culture
Approval Authority	Director People & Culture

Version History

Version	Date	Author	Comments
6.1	August 2026	Audit & Risk Team	Whistleblower form updated
6	March 2026	People & Culture	Complete re-write, replacing previous policy (now rescinded)