

		GOVERNANCE	
	COMPANY POLICY		
WHISTLEBLOWER PROTECTION POLICY			
DELEGATE	BOARD	OWNER	CEO

## POLICY SNAPSHOT

Bric Housing (Bric) is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance. We recognise the value of transparency and accountability in our administrative and management practices, and support the reporting of improper conduct.

This Whistleblower Protection Policy (**Whistleblower Policy**) sets out Bric's approach to encourage and support the reporting of Reportable Conduct and to protect Whistleblowers in relation to a Whistleblower Disclosure. Bric's *Whistleblower Protection Procedure* is a supporting internal document available to Bric staff offering a detailed description of activities and steps.

## PURPOSE

This Whistleblower Policy has been developed so that people can safely raise concerns regarding situations where they believe that Bric or anybody connected with Bric has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, described as Reportable Conduct in this Policy.

This Policy aims to:

- encourage a person to report Reportable Conduct if they know or have reasonable grounds to suspect such conduct;
- provide a mechanism to report Reportable Conduct that has occurred or is suspected within the organisation;
- enable Bric to deal with reports from Whistleblowers in a way that will protect the identity of the Whistleblower and provide for secure storage of the information including a report that qualifies as an Emergency Disclosure or Public Interest Disclosure under the *Corporations Act 2001(Cth)*;
- ensure that any Reportable Conduct is identified and dealt with appropriately;
- ensure that individuals who disclose Reportable Conduct can do so safely, securely and with confidence that they will be protected and supported; and
- help to ensure that Bric maintains the highest standards of ethical behaviour and integrity.

Bric is committed to the highest standards of ethical conduct. The Whistleblower Policy is an integral part of the Bric compliance program and in particular supports the operation and management of the Bric Code of Conduct.

This Policy sets out:

- who is entitled to protection as a Whistleblower under this policy ;
- what a whistleblower can disclose under this policy;
- the protections Whistleblowers are entitled to under this policy; and
- how disclosures made by Whistleblowers will be handled by Bric.

This Policy is available to Bric officers and employees via Bric's Intranet and the Board Portal along with Bric's website.

## WHO CAN MAKE A DISCLOSURE UNDER THIS POLICY?

The Whistleblower Policy applies to all current and former:

- Bric employees and Board Members;
- Tenants;
- support partners (and their employees); and  
any third-party supplier (and their employees) of goods or services to Bric.

For the purpose of this policy, “employees” means permanent, temporary, casual, full time and part time and includes trainees, volunteers and secondees.

The Whistleblower Policy applies continuously, throughout the entire period of a person’s employment or directorship with the company, including:

- when performing official duties for Bric
- when representing Bric
- at work-related functions or social events.

Although they are under no obligation to do so, any associate, family member or dependant of any person in the above groups of people may also speak up. If they do choose to speak up in line with this Policy, we will extend to them the relevant rights and protections under this Policy.

A person described above is a **Whistleblower** for the purposes of this Policy

## WHAT CAN A WHISTLEBLOWER DISCLOSE UNDER THIS POLICY?

A Whistleblower may disclose any information that the person has reasonable grounds to suspect concerns of:

- misconduct, or an improper state of affairs or circumstances; or
- a breach of the *Corporations Act 2001 (Cth)* or other legislation referred to in section 1317AA(5) of the *Corporations Act 2001 (Cth)*;

in relation to Bric, or a related body corporate of Bric. (“**Reportable Conduct**”).

Examples of Reportable Conduct include any past, present or likely future activity, behaviour or state of affairs considered to be:

- a) dishonest;
- b) corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
- c) fraudulent;
- d) illegal (including theft, drug sale or use, violence or threatened violence, or property damage);
- e) in breach of regulation, internal policy or code (such as our Code of Conduct);
- f) improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the Whistleblower;
- g) a serious impropriety or an improper state of affairs or circumstances;
- h) endangering health or safety;
- i) damaging or substantially risking damage to the environment;
- j) a serious mismanagement of Bric’s resources;
- k) detrimental to Bric’s financial position or reputation;
- l) maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);
- m) concealing reportable conduct.

Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

Reportable Conduct is **not** intended to cover personal work-related grievances.

While everybody is encouraged to speak up and report any concerns to Bric, not all types of conduct are intended to be covered by this Policy or by the protections under the *Corporations Act 2001 (Cth)*. This Policy does not apply to general complaints and feedback or any other decisions where a right of appeal can be exercised, nor personal work-related grievances, unless the grievance includes victimisation due to whistleblowing. These issues can be addressed through the Grievance Handling Procedure.

Personal work-related grievances are those that relate to the discloser personally, but do not have significant implications for Bric or relate to Reportable Conduct (see above). They include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

A Whistleblower will have ‘reasonable grounds’ to suspect that something constitutes Reportable Conduct if there is some factual basis which provides reasonable grounds for their suspicion in the circumstances. An unsupported allegation is unlikely to be considered as ‘having reasonable grounds to suspect’.

## WHO CAN A WHISTLEBLOWER MAKE DISCLOSURE TO?

A Whistleblower can make a disclosure of Reportable Conduct to any of the following:

1. a Bric designated **Whistleblower Protection Officer (WPO)**;

(The WPO at the date of this Policy is the Company Secretary and a dedicated email address enables people to make a disclosure, [whistleblower@bric.org.au](mailto:whistleblower@bric.org.au)).

2. a member of the Bric executive leadership team or Bric Board;

Each is a “**Whistleblower Recipient**”.

A Whistleblower may also disclose Reportable Conduct to a lawyer for the purpose of obtaining legal advice or representation in relation to whistleblower protections.

## WHEN WILL A DISCLOSURE QUALIFY FOR PROTECTION?

A disclosure of Reportable Conduct made by a Whistleblower directly to a Whistleblower Recipient will qualify for protection under this Policy and the *Corporations Act 2001 (Cth)* (“**Protected Disclosure**”).

A disclosure of Reportable Conduct which is not correct will qualify for protection if the Whistleblower had reasonable grounds to suspect that the disclosure was correct.

A deliberately false disclosure will not qualify for protection.

## PROTECTION OF WHISTLEBLOWERS

When a Protected Disclosure is made to a Whistleblower Recipient, Bric commits to:

- protect the confidentiality of the Whistleblower, subject to any disclosures which Bric must make as required by law and any Authorised Disclosure;

WHISTLEBLOWER PROTECTION POLICY	
Page 3 of 5	September 2022 V1.0

- protect the Whistleblower from detriment in accordance with this Policy;
- otherwise comply with this Policy and its legal obligations in relation to the Whistleblower and the Protected Disclosure.

'**Authorised Disclosure**' of a Whistleblower's identity or information is a disclosure:

- to ASIC, APRA or the Australian Federal Police, to a lawyer for advice about the whistleblower protections; or
- with their consent.

## **ROLES AND RESPONSIBILITIES**

**All employees and Board Members** are responsible complying with this Policy and associated procedures, and for reporting misconduct or dishonest or illegal activity that has occurred or is suspected on reasonable grounds within Bric as quickly as possible, whether anonymously or otherwise.

### **Bric's Whistleblower Team**

The Bric Whistleblower Team is made up of members of Bric's Executive Management Team/Board and overseen by the CEO. Any member of the Whistleblower Team who is the subject of any Whistleblower disclosure is automatically excluded from that team in all matters related to the disclosure.

The Bric's Whistleblower Team is responsible for:

- a) Assisting the Whistleblower Protection Officer (WPO) in the assessment and oversight of whistleblower reports
- b) Providing advice and support to reporters
- c) Maintaining a secure and restricted record of all reports made under this Policy
- d) Arranging role-specific training as and when required

**Bric's Executive Management Team** is responsible for ensuring that:

- a) Employees and other stakeholders are made aware of their rights and responsibilities in relation to whistleblowing at induction
- b) Employees are regularly encouraged to speak up about concerns of Reportable Conduct.

**Whistleblowing Protection Officer(s) (WPO)** are responsible for:

- a) Receiving whistleblower reports and protecting the interests of reporters
- b) Determining whether the report falls within the scope of the Policy
- c) Determining whether and how a report should be investigated
- d) Appointing a Whistleblowing Investigator where an investigation is deemed appropriate
- e) Ensuring investigations are conducted in accordance with this Policy
- f) Ensuring any reports involving an Executive Manager or the CEO are reported to the Chair of the Board.
- g) Updating reporters on progress and details of outcomes to the fullest extent possible
- h) Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters
- i) Immediately reporting concerns in relation to any detrimental conduct to the CEO or Chair of the Board (provided that the concerns do not relate to them)
- j) Determining the appropriate courses of action to remediate or act on the investigation
- k) Reporting matters to relevant authorities
- l) Making recommendations to prevent future instances of reportable misconduct

- m) Completing any training mandated by the Whistleblower Team
- n) Seeking to ensure the integrity of Whistleblower activities is maintained.

**Whistleblower Investigators** are responsible for:

- a) Investigating reports in accordance with this Policy
- b) Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters
- c) Gathering evidence and taking steps to protect or preserve evidence
- d) Making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report
- e) Keeping comprehensive records about the investigation
- f) Making recommendations to the WPO about how to implement the strategy in relation to how reported misconduct can be stopped, prevented and/or mitigated in future
- g) Reporting back to the WPO on the progress of their investigation 7 days after the report and every 14 days thereafter
- h) Complying with the directions of the WPO in relation to any further follow up, and reporting action and requirements, including the implementation of any recommendations.

## RELATED LEGISLATION & DOCUMENTATION

Legislation	<i>Corporations Act 2001 (Corporations Act)</i> <i>Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Act)</i> <i>Fair Work Act 2009 (Cth)</i> <i>Fair Work Regulations 2009 (Cth)</i> <i>Public Interest Disclosure Act 2013</i> <i>Taxation Administration Act 1953 (Cth)</i>
External Documents	ASIC Regulatory Guide 270
Internal Documents	GOV-Whistleblower Protection Procedure TS-P Feedback and Complaints SP-P NRSCH Notifiable Events HR-P Bric Code of Conduct HR-P Cessation of Employment HR-P Staff Grievances SP-P NRSCH Notifiable Events Constitution of Bric Housing F&A-P Financial Risk & Fraud Management HR-P Gifts and Hospitality HR-Pr Grievance Handling Procedure HR-Pr Employee Disciplinary Procedure HR-P Work Health and Safety Framework