

# Whistleblower Policy

## 1. Purpose and Objective

This policy outlines the principles around whistleblowing within the Heart Foundation, and the mechanism by which Wrongdoing within the Heart Foundation can be raised without fear of retribution.

The Heart Foundation Whistleblower Policy confirms our genuine commitment to a culture of open communication, doing what is right and encouraging employees to speak up and report Wrongdoing or undesirable conduct.

The objective of this Policy are to:

- encourage disclosure and reporting of Wrongdoing
- ensure individuals who disclose can do this safely, securely and with confidence that they will be protected and supported
- provide transparency on the Heart Foundation's process for receiving, handling and investigating disclosures
- reinforce that the Heart Foundation is committed to culture of speaking up, and deterring any potential wrongdoing or desirable conduct
- meet our legal and regulatory obligations
- deter potential misconduct and Wrongdoing in line with our risk management and governance framework

## 2. Scope/Coverage

The Whistleblower Policy applies to all Heart Foundation employees, who, for the purpose of this policy, shall be taken to mean Directors, managers, employees, consultants, contractors, honoraries and volunteers of the Heart Foundation.

This policy applies to raising Wrongdoing related to business practices and operations. Personal work-related grievances are not covered by this policy and should be raised following the Grievances Procedure. (Personal grievances only have implications for you personally, with no other significant implications for the Heart Foundation or other matters of wrongdoing beyond your personal circumstances).

## 3. Relevant Legislation and Related Documents

- *Corporations Act 2001 (Cth)*
- *Taxation Administration Act 1953 (Cth)*
- Heart Foundation Code of Conduct
- Heart Foundation Conflict of Interest Policy
- Heart Foundation Privacy Policy
- Heart Foundation Fraud and Corruption Policy
- Heart Foundation Gifts, Benefits and Hospitality Policy
- Heart Foundation Disciplinary Action Policy

This policy has been developed in line with the ASIC Regulatory Guide 270 Whistleblower policies.

## 4. Definitions / Abbreviations

**Employee** means Directors, managers, employees, consultants, contractors, honoraries and volunteers of the Heart Foundation.

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**Heart Foundation** means National Heart Foundation of Australia and all Subsidiaries as appropriate.

**Emverio Workplace Complaints** is an external independent third party authorised by the Heart Foundation to receive disclosures under this policy. The contact details for Emverio Workplace Complaints is set out in Section 8.

**Whistleblowing** means the deliberate, voluntary disclosure of individual or organisational Wrongdoing by a person who has or had access to privileged data, events or information about an actual, suspected or anticipated Wrongdoing within or by the Heart Foundation that is within its ability to control, and may relate to past, present or anticipated conduct or actions.

**Whistleblower** means a person who makes a Whistleblower Report in accordance with this policy.

**Whistleblower Investigation Officer** means the person or persons who from time to time are authorised by the Whistleblower Protection Officer to investigate the Whistleblower Report. This includes appropriate external parties.

**Whistleblower Protection Officer** means the person appointed by the Heart Foundation to be responsible for ensuring that a Whistleblower is protected from being personally disadvantaged by dismissal, demotion, or any form of harassment, discrimination or any retaliation or bias. As at the date of this policy, the Whistleblower Protection Officer is the Chief Executive Officer, except if the wrongdoing involves the Chief Executive Officer, in which case the Whistleblower Protection Officer is the General Counsel & Company Secretary.

**Whistleblower Report** means a report of alleged Wrongdoing by an Employee.

**Wrongdoing** means:

- dishonest, fraudulent, corrupt or unlawful conduct or practices;
- conduct or any proposed conduct that breaches the provisions of any relevant Australian legislation (Commonwealth or State);
- misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting or financial practices;
- a breach of the Heart Foundation's Code of Conduct or other Heart Foundation policies;
- breaches of privacy, unauthorised use of Heart Foundation's confidential information;
- modern slavery, which exists if a person is not working of their own free will, is treated like property, or is seriously exploited or abused.
- unsafe work conduct endangering the health and safety of any Employee or causing damage to the environment
- substantial wasting of resources, which may cause financial loss to the Heart Foundation or damage to its reputation;
- any action taken against, or harm suffered by a Whistleblower as a result of making a Whistleblower Report; or
- otherwise unethical or detrimental behaviour affecting the Heart Foundation's interests or reputation and/or involves any other kind of impropriety.

## 5. Policy

The Heart Foundation is committed to the highest standards of conduct and ethical behaviour across the organisation, and to promoting and supporting a culture of honest and ethical behaviour, integrity, accountability, corporate compliance and good corporate governance.

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The Heart Foundation encourages the raising of concerns and reporting of instances of unethical, fraudulent, illegal or undesirable conduct, where there are reasonable grounds to suspect such conduct, without fear of intimidation, disadvantage or reprisal.

The Heart Foundation will support and protect a Whistleblower from any adverse action who makes a Whistleblower Report in good faith as outlined in this policy.

The Heart Foundation commits to investigating alleged Wrongdoing and appropriately and professionally addressing any issues which arise from any such investigation.

### 5.1 Reporting Wrongdoing

An Employee who has reasonable grounds to believe or suspect that Wrongdoing has occurred, is currently occurring or will potentially occur is encouraged to raise their concerns with the independent Whistleblower service 'Emverio Workplace Complaints'. *(Please see section 8 for contact details)*

The independent service of Emverio Workplace Complaints will then report the allegations to the Chair of the Board, Chief Executive Officer and the General Counsel & Company Secretary.

If any allegations of Wrongdoing are inadvertently reported to an Employee, the Employee must inform a member of the Executive Group, who must then report the alleged Wrongdoing to the General Counsel & Company Secretary (who will then inform the Chair of the Board and Chief Executive Officer).

The Chair of the Board, Chief Executive Officer and the General Counsel & Company Secretary will ensure the matter is appropriately investigated by the Whistleblower Investigation Officer.

You can also contact General Counsel & Company Secretary to also obtain further information before making a disclosure.

You can report to a legal practitioner for the purposes of obtaining legal advice or legal representation about the whistleblower requirements. You can also report to regulatory bodies (such as Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA), the Australian Charities and Not-for-profits Commission (ACNC)). Under certain circumstances, public interest disclosures and emergency disclosures can be made as set out in s1317AAD of the Corporations Act. (There are strict criteria for making public interest disclosures or emergency disclosures and it is strongly recommended that you contact Heart Foundation General Counsel & Company Secretary in the first instance, to ensure you understand the criteria for making a public interest or emergency disclosure that qualifies for whistleblower protection under law).

### 5.2 Whistleblower responsibility

A Whistleblower is obliged to act in good faith and have reasonable grounds for believing the conduct they complain of is Wrongdoing.

A Whistleblower must provide information to assist any inquiry/investigation of the alleged Wrongdoing.

It is important to note that making a Whistleblower Report may not protect the Whistleblower from the consequences flowing from involvement in the alleged Wrongdoing itself. A Whistleblower's liability for their own conduct is not affected by their reporting of that conduct under this policy.

Where it is shown that a Whistleblower has knowingly made a false report of Wrongdoing, then that conduct itself will be considered a serious matter and that person may be subject to disciplinary action which may include dismissal for matters that the Whistleblower knows or ought to know have no substance.

### 5.3 Disclosure and Confidentiality of Whistleblower's identity

The Heart Foundation commits to investigating alleged Wrongdoing and appropriately and professionally addressing any issues which arise from any such investigation.

#### 5.3.1 Anonymous Disclosure

A Whistleblower may make an anonymous disclosure, however this may impact on the investigation where further information may be required.

As stated under section 5.9, where there is an anonymous disclosure, a Whistleblower Investigation Officer may decide not to investigate the disclosure further if the information disclosed in the Whistleblower Report is insubstantial or cannot be evidenced by fact and where no further details can be obtained.

### 5.3.2 Known Disclosure

Where the Whistleblower's identity is known, the Heart Foundation will use its best endeavours to protect the Whistleblower's identity from disclosure. The Whistleblower Investigation Officer may work with the Whistleblower to obtain relevant information during the investigation.

Generally, where the Whistleblower's identity is known, the Heart Foundation will not disclose the Whistleblower's identity unless:

- the Whistleblower consents to the disclosure;
- the disclosure is required or authorised by law; and/or
- the disclosure is necessary to further the investigation into the matter (however the Heart Foundation will take all reasonable steps to reduce the risk that the Whistleblower's identity is disclosed).

## 5.4 Confidentiality of Whistleblower Reports

Generally, Whistleblower Reports will be treated confidentially. However, when a Whistleblower Report is investigated it may be necessary to reveal its substance to Heart Foundation Employees, external parties involved in the investigation, and where appropriate, law enforcement agencies.

At some point in time, it may also be necessary to disclose the substance of a Whistleblower Report to the person who is the subject of the report. While confidentiality is maintained, in some circumstances the source of the reported issue may be obvious to a person who is the subject of the report.

Where a Whistleblower Report relates to an alleged breach of the *Corporations Act 2001* (Cth) or other legislation, the following information may be required to be disclosed to the relevant regulatory body:

- the information contained within the Whistleblower Report;
- the identity of the Whistleblower (if known); and/or
- information that is likely to lead to the identification of the Whistleblower.

## 5.5 Breaches of Confidentiality

Unauthorised disclosure of information relating to a Whistleblower Report, the identity of the Whistleblower, or information from which the identity of the Whistleblower could be inferred will be taken seriously and may result in disciplinary action, which may include dismissal.

## 5.6 Protection of a Whistleblower

The Heart Foundation is committed to protecting and respecting the rights of a Whistleblower acting in good faith.

The Heart Foundation will not tolerate any retaliatory action or threats of retaliatory action against a Whistleblower or a Whistleblower's colleagues, relatives or employer (where the Whistleblower is a contractor). The Whistleblower Protection Officer will oversee and liaise with relevant management to ensure the Whistleblower is not disadvantaged or victimised as a result of making a Whistleblower Report.

A Whistleblower must not be disadvantaged or victimised by:

- dismissal
- demotion or alteration of position or duties to their disadvantage;
- any form of discrimination, harassment, intimidation or conduct detrimental to the Whistleblower;
- harm and injury, including psychological harm;
- damage to property, reputation, business or financial position;

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- current or future bias;
- civil or criminal litigation for making a Whistleblower Report;
- threats of any of the above.

Any such retaliatory action or victimisation in reprisal for a Whistleblower Report will be treated as serious misconduct and will result in disciplinary action, which may include dismissal.

A Whistleblower may be entitled to protection from civil liability, criminal liability and administrative liability (including disciplinary action) in respect of the disclosure. Note that the whistleblower protections do not grant immunity for any Potential Misconduct you have engaged in that is revealed in the report.

Protections and compensation for Whistleblowers is set out under Part 9.4AAA of the Corporations Act.

### 5.7 *Management of Allegations*

All investigations will be conducted in a manner that is consistent with the rules of natural justice and devoid of bias or prejudice against the Employee or any person against whom the allegation is made.

The Heart Foundation will support the interests of a person who is the subject of a report, where the allegations within a Whistleblower Report are not substantiated.

### 5.8 *Investigation and Report*

All reports of alleged Wrongdoing will be properly assessed by the Whistleblower Investigation Officer and, if appropriate, independently investigated with the objective of locating evidence that either substantiates or refutes the claims made by the Whistleblower.

The Whistleblower Investigation Officer, after ensuring an appropriate investigation, must produce a report within a reasonable timeframe, setting out:

- the matters considered in the course of the investigation;
- the duration of the investigation;
- the Whistleblower Investigation Officer's evidence obtained and findings (if any);
- the action (if any) that has been, is being, or is recommended to be, taken;
- any claims or evidence of detrimental action taken against the Whistleblower; and
- reasoning of why the investigation should not continue, as set out in section 5.9.

The Whistleblower Protection Officer may keep the Whistleblower (if known) appropriately informed of the progress of the investigation and the outcomes of the investigation of the Whistleblower Report, subject to the considerations of confidentiality and privacy. The Whistleblower will not however be provided a copy of the report.

The Chair of the Board, Chief Executive Officer and the General Counsel & Company Secretary, as appropriate, will review the Whistleblower Investigation Officer's report and the findings of the investigation and recommendations before determining the appropriate course of action. (Where appropriate, the Board, Committees and/or Chief Operating Officer may be duly informed of the Whistleblower Report and investigation).

Any determination made by the Chair of the Board and Chief Executive Officer as an outcome of the Whistleblower Investigation Officer's report finalises the investigation.

In cases where a member of the Executive or Board has been accused of reportable conduct, or where they have a close personal relationship with the person against whom the accusation is made, they will be excluded from the reporting and investigative process. (Where the Wrongdoing involves the Chair of the Board, the Chair of the Risk, Audit and Governance Committee will be informed of the Whistleblower Report and investigation, as well as assisting with the determination of the matter).

## 5.9 Factors affecting the investigation

Upon receiving a Whistleblower Report, the Whistleblower Investigation Officer may recommend that the investigation should not proceed, or (if the investigation has started) not to investigate the disclosure further, if:

- the Whistleblower Report does not, to any extent, concern genuine Wrongdoing;
- the Whistleblower Report is frivolous or vexatious;
- the information disclosed in the Whistleblower Report is the same, or substantially the same, as information the disclosure of which has already been, or is being, investigated;
- the Whistleblower is anonymous and the information disclosed in the Whistleblower Report is insubstantial or cannot be evidenced by fact and where no further details can be obtained;
- the Whistleblower has informed the Whistleblower Investigation Officer that the Whistleblower does not wish the investigation of the Whistleblower Report to be pursued, and the Whistleblower Investigation Officer is reasonably satisfied that there are no matters concerning the Whistleblower Report that warrant investigation.

## 6. Roles and Responsibilities

Role: Board	
Responsibility	Frequency
Ensures that the Policy is in place and is reviewed.	Ongoing
Oversee, review and approve this Policy.	Every two years
Chair of the Board Reviews investigation findings and recommendations where the investigation relates to the Chief Executive Officer or a Board Director. All Board Directors informed on outcomes of any investigation as deemed appropriate by the Chair of the Board.	As required
Ensure that broader trends, themes and/or emerging risks highlighted by any disclosures made under this policy are addressed and mitigated as part of risk management and governance workplans	As required
Role: Risk, Audit and Governance Committee (RAGC)	
Responsibility	Frequency
Review and Endorse this Policy.	Every two years
Role: Executive Group	
Responsibility	Frequency
Oversee, review and endorses this Policy	Every two years
Ensures that the Heart Foundation develops procedures and controls to implement the policy.	
General Counsel & Company Secretary reviews investigation findings and recommendations as appropriate (in conjunction with the Chair of the Board and Chief Executive Officer).	



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Role: Whistleblower Protection Officer	
Responsibility	Frequency
Ensures that a Whistleblower acting in good faith is protected from being personally disadvantaged by dismissal, demotion, or any form of harassment, discrimination or any retaliation or bias.	As required
Role: People Leaders	
Responsibility	Frequency
Ensure all employees including staff, volunteers, third parties (contractors) and themselves are aware of and comply with this Policy.	Ongoing
Role: All Employee	
Responsibility	Frequency
Comply with the policy	Ongoing

## 7. Review and Document Control

The policy is to be reviewed every two years or as determined by the Board. This policy may also change from time to time. Any updated version of this policy will be posted on our website and be effective from date of posting.

Policy Type	Governance Policy	Function Owner	Legal, Risk and Governance
Approved Date	14 August 2024	Next Review Date	01/2026
Distribution	Public available policy – Heart Foundation website Heart Hub – staff and volunteer policy portal Induction – employees, volunteers Contract reference / link to website – third parties		

## 8. Whistleblower Hotline details

Whistleblower Hotline information

**Emverio Workplace Complaints** is an external independent third party authorised by the Heart Foundation to receive disclosures under this policy. Emverio Workplace Complaints can be contacted by:

- Phone: 1300 454 574 (between 7:00am and 7:00pm (AEST) Monday to Friday)
- Email: [info@complaints.emverio.com](mailto:info@complaints.emverio.com)
- Web-address: <https://workplacecomplaints.com/>
- Completing the following form: Emverio Online Workplace Complaint Form.