

Whistleblower Policy

Hope Economy Ltd is committed to a culture of integrity, transparency and accountability, where people feel safe to speak up about wrongdoing.

1. Quick Guide

Where you have reasonable grounds to suspect Hope Economy is involved in misconduct or an improper state of affairs; or Hope Economy, its officers or employees are contravening relevant laws; and this concern is not a work-related grievance:

- You can report it safely and confidentially
- You can remain anonymous
- You will be protected from retaliation

How to report:

- Contact: [Whistleblower Disclosure Report](#)

Disclosures submitted via the reporting form are received by the Whistleblower Officer.

This policy outlines your rights and how we will respond.

2. Responsibility

This policy will be reviewed and updated as required to ensure it remains current and effective. Where an individual identifies that a review or update may be necessary, they are encouraged to raise this with the Hope Economy Leadership Team. The Leadership Team will consider any proposed changes and, where appropriate, submit updates to the Board for approval.

- 2.1** Whistleblower Officer means Hope Economy's Board nominated eligible recipient for the receipt of whistleblower reports.
- 2.2** Disclosures may be made to the Whistleblower Officer via the secure whistleblower reporting link available on the Hope Economy Ltd website. This channel enables confidential reporting in accordance with this Policy.

3. Overview

As a regulated entity, Hope Economy Ltd (Hope Economy, we, us, the company) complies with Part 9.4AAA of the Corporations Act 2001 (Cth.), (the Whistleblower Provisions), and is committed to ensuring that we comply with the law.

- 3.1** The Whistleblower Provisions set out the protections granted to a person (whistleblower) making a disclosure about a regulated entity to a regulator or to an eligible recipient.
- 3.2** As we are a regulated entity, we are required to set out our obligations in a Whistleblower Policy, which complies with the requirements of the Whistleblower Provisions.
- 3.3** We make this Policy available to all current directors and to all employees upon commencement of their employment with Hope Economy, and to volunteers, contractors, partners, donors, former directors, employees and suppliers, by publishing the policy on our website www.hopeeconomy.org.au.
- 3.4** This Policy is designed to deter wrongdoing, improve Hope Economy's culture and increase the degree of transparency in relation to disclosures of wrongdoing in the workplace.
- 3.5** This Whistleblower Policy sets out the following information:
 - 3.5.1** the protections that we have in place for whistleblowers, including the protections under the Whistleblower Provisions
 - 3.5.2** how and to whom a person can make a disclosure
 - 3.5.3** how we support whistleblowers and protect whistleblowers
 - 3.5.4** how we investigate disclosures
 - 3.5.5** how we ensure the fair treatment of employees mentioned in disclosures and
 - 3.5.6** how the policy is made available.
- 3.6** Each of the underlined terms is defined in section 8.
- 3.7** Further information about whistleblower protections is available in ASIC Information Sheet 238.

4. Protections for whistleblowers

Hope Economy provides the following protections for whistleblowers and tax whistleblowers.

4.1 Anonymous disclosures by whistleblowers

4.1.1 A whistleblower does not need to provide their name when making a disclosure. Hope Economy will keep the following information confidential:

- a. the whistleblower's identity
- b. any information that is likely to lead to the identification of the whistleblower; and
- c. any information obtained directly or indirectly as a result of the disclosure, which reveals the whistleblower's identity,

except where:

- d. the whistleblower has consented to the disclosure of their identity
- e. the disclosure is reasonably necessary for the purposes of investigating the conduct disclosed by the whistleblower, and all reasonable steps are taken to reduce the risk of the whistleblower being identified
- f. the identity information is required to be disclosed to a regulator, or to the Australian Federal Police, or to other Commonwealth, State or Territory authorities with functions or duties relevant to the disclosure
- g. the identity information is disclosed to a legal practitioner for the purpose of obtaining legal advice or representation in relation to the disclosure, or
- h. where the regulations provide that disclosure of the whistleblower's identity is permitted.

4.1.2 A person (including Hope Economy) is not required to disclose the identity of a whistleblower, or information that is likely to lead to the identification of a whistleblower, to a court or tribunal unless it is necessary for the purpose of giving effect to the Whistleblower Provisions, or if the court or tribunal orders.

4.1.3 Information provided in a disclosure may be shared without identifying the whistleblower where reasonably necessary for investigation.

4.2 Anonymous disclosures by tax whistleblowers

4.2.1 A tax whistleblower does not need to provide their name when making a tax disclosure. Hope Economy will keep the following information confidential:

- a. the tax whistleblower's identity

- b. any information that is likely to lead to the identification of the tax whistleblower, and
- c. any information obtained directly or indirectly as a result of the disclosure, which reveals the tax whistleblower's identity,

except where:

- d. the tax whistleblower has consented to the disclosure of their identity
- e. where the disclosure is reasonably necessary for the purposes of investigating the conduct disclosed by the tax whistleblower, and all reasonable steps are taken to reduce the risk of the tax whistleblower being identified
- f. the identity information is required to be disclosed to the Australian Taxation Office, or to the Australian Federal Police
- g. the identity information is disclosed to a legal practitioner for the purpose of obtaining legal advice or representation in relation to the disclosure, or
- h. it is disclosed to a person or body prescribed by the regulations.

4.2.2 A person (including Hope Economy) is not required to disclose the identity of a tax whistleblower, or information that is likely to lead to the identification of a tax whistleblower, to a court or tribunal unless it is necessary for the purpose of giving effect to the Whistleblower Provisions, or if the court or tribunal orders.

4.2.3 Unauthorised disclosure of a whistleblower's or tax whistleblower's identity is an offence under the *Corporations Act 2001* and may result in disciplinary action and/or legal penalties.

4.3 Legal immunities

4.3.1 Whistleblowers and tax whistleblowers are protected from civil, criminal and administrative liability, and from the imposition of a penalty. This means that disclosures made by a whistleblower are not admissible as evidence against the whistleblower or the tax whistleblower in legal proceedings, unless the proceedings against the whistleblower relate to whether the disclosure is false.

4.3.2 Tax whistleblowers are also protected from contractual or other remedies which arise on the basis of the tax disclosure. This means that where the tax whistleblower is a party to a contract (including an employment contract), that contract cannot be terminated on the basis that the tax disclosure constitutes a breach of the contract.

4.3.3 A tax whistleblower is not liable for an action for defamation which arises as a result of the tax disclosure, except in certain limited situations.

4.3.4 These protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.

4.4 Protection from victimisation

4.4.1 Whistleblowers and tax whistleblowers are protected from victimisation. It is an offence for Hope Economy or any other person engaged by or affiliated with Hope Economy to engage in detrimental conduct that causes, or threatens to cause, any detriment to another person, even where:

- a. a disclosure has not occurred
- b. the victimiser has no actual knowledge that the disclosure or tax disclosure has occurred, or
- c. the victimiser does not intend that the conduct will cause detriment.

4.4.2 This protection extends to persons involved in receiving or investigating the disclosure or tax disclosure, or a colleague, supporter, friend or family member of the whistleblower or the tax whistleblower.

4.4.3 A person can seek compensation from Hope Economy for any loss, damage or injury suffered as a result of the detrimental conduct. Compensation can, in some situations, include reinstatement of employment.

4.4.4 Hope Economy has procedures in place to take reasonable steps to prevent a person, including its employees and officers, from engaging in detrimental conduct. Refer to our Workplace Behaviour Policy.

5. Who can make a disclosure and how to report

5.1 Who can make a disclosure

5.1.1 A whistleblower can make a disclosure to an eligible recipient or to a regulator. Eligible recipients include Hope Economy officers and senior managers, the Hope Economy Whistleblower Officer, Hope Economy's auditors or actuaries, and a legal practitioner. A whistleblower may also make a public interest disclosure or

emergency disclosure to a journalist or parliamentarian in the circumstances set out in section 8.

5.1.2 A tax whistleblower can make a tax disclosure to a tax recipient, which includes the above recipients, as well as the Commissioner.

5.1.3 Eligible whistleblowers is defined at 9.1.19 of this policy.

5.2 How to make a disclosure

5.2.1 As a first step, we encourage staff to report a disclosure or a tax disclosure to the Whistleblower Officer.

5.2.2 If staff are not confident in reporting the disclosure to the Whistleblower Officer for some reason then they may report to their senior manager, the CEO or the Board Chair.

5.2.3 A disclosure may also be made directly to a regulator such as ASIC or APRA.

5.2.4 In certain circumstances, disclosures may also be made to a journalist or parliamentarian as a public interest disclosure or a emergency disclosure, as outlined in this Policy.

5.2.5 The disclosure report should include as much detail and clarity as possible.

5.2.6 We encourage the report to be made in writing. If the report is made verbally, the recipient will make notes of the report and confirm with the person making the report that the details of the disclosure are correct as they understand them.

5.2.7 The disclosure will generally be investigated by the Whistleblower Officer as per Section 6 of this policy.

5.3 A personal work-related grievance that does not involve reportable misconduct should be raised through Hope Economy's grievance or HR processes in accordance with the relevant policy.

6. How Hope Economy will protect and support whistleblowers

6.1 Confidentiality and protection

6.1.1 As set out in section 4, Hope Economy has policies and procedures to ensure that:

- a. as part of the disclosure and investigation process, we maintain the confidentiality of the whistleblower's and the tax whistleblower's identity and do not disclose this information except as permitted under the Whistleblower Provisions

- b. if the whistleblower or tax whistleblower is an employee or one of our suppliers, we will not terminate our contract or arrangement with them simply because they have made a disclosure or a tax disclosure
- c. we take reasonable steps to ensure that whistleblowers and tax whistleblowers are not the subject of detrimental conduct. For example, refer to our Workplace Behaviour Policy
- d. we will not take action against a whistleblower or a tax whistleblower on the basis of a breach of their employment contract, where the breach of the employment contract relates to the disclosure
- e. where appropriate, Hope Economy will provide access to wellbeing support services, such as EAP or pastoral support.
- f. where appropriate, Hope Economy will consider practical measures such as temporary changes to reporting lines or duties.
- g. all disclosures and related information will be stored securely and access will be restricted to authorised personnel. Records will be maintained in accordance with privacy obligations and organisational policies.

7. How Hope Economy investigates disclosures

7.1 Investigation approach

Hope Economy will investigate disclosures and tax disclosures carefully and promptly. If a disclosure is material in scope or may involve regulators or external third parties, Hope Economy will consider seeking external advice or engaging counsel.

7.2 Investigation process

Hope Economy will investigate disclosures and tax disclosures using the following process:

- 7.2.1** If a disclosure is made to a Hope Economy officer or senior manager, it will generally be referred promptly to the Whistleblower Officer. The Whistleblower Officer will develop an investigation plan, which may include:
 - a. (assuming no conflict of interest exists) appointing compliance staff members to form part of the investigation team and ensuring that they are aware of this Policy and the legislative protections for whistleblowers and tax

- whistleblowers; in particular, regarding the protection of confidential information
- b. collecting all information relevant to the disclosure or the tax disclosure from the whistleblower or the tax whistleblower, including:
 - i a full description of the circumstances upon which the disclosure or the tax disclosure is based
 - ii the names of the Hope Economy personnel, agents, or clients involved, and an explanation of their involvement, and
 - iii details of the persons who are aware of the matter, both within Hope Economy and externally
 - c. within 7 working days of collecting all of the above information, reviewing the information collected in order to prepare a preliminary report regarding the matter to the Hope Economy Board. The preliminary report will summarise the information collected, and include recommendations to the Hope Economy Board regarding:
 - i the cause of the issue which led to the disclosure or the tax disclosure
 - ii the extent of the issue (for example, the number of employees, customers or related parties who are either involved in or aware of the matter)
 - iii the potential harm to Hope Economy, and
 - iv the measures to be taken to address the issues raised by the disclosure or the tax disclosure, which include compliance with all relevant legislation, and
 - d. consult with the Hope Economy Board regarding the appropriate action that Hope Economy needs to take regarding the disclosure, which may include:
 - i where appropriate, delegating the investigation to an external third party
 - ii obtaining external legal advice
 - iii notifying a regulator of the disclosure or of the tax disclosure, and/or
 - iv communicating with Hope Economy staff, customers and related parties (where appropriate) regarding the disclosure or the tax disclosure.

8. Fair treatment of people mentioned in a disclosure

Hope Economy will attempt to ensure fair treatment of its employees who are mentioned in disclosures that qualify for protection under the Whistleblower provisions, or to whom such disclosures relate.

9. Definitions

9.1 Key terms used in this Policy

9.1.1 applicable laws include the following Commonwealth Acts:

- a. the *Corporations Act 2001*
- b. the *ASIC Act 2001*
- c. the *Australian Charities and Not-for-profits Commission Act 2012* (Cth)
- d. the *Banking Act 1959*
- e. the *Financial Sector (Collection of Data) Act 2001*
- f. the *Insurance Act 1973*
- g. the *Life Insurance Act 1995*
- h. the *National Consumer Credit Protection Act 2009*
- i. the *Superannuation Industry (Supervision) Act 1993*, and
- j. any regulations made under those laws, or
- k. an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more.

9.1.2 Commissioner means the Commissioner of Taxation.

9.1.3 detriment includes:

- a. dismissal of a person
- b. injury to a person in their employment
- c. alteration of a person's position or duties, to their disadvantage
- d. discrimination between the person and other Hope Economy employees
- e. harassment or intimidation of a person
- f. harm or injury to a person, including psychological harm

- g. damage to a person's property
- h. damage to a person's reputation
- i. damage to a person's business or financial position; or
- j. a threat to cause any of items (a) to (i) to a person. The threat can be express or implied, or conditional or unconditional. The person affected does not need to actually fear that the threat will be carried out.

9.1.4 detrimental conduct means conduct that causes detriment to a person due to a belief or suspicion that the person has made, or proposes to make, a disclosure or a tax disclosure.

9.1.5 disclosure means information known to the whistleblower:

- a. where they have reasonable grounds to suspect that Hope Economy is involved in misconduct, or in an improper state of affairs; or
- b. which indicates that Hope Economy, or one of its officers or employees has engaged in:
 - i a contravention of the applicable laws, or
 - ii represents a danger to the public or to the financial system
- c. is made to either a regulator or to an eligible recipient, and
- d. does not constitute a personal work-related grievance.

9.1.6 eligible recipient means a person or body to whom a protected disclosure may be made. Eligible recipients include:

- a. Hope Economy's officers and senior managers
- b. the Whistleblower Officer
- c. Hope Economy's auditors or actuaries
- d. a legal practitioner, where the disclosure or tax disclosure is made for the purposes of obtaining legal advice or representation on the operation of the Whistleblower Provisions or in relation to the disclosure or tax disclosure, and
- e. if the disclosure or tax disclosure is a public interest disclosure or an emergency disclosure, a journalist or parliamentarian.

9.1.7 emergency disclosure means a disclosure to a journalist or parliamentarian where the whistleblower:

- a. has previously disclosed the information to a regulator

- b. 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
- c. has given written notification to the regulator that they intend to make a public interest disclosure in relation to the information contained in the initial disclosure, and
- d. the information to be disclosed is no greater than necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

Hope Economy means Hope Economy Ltd and its related bodies corporate (where applicable).

9.1.8 personal work-related grievance means information about the whistleblower's employment or former employment, having (or tending to have) implications for the discloser personally, unless the information:

- a. has significant implications for Hope Economy, which do not relate to the whistleblower personally, and
- b. concerns conduct or alleged conduct which:
 - i contravenes the applicable laws
 - ii represents a danger to the public or to the financial system, or
 - iii is prescribed by regulations
- c. concerns detriment to the discloser caused by any alleged victimisation
- d. is made to a legal practitioner regarding the Whistleblower Provisions, or
- e. has significant implications for Hope Economy and concerns alleged conduct that could be an offence, or a contravention of the law.

Some personal work-related grievances may involve serious wrongdoing, thereby entitling the discloser to protection.

Examples of personal work-related grievances include an interpersonal conflict between employees, or a decision relating to the engagement, transfer or promotion of a person.

9.1.9 public interest disclosure means a disclosure to a journalist or parliamentarian, where the whistleblower:

- a. has previously disclosed the information to a regulator (the initial disclosure), and 90 days has passed since that disclosure

- b. does not have reasonable grounds to believe that action is being taken in relation to the initial disclosure
- c. has reasonable grounds to believe that making a further disclosure to a journalist or a parliamentarian would be in the public interest
- d. has given written notification to the regulator that they intend to make a public interest disclosure in relation to the information contained in the initial disclosure, and
- e. the information to be disclosed is no greater than necessary to inform the journalist or parliamentarian of the improper state of affairs to which the initial disclosure related.

9.1.10 regulated entity includes companies, foreign corporations, trading or financial corporations formed within the limits of the Commonwealth, Authorised Deposit Institutions, insurers, life companies, superannuation entities and other prescribed entities.

9.1.11 regulator means:

- a. the Australian Securities and Investments Commission (ASIC);
- b. the Australian Prudential Regulation Authority (APRA); or
- c. any other Commonwealth body that is prescribed by the regulations.

9.1.12 tax affairs means all affairs or activities in relation to taxes imposed, assessed or collected by or under all tax laws administered by the Commissioner.

9.1.13 tax disclosure means a disclosure by a tax whistleblower:

- a. which may assist the Commissioner to perform their functions or duties under a tax law in relation to the tax entity;
- b. where the whistleblower has reasonable grounds to suspect that the information indicates misconduct, an improper state of affairs or circumstances, in relation to Hope Economy's tax affairs; and
- c. may assist the tax recipient to perform their functions or duties in relation to Hope Economy's tax affairs,

but does not include:

- d. information about purely workplace issues that do not suggest misconduct or an improper state of affairs with regards to Hope Economy's tax affairs.

Examples of tax disclosures include details of non-compliance with a tax law, tax evasion, tax avoidance schemes, unexplained wealth or other tax- related misconduct.

9.1.14 tax entity means an individual, company, partnership, trust and superannuation entity, and/or includes Hope Economy.

9.1.15 tax law means:

- a. an Act of the Commonwealth of which the Commissioner of Taxation has general administration, or a legislative instrument made under that Act; or
- b. the *Tax Agent Services Act 2009 (Cth)*, or a legislative instrument made under that Act;
- c. income tax and capital gains tax laws
- d. Goods and Services Tax legislation, and
- e. Fringe Benefits Tax legislation.

9.1.16 tax recipient includes:

- a. an officer or employee of Hope Economy
- b. the Commissioner
- c. a registered tax agent or Business Activity Statement agent who provides services to Hope Economy
- d. an auditor conducting an audit of Hope Economy's financial or tax affairs
- e. a legal practitioner, where the disclosure is made for the purposes of obtaining legal advice or representation on the operation of the Part 2 of the Whistleblower Provisions, and
- f. the Whistleblower Officer.

9.1.17 tax whistleblower means a person who makes a tax disclosure about Hope Economy (a tax entity) to a tax recipient, but is not required to have specific knowledge of tax laws, or the functions or duties of the Commissioner, and includes:

- a. a whistleblower
- b. a spouse, child or dependent of a whistleblower or their spouse
- c. any other individual prescribed by the Whistleblower regulations.

For example, a tax whistleblower includes a registered tax agent, volunteer, intern or other unpaid worker, in circumstances where they supplied services to Hope Economy, as well as shareholders of Hope Economy.

9.1.18 whistleblower includes a current or former:

- a. officer, employee or associate of Hope Economy, or

- b. individual who supplies goods or services (whether paid or unpaid) to Hope Economy, or an employee of a company which supplies goods or services (whether paid or unpaid) to Hope Economy, or a relative, dependent or spouse of an individual referred to in 9.1.19 (a) or (b) above who makes a disclosure to a regulator or to an eligible recipient.

9.1.19 Whistleblower Officer is Hope Economy's nominated eligible recipient for the receipt of whistleblower and tax whistleblower reports.