

Introduction

At the core of our purpose “to provide a workplace founded on Our Guiding Principles where our people can learn and grow to their highest potential” are our valued employees.

Fairbrother is committed to the highest standards of conduct and ethical behaviour in all our business activities and to promoting and supporting a culture of honest and ethical behaviour, good corporate governance and compliance.

Imperative to this commitment is our unwavering support and encouragement for the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving Fairbrother businesses and to provide protections and measures so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage, or reprisal.

We encourage individuals to speak up and report any actual or suspected issues of wrongdoing or misconduct. We are committed to fostering a safe speak up culture and we will protect you when you speak up. You can choose to provide your details or remain anonymous and in all circumstances, we will treat your identity, and the information you provide, in the strictest of confidence. We will only share your name and the information you provide with your consent or if the law requires it.

We have developed this Policy, having regard to the relevant legal requirements and current best practices relating to the protection of whistleblowers in the Corporations Act 2001 (Cth), Taxation Administration Act 1953 (Cth) and ASIC’s Regulatory Guide 270 Whistleblower Policies.

Who is a Whistleblower?

A Whistleblower can be a current or former employee, director, officer, subcontractor or supplier of goods or services to Fairbrother, a consultant or business associate or a volunteer. It also applies to relatives, dependents or spouses of any of these people (Eligible Whistleblowers).

This Policy does not apply to third parties (other than Eligible Whistleblowers) including without limitation customers of Fairbrother. While not covered by this policy non-eligible parties should not be discouraged from submitting a complaint if they deem it warranted to info@fairbrother.com.au.

Our Shared Responsibility

Everyone who works for Fairbrother is expected to respect our core values, our guiding principles, our policies and procedures, professional standards and laws and regulations. We all also have a responsibility to speak up via any of the many channels available when you suspect something does not look or feel right.

Your first contact ideally should be to your respective Divisional Manager, but please direct your concerns to any Eligible Recipient you trust. If you do make a report under this policy we have a responsibility to protect you and make sure you are not subject to any form of Detrimental Conduct.

What is Unethical, Illegal, Fraudulent or Undesirable Conduct?

You have reasonable grounds to suspect that an employee (including a Director or Senior Manager), contractor, supplier, or any other person who has business dealings with Fairbrother has engaged in conduct which:

- is dishonest, fraudulent or corrupt;
- is illegal activity (such as theft, violence, harassment, criminal damage to property, breach of competition and consumer law, breach of privacy law or other breaches of state or federal law);
- is unethical or in breach of Fairbrother’s policies;
- is potentially damaging to Fairbrother, a Fairbrother employee or a third party (such as unsafe work practices, environmental damage etc);

- amounts to an abuse of authority or is a conflict of interest;
- may cause financial loss to Fairbrother or damage its reputation; and/or
- involves any other kind of misconduct or an improper state of affairs or circumstances.

Disclosures

While not mandatory, we would prefer disclosures to be in writing where possible to ensure there is the least chance of any misunderstanding. Disclosures if possible should contain, as appropriate, details of the allegations including the nature of the wrongdoing, the person/s involved, and the evidence that exists.

In contemplating the use of this Policy a person should consider whether the matter of concern may be more appropriately raised under the Company's Grievance and Dispute Resolution Procedure or Workplace Behaviour Procedure.

A disclosure of information by an individual concerning a personal work-related grievance does not qualify for protection, except where the grievance is about a breach of the whistleblowing protections.

In particular, a grievance about any matter in relation to the discloser's employment, or former employment, having (or tending to have) implications for the discloser personally will not qualify where it does not have significant implications for the Company.

Examples of grievances that may be personal work-related grievances are:

- an interpersonal conflict between the discloser and another employee;
- a decision relating to the engagement, transfer or promotion of the discloser;
- a decision relating to the terms and conditions of engagement of the discloser; and
- a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

A disclosure concerning a personal work-related grievance that is made to a legal practitioner may qualify for protection.

Investigation of Disclosures

The Company will investigate all disclosures made by a person under this Policy as soon as reasonably practicable after the disclosure has been made. The Company may, with the consent of the whistleblower, appoint a person/s to assist in the investigation of a disclosure.

The investigation will be conducted independently of any person who is the subject of the disclosure. Where appropriate, such persons will be informed of the allegations and provided with the opportunity to respond.

While the particulars of the investigation process will be determined by the nature and substance of the disclosure, if the disclosure is not anonymous, an investigator will contact the whistleblower as soon as practicable upon receipt of the disclosure to discuss the investigation process including who may be contacted and such other matters as are relevant to the investigation.

Where appropriate, the Company will provide feedback to the whistleblower regarding the progress and/or outcome of the investigation. Where a report is submitted anonymously, the Company will conduct the investigation based on the information provided.

Protections and Support

The Company will support whistleblowers and protect them from detriment in the following ways:

(a) Protection from detrimental conduct

The Company will ensure no person on its behalf victimises or threatens, whether express or implied or conditional or unconditional, detrimental action against a person because of a disclosure that qualifies for protection under this Policy.

If a person makes such a disclosure they will not be subject to any disciplinary or other detrimental action by the Company.

This includes, but is not limited to, protection from:

- i. termination of employment;
- ii. performance management;
- iii. alteration of an employee's position or duties to their disadvantage;
- iv. harassment or intimidation;
- v. unlawful discrimination;
- vi. damage to a person's property;
- vii. damage to a person's reputation;
- viii. damage to a person's business or financial position
- ix. enforcement or exercise of a contractual or other remedy;
- x. termination of a contract to which the person is a party, on the basis that the disclosure constitutes a breach of the contract.

(b) Protection of the identity of the Whistleblower

Where the Company obtains information, directly or indirectly, because a person makes a disclosure of information that qualifies for protection under this Policy, the Company shall not divulge either the identity of the discloser, or information that is likely to lead to the identification of the discloser, except where it does so:

- i. to ASIC; or
- ii. to a member of the Australian Federal Police; or
- iii. to a Commonwealth authority, or a State or Territory authority, for the purpose of assisting the authority in the performance of its functions or duties; or
- iv. to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of this Policy; or
- v. with the consent of the discloser; or
- vi. as reasonably necessary for the purposes of investigating the matter and without divulging the identity of the discloser and where all reasonable steps are taken to reduce the risk that the discloser will be identified as a result.

(c) Protection of other persons

Where the Company obtains information that qualifies for protection under this Policy, the Company will ensure fair treatment of its employees who are mentioned in qualifying disclosures, or to whom such disclosures relate, in the following ways:

- i. By not disclosing their identity, or information that is likely to lead to their identification, except where it does so for the purposes of (b)(i) to (iv) & (vi) above;
- ii. By applying the rules of procedural fairness to any investigation under this Policy; and
- iii. By dealing with individuals in a manner that is consistent with the Company's policies, procedures, and applicable laws and not authorising nor condoning behaviour or conduct toward them that is not similarly consistent.

(d) Additional support

The Company recognises that making a disclosure as a whistleblower can cause stress and anxiety.

If a person who makes a disclosure is an employee of the Company, they may access the Employee Assistance Program/Confidential Counselling Service, details below, and may also request additional support.

CLS (Tas)	1300 132 098	chooselifeservices.org.au
Newport & Wildman (Vic)	1800 650 204	newportwildman.com

Whilst the Company may not be able to provide the same level of counselling support to non-employee whistleblowers, the Company will look at ways to provide support to the extent reasonably possible.