



WHISTLEBLOWER POLICY

Brien Holden Vision Institute Limited (BHVI)

1. Policy Objective and Application

BHVI is committed to the highest standards of legal, ethical and moral behaviours. BHVI is committed to having a workplace that promotes accountability and transparency, providing a supportive work environment where misconduct and complaints can be raised without fear of retribution, through its fair and transparent whistleblowing procedures and training.

This Whistleblower Policy (“**Policy**”) is designed to comply with BHVI’s legal obligations under the *Corporations Act 2001 (Cth)* (the **Act**) and to assist you to make a disclosure or report information about any misconduct or suspected misconduct of BHVI (or anyone connected to BHVI, including in a voluntary capacity) freely and without fear of detriment.

This Policy applies to all employees, officers, associates of, directors of, suppliers and contractors providing goods or services to BHVI. References to BHVI includes BHVI’s related entities. The Policy is published on BHVI’s website and available in hard copy on request.

Contents

There are four (4) key Principles underpinning this Policy:

- Principle 1 – *Misconduct or improper state of affairs***
- Principle 2 – *Detriment or harm***
- Principle 3 – *Whistleblower to act on reasonable grounds***
- Principle 4 – *Protections, compensation and remedies***

The Policy also contains the following sections:

- Section A. Who can make a disclosure and be protected**
- Section B. Who can you make disclosure to and be protected**
- Section C. What conduct is covered**
- Section D. Making a disclosure**
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2. Principles

Principle 1 - *Misconduct or improper state of affairs*

All employees or officers of BHVI or anyone contracting to provide goods or services to BHVI **must not** engage in any conduct that amounts to *misconduct* or *an improper state of affairs* in the course of their engagement and involvement with BHVI.

BHVI will consider and take appropriate disciplinary action against a person found to have breached a principle of this Policy.

Principle 2 – *Detriment or harm*

BHVI will not tolerate any detriment from a BHVI employee or contractor (**offender**) that is inflicted on you (or another person) because you (or someone else) has either made a disclosure or the offender suspects that you have (or someone else has) or might make a disclosure in the future. Protection against detriment also

extends to any individual conducting, assisting or participating in an investigation. The *protections, compensation and remedies* available to you will apply whether or not a disclosure has been made. It is enough to show that detriment was inflicted due to the offender's belief or suspicion that a disclosure has or might be made by you (or someone else).

Examples of detrimental conduct include:

- Retaliation, dismissal, suspension, demotion, or having your engagement with BHVI terminated;
- Harassment, threats or intimidation;
- Discrimination, subject to current or future bias or derogatory treatment;
- Injury in employment, harm (including psychological harm);
- Damage or threats to property, business, financial position or reputation; or
- Revealing your identity as a whistleblower without your consent or contrary to law.

Principle 3 – Whistleblower to act on reasonable grounds

As long as you have reasonable grounds for your concerns, BHVI will take all reasonable steps to support and protect you in making a disclosure or report.

Note: "Reasonable grounds" means that a reasonable person who knows the same information that is available to you would also share your concern, belief or suspicion that the conduct in question amounts to misconduct.

Principle 4 – Protections, compensations & remedies

The Act recognises importance and benefits that whistleblowing brings to the maintenance of corporate transparency and good governance. The law therefore encourages this practice by offering extensive protections to whistleblowers. So if you wish to disclose misconduct or suspected misconduct, provided you act on reasonable grounds, you will be protected in the following way:

- (1) Your identity will be kept confidential and you can make a disclosure anonymously;
- (2) You will have immunity against civil litigation or criminal proceedings initiated against you; and
- (3) You will be protected against any detriment and will be able to claim for compensation to the extent that you suffer any detriment.

Note: If an investigation finds your own conduct as constituting misconduct the protections will not be available to you. You will not have immunity against civil or criminal proceedings initiated against you and BHVI may take disciplinary action against you.

3. Scope

A. Who can make a disclosure and be protected?

The Act uses a term "Eligible Whistleblowers", and these are:

1. an employee or officer of BHVI; or
2. a person contracted to BHVI for the provision of goods or services (whether paid or unpaid) and including employees or subcontractors where that person is a corporation;
3. an individual who is an associate of BHVI
4. a relative or spouse of the individuals referred to in any of paragraphs (1) to (3) above;
5. a dependant of an individual referred to in any of paragraphs (1) to (3), or of such an individual's spouse;
6. an individual prescribed by the regulations for the purposes of this paragraph in relation to BHVI.

If you are one of these individuals (or have ever been in the past) and as long as you have reasonable grounds for disclosing or making a report about the misconduct or suspected misconduct, you are protected from such disclosure or report.

B. Who can you make a disclosure to and be protected?

If you have reasonable grounds about actual or suspected misconduct on the part of BHVI or anyone associated with BHVI (eg. Employee, contractor, director), BHVI encourages you to come forward.

BHVI has designated the following **Whistleblower Protection Officers (WPOs)** who are authorised by BHVI to receive disclosures or reports.

- **Manager HR**
- **Principal Solicitor**

The Act specifies other individuals to whom you can make a disclosure in relation to BHVI, “Eligible Recipients”, which includes an officer of BHVI or an auditor or member of an audit team conducting an audit of BHVI.

C. What conduct is covered?

Although misconduct can include a wide range of behaviours, this Policy does not cover all types of concerns that you may have. For example, this Policy does not include conduct that relates to a *personal work-related grievance*, unless such grievance also includes matters concerning detrimental conduct arising from a whistleblower report or disclosure.

The type of information that qualifies for protection when disclosed by an individual to an appropriate person, is information which the discloser has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to BHVI or a related body corporate of BHVI. This includes engaging in conduct that:

- constitutes an offence or contravention of provisions of the Act and the ASIC Act;
- constitutes an offence against any other law of the Commonwealth punishable by imprisonment for a period of 12 months or more; or
- represents a danger to the public or the financial system.

Examples of what might also amount to misconduct include:

- issues of honesty and integrity, including internal fraud, theft, bribery and corruption;
- improper payments and donations; and
- breaches of privacy or confidentiality.

4. Processes

D. Making a disclosure

BHVI recommends that your initial point of contact be through one of the WPOs. You can contact any of the WPOs by the following email: whistleblower@bhvi.org or by calling 02 9385 7599 or 02 9385 7376.

- You can make the report confidentially or anonymously. If you contact BHVI by phone, you will be asked whether you wish to remain anonymous or if whether you give any qualified consent to BHVI in having any aspect of the information you provide to any other officer within BHVI or any third party.
 - BHVI prefers disclosures/reports to be made on a confidential basis rather than anonymously as this assists BHVI to carry out thorough and more accurate

investigations whilst being able to remain in contact with you and keep you updated of any status into an investigation.

- BHVI will not be able to notify you of the progress or outcome of any disclosure/report where this is made anonymously and strongly recommends you offer BHVI a channel whereby BHVI may be able to communicate with you in the course of any investigation.
- **Conflict of Interest.** If your concern relates to conduct of a **WPO**, your initial point of contact with BHVI should be directed to the **Chief Executive Officer (CEO)**. You can make the report by phone or in writing. If in writing and addressed to the **CEO**, it is important that you mark the letter **“strictly confidential”**.

Disclosures made to the public

In some **limited** circumstances you may make a public disclosure of misconduct. The public disclosure must be a matter of public interest or a matter of emergency and a number of requirements must be satisfied and certain steps taken to qualify for the protections available to you when making a public disclosure. You will not be protected and may be subject to liability and be sued personally for disclosing information where you do not satisfy all of the required criteria prescribed by the Act.

These circumstances are set out in the Act and are confined to a disclosure to a journalist or a member of Parliament. Protection does not extend to disclosures on social media or to members of the general public.

E. What you will need to provide when making a disclosure

You will need to provide details about:

- the nature of the conduct concerned;
- the person(s) responsible for the conduct concerned;
- the facts forming the basis of your reasonable belief that the conduct concerned has occurred or is occurring; and
- the nature and whereabouts of any further evidence (if known) that would substantiate the concern or allegation.

F. What happens next

BHVI through its **WPO** will in consultation with the **CEO** where appropriate:

- attend to each enquiry in a professional and timely, fair and impartial manner;
- create and assign a unique case number to the Case;
- assess your disclosed information and consider any conflicts of interest;
- determine whether to conduct or dismiss an investigation.

If an investigation is commenced the WPO:

- may appoint an internal or external investigator to carry out the investigation in accordance with the confidentiality requirements;
- will notify you when an investigation is underway and advise you of the Case Manager assigned to your Case. keep you updated as appropriate of investigation progress and outcomes.
- ask you to provide a channel of communication (where disclosing anonymously) to enable you to remain informed and allow BHVI to seek additional information from you, should this assist with all enquiries and investigations.
- securely retain all information and records of an investigation, restricting it to those authorised to receive or access it to maintain confidentiality;

All authorised persons involved in the investigation are required to act impartially and competently.



Investigation Outcomes: All individuals implicated in a report will have the opportunity to respond to allegations before an investigation is concluded or disciplinary action is taken.

BHVI will issue a report of any concluded investigation. Such report shall remain confidential. Where you have identified yourself to BHVI, a high level summary of the report may be provided to you, at BHVI's sole discretion. If you remain unsatisfied with the action taken after making a disclosure, you may contact the CEO to request a review.

G. How BHVI will support and protect you

- (1) Confidentiality. BHVI has put in place whistleblowing reporting and investigations processes, checks and balances to ensure that your identity remains confidential and limited to the recipients authorised to receive such information. To this end, relevant staff will have regular training to ensure that these processes are strictly observed.

BHVI will only disclose your identity to a government authority or the federal police if required by law or if you have previously provided your consent to the disclosure. If you have chosen to remain anonymous BHVI will respect your wish to remain anonymous.

- (2) Legal Proceedings. Where you have made a disclosure in accordance with this Policy, BHVI will do all things reasonable to support your legal protection and defence against any law suit initiated against you (whether civil or criminal) as a result of your lawful disclosure. You will not have this protection in circumstances where there is a finding that you are also implicated in the misconduct.
- (3) No fear of detriment. To deter detrimental conduct and protect you, BHVI may respond to a non-compliance of this Policy by taking disciplinary action against the person engaged in detrimental conduct. If you have suffered detriment or fear of suffering detriment as a result of what you have or wish to disclose you should notify BHVI immediately to enable BHVI to investigate the conduct without delay and to be in a position to minimise any damage.

You can notify us by phone 02 9385 7516 and request to make a report to the WPO, or by email to whistleblower@bhvi.org or directed to the Whistleblower Protections Officer (WPO), c/- BHVI Level 4, North Wing, Rupert Myers Building, Gate 14, Barker Street, UNSW Sydney 2052.

- (4) Consequences of detrimental conduct and breach of this Policy. BHVI will take all reasonable steps to have the detriment cease immediately pending the investigation. BHVI's primary aim during any investigation is to ensure that you feel safe and free from harm.
- (5) Regular staff training In addition to enforcing this Policy, BHVI will deliver periodic training to its officers and staff on the whistleblowing protections provisions to ensure that everyone is aware of their legal rights and obligations and are aware of the seriousness of the sanctions imposed for breaches of law and of this Policy. All associated procedures designed to raise awareness of employee and employer rights and obligations are incorporated into BHVI's Employee Handbook which is available to all staff and referenced in its induction processes.
- (6) EAP Service. BHVI offers its employees Access EAP, an employee assistance program for work-related or personal concerns. You can contact them on 1800 818 728 or via the website accesseap.com.au

H. BHVI's associated procedures

BHVI associated procedures, codes of conduct and other policies are incorporated in BHVI's Employee Handbook, revised periodically and circulated to all internal staff. BHVI encourages you to consult the policies and codes of conduct contained in its Employee Handbook to assist you in coming forward with any information relevant to matters it seeks to handle.

*****END OF POLICY*****

If you have any questions or concerns with this Policy, please contact the WPO at whistleblower@bhvi.org.

Approval and revision history

POLICY					
Policy Version No	Approved by:	Approval Date:	Effective Date:	Next Review date:	Sections Modified
1.0		2 December 2019	1 January 2020		N/A

BHVI's related policies are the Code of Conduct; Employee Handbook; Privacy Policy