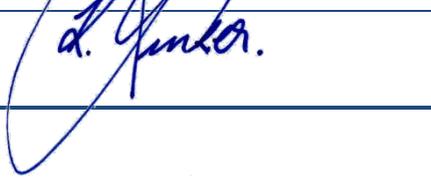




## WHISTLEBLOWER PROCEDURE

**HR-PRO-008**

REV: 0

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## 1. Purpose

Pensar is committed to fostering a culture of honesty, fairness and integrity. Pensar recognises the importance of ensuring a safe, supportive and confidential environment where people feel confident about reporting wrongdoing and are supported and protected throughout the process.

The purpose of Pensar’s Whistleblower Policy and this Whistleblower Procedure is to provide very clear guidelines on how people can speak up when they see activity or behaviour that they feel is wrong. In doing so, we aim to:

- encourage more disclosures of wrongdoing
- help deter wrongdoing, in line with Pensar’s risk management and governance framework
- ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported
- ensure disclosures are dealt with appropriately and on a timely basis
- to provide transparency around the Company’s framework for receiving, handling and investigating disclosures
- support Pensar’s values, code of conduct and ethics policy
- support Pensar’s long-term sustainability and reputation
- meet Pensar’s legal and regulatory obligations

## 2. Definitions

<b>WPO</b>	Whistleblower Protection Officer
<b>WBS</b>	Whistle Blowing Services
<b>ASIC</b>	The Australian Securities and Investments Commission

## 3. Application

### 3.1 Who the policy applies to?

The following are considered an “eligible person” and fall under Pensar’s Whistleblowing Policy and this Procedure:

- All employees
- Contractors, consultants, service providers, suppliers, business partners
- Former employees

The policy and procedure apply to all Pensar’s entities, business units and offices. It also applies across all jurisdictions where we operate. If local legislation, regulation, or laws provide a higher level of protection than what is included in this policy, the local legislation will take precedence.

### 3.2 Matters the policy applies to

The Whistleblower scheme is not designed to resolve personal grievances about workplace issues or employment decisions unless the grievance relates to victimisation because of a previous protected disclosure. Personal work-related grievances should be directed to Human Resources.

Whistleblowing reportable conduct includes:

- Dishonest, corrupt, or illegal activities within the business
- Fraud, theft or misappropriation of company funds or property

- Unethical conduct by a person employed by Pensar Pty Ltd
- Offering or accepting bribes in the course of business
- The inappropriate use of company resources
- risk to the health and safety of workers or clients
- sabotage or violence
- drug and alcohol sale or use outside company policy
- any attempt to cover up serious wrongdoing
- conduct that may be detrimental and cause financial loss to the business

The disclosure must be made in good faith. The WPO may decline to investigate a Whistleblower disclosure where:

- the alleged conduct is not a disclosable matter to be dealt with under relevant Whistleblower legislation
- the whistleblower disclosure is not made in good faith or is frivolous, vexatious, or malicious
- there is insufficient information to allow the WPO to properly investigate the matter and after seeking additional information or undertaking further enquiries, the WPO is unable to identify a matter that is covered by this policy
- the subject matter of the whistleblower disclosure has previously been properly dealt with and resolved
- solely relates to a grievance

Employees wishing to raise personal work-related grievances or other types of concerns that are not covered by the Whistleblower Policy and Whistleblower Procedure, are able to do so by following the Grievance Policy and Grievance Procedure.

Additionally, it's important to note that a person reporting a disclosable matter can still qualify for protection as a Whistleblower even if their disclosure turns out to be incorrect.

### **3.3 Confidential and Anonymous Disclosures**

Sometimes people may not wish to disclose their identity when they report a serious breach or alleged wrongdoing that has taken place within the business. Where an anonymous disclosure is supported by sufficient evidence, it may justify an investigation.

Under the Privacy Act a whistleblowers identity is considered 'personal information'. Their information remains confidential unless the individual consents in writing for their identity to become public. It is illegal to identify a Whistleblower or disclose information that is likely to lead to the identification of the Whistleblower, unless exceptions apply.

Instances where the whistleblowers identity maybe disclosed include where information is required to be provided to Police in order to enforce criminal law. It is essential that no confidential information be leaked. Not only would the leaking of confidential information may compromise any investigation, but also it will undermine the essential relationship of trust within the business.

### 4. Practice

#### 4.1 Who Can Receive a Disclosure

An eligible person who knows of information and has reasonable grounds to suspect the information concerns misconduct, or an improper state of affairs or circumstances, in relation to the Company will have legal protection under the Act and the Whistleblower Policy if they disclose that information to:

- The third party Pensar has appointed: Whistle Blowing Services (WBS)
- The following persons authorised by Pensar Pty Ltd to receive disclosures, also known as Whistleblower Protection Officer's (WPO):

*Tamika Aitken, via 0409 544 109 or [tamika.aitken@pensar.com.au](mailto:tamika.aitken@pensar.com.au)*

*Samantha Samuels via 0416 046 099 or [sam.samuels@pensar.com.au](mailto:sam.samuels@pensar.com.au)*

*Andrew Vigliante via 0427 172 864 or [andrew.vigliante@pensar.com.au](mailto:andrew.vigliante@pensar.com.au)*

*Jane Death via 0408 201 129 or [jane.death@pensar.com.au](mailto:jane.death@pensar.com.au)*

- A Company Director or Manager
- The Australian Securities and Investments Commission (ASIC) or another Commonwealth body prescribed by regulation and qualify for protection under the Corporations Act

#### 4.2 Protection for Whistleblowers

A Whistleblower must be protected from any real or threatened detriment as a result of coming forward with their disclosure.

The WPO must ensure where possible that persons who make Whistleblower disclosures are protected from any perceived, threatened or actual victimisation or detrimental action as a result of making a disclosure.

#### 4.3 How to make a disclosure

If an eligible person would like to make a report, Pensar have different channels available where can be made.

##### 4.3.1 Confidential Online Reporting

Pensar have appointed a third party to receive confidential disclosures to assist with anonymity, protection of identity and confidentiality. Whistle Blowing Service (WBS) is available online anytime to receive a disclosure. This platform also allows for 2-way, anonymous communication as well as case management and data protection features.

How can you make an Online Report Disclosure?

WBS link <https://www.whistleblowingservice.com.au/pensar/>

To make an “**Online**” report please click on the ‘**Make a Report**’ button. You will need the following details to submit your report:

Unique Key	<b>Pensar2020</b>
Client Reference Number	<b>kybh2020</b>

### **4.3.2 Pensar's Whistleblower Protection Officers**

You can send a disclosure to one of the below WPOs via email or telephone. Every precaution will be taken to ensure confidentiality and protection to the Whistleblower.

- Tamika Aitken - Email: [tamika.aitken@pensar.com.au](mailto:tamika.aitken@pensar.com.au) or phone: 0409 544 109
- Sam Samuels – Email: [sam.samuels@pensar.com.au](mailto:sam.samuels@pensar.com.au) or phone: 0416 046 099
- Andrew Vigliante – Email: [andrew.vigliante@pensar.com.au](mailto:andrew.vigliante@pensar.com.au) or phone: 0427 172 864
- Jane Death – Email: [jane.death@pensar.com.au](mailto:jane.death@pensar.com.au) or phone: 0408 201 129

### **4.3.3 ASIC Customer Contact Centre**

You can contact ASIC via Telephone or Website

- 1300 300 630 (for calls made within Australia)
- + 61 3 5177 3988 (for calls made outside Australia)
- <https://asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/>

## **4.4 Handling and investigating a disclosure**

Pensar will need to assess each disclosure to determine whether:

- It qualifies as a disclosure under this procedure
- A formal, in-depth investigation is required

It is important for Pensar to be transparent with our employees and outline what is the process for us to investigate a report submitted through our whistleblowing channels.

It is important to highlight that without the discloser's consent, Pensar cannot disclose information that is likely to lead to the identification of the discloser as part of its investigation process.

Pensar may not be able to undertake an investigation if it is not able to contact the discloser (e.g. if a disclosure is made anonymously and the discloser has refused to provide, or has not provided, a means of contacting them).

In practice, Pensar's WPO may investigate a disclosure and request for consent to a limited disclosure. Pensar may also investigate a disclosure by conducting a broad review on the subject matter or the work area disclosed. In addition, it could investigate an anonymous disclosure, even if it cannot get in contact with the discloser, if the discloser has provided sufficient information to Pensar and Pensar removes information that is likely to lead to the identification of the discloser.

### **4.4.1 Investigating a disclosure**

Pensar encourage the use of Whistle Blowing Services (WBS), as this service assists Pensar with maintaining protections to the whistleblowers and the disclosure.

Upon a disclosure being received, WBS will supply a report to one of Pensar's WPO with the details of the disclosure, however, the identity of the Whistleblower will not be provided without the appropriate consent.

An initial assessment will be conducted by the appointed WPO and a senior member of Pensar to confirm the validity of the report and review of relevant background information. This can include review of policies, procedures, and code of conduct to determine the breach. Any relevant documentation and systems may be used as evidence as well as previous reports or investigations.

#### **4.4.2 Access the evidence**

After an investigation is launched and all evidence is finalised, an consultation may be prepared. This discussion is to allow the party an opportunity to respond to the allegations. This consultation will be documented on **HR-FRM-028** (Whistleblower Consultation File Note) and recorded on the appropriate file.

The WPO and selected Pensar senior member, will consider the consistency, reliability and credibility of each person. There will be an affirmation of the connection between the evidence and the findings of the allegations. The investigation report will contain all evidence gathered during the in investigation and kept on file.

#### **4.4.3 Finalising the investigation**

Once the consultation is finalised, it will be presented to the Board of Directors for their full consideration on the information provided in the report and a decision on the next course of action. The WPO must ensure that the issue raised has been addressed, identify the balance of probabilities and if there is evidence that the allegation is likely to occur again. The WPO is responsible of ensuring measures are put in place to minimise the risk of the breach recurring.

The delivery of the final Whistleblower investigation report closes off the investigation process. Regardless of what action is taken, all parties need to be informed that the investigation process has concluded and the appropriate action in the circumstances will be taken.

It is important for entities to follow best practice in investigations. Investigations need to be objective, fair and independent, while preserving the confidentiality of the investigation. To ensure fairness and independence, investigations need to be independent of the discloser, the individuals who are the subject of the disclosure, and the department or business unit involved. Pensar may decide to undertake investigations jointly with an external investigation firm, if required.

#### **4.4.4 Updating the discloser**

Pensar encourage the use of WBS, as the discloser will receive a unique identifier to access the progress of the disclosure through the WBS website.

In the event the disclosure has been made to one of Pensar's WPO directly, Pensar's commitment is that while the investigation is ongoing, the Discloser will be provided with regular updates, if the discloser can be contacted (including through anonymous channels). The frequency and timeframe may vary depending on the nature of the disclosure. They will then be updated once the investigation has been closed.

Updates can include the following:

- Pensar has confirmed the receipt of a report from the Discloser
- Pensar has begun the investigative process
- The investigation is currently ongoing
- The investigation has been closed

Pensar will strive to provide as much feedback on the investigation as possible. However, due to privacy, there may be certain information that cannot be shared with the Discloser.

#### **4.4.5 Reporting to the Board of Directors**

The Board of Directors is updated every quarter on Pensar's whistleblowing program, inclusive of reports, investigations, and results. Reports or investigations carrying an undue amount of risk will be reported to the Board of Directors outside of the quarterly updates. The Board of Directors at any time can ask about anonymous reports, investigations, as well as the state of Pensar's whistleblowing program.

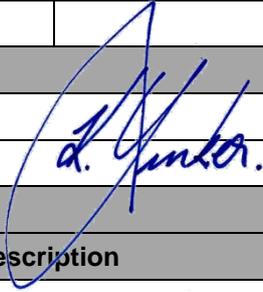
## **5. Ensuring fair treatment of individuals**

Pensar will ensure it has appropriate measures and/or mechanisms in place for ensuring fair treatment of individuals mentioned in a disclosure.

- All disclosures will be handled confidentially when it is practical and appropriate in the circumstances
- Each disclosure will be assessed and may be the subject of an investigation
- The objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported
- When an investigation needs to be undertaken, the process will be objective, fair and independent
- an employee who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and prior to any actions being taken
- an employee who is the subject of a disclosure may contact Pensar's Employee Assistance services (Veretis 1300 878 379).

Pensar may determine the most appropriate time to inform an individual who is the subject of a disclosure about the investigation, provided that the individual is informed before making any adverse finding against them. In some circumstances, informing the individual at an early stage of an investigation may compromise the effectiveness of the investigation, such as when there may be concerns that the individual may destroy information or the disclosure needs to be referred to ASIC, APRA, the ATO or the Federal Police.

**6. Document Control**

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Signature:			Date:	09/11/2020
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