

# Whistleblowing Policy

Swyftx Group

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## 1. Purpose

The purpose of this Policy is to:

- document and provide transparency around the way that Whistleblower Reports are handled within Swyftx;
- encourage people to disclose wrongdoing and to ensure those who do so feel safe and confident that they will be protected and supported;
- define roles and responsibilities in the management of Whistleblower Reports; and
- align with our legal and regulatory requirements.

This Whistleblower Policy is an important tool for helping Swyftx to identify wrongdoing that may not be uncovered without a safe and secure means for disclosing wrongdoing.

## 2. Scope

This Policy applies to employees and contractors of the Swyftx Group.

## 3. Definitions

**Disclosable Matter** means a matter that can (and should) be reported (see section 4.4) and is eligible for protection under applicable legislation.

**Eligible Recipient** means persons or methods that may receive lodgement of a Whistleblower Report (see section 5).

**Eligible Whistleblower or Whistleblower** means an eligible Whistleblower is a past or present:

- a) swyftx employee (including an employee who is full time, part time, fixed term, or temporary);
- b) company officeholder (including a director);
- c) company contractor, consultant, service provider, supplier or business partner, associate, or an employee of such party whether paid or unpaid (including an intern or secondee); or
- d) a spouse, relative or dependent of one of the people referred to above.

**Swyftx or Swyftx Group** means Swyftx Pty Ltd and its related entities.

**Whistleblower Investigation Officer (WIO):** General Counsel of Swyftx.

**Whistleblower Protection Officer (WPO):** Head of People & Culture of Swyftx.

**Whistleblower Report** means a Disclosable Matter reported by an Eligible Whistleblower.

## 4. Overview

### 4.1 Context

Swyftx encourages all its employees to speak up if they see behaviour that does not adhere to or align with Swyftx's values, or is suspected of breaching a law.

Swyftx is committed to a Whistleblowing Program that provides an environment that allows for the safe reporting of any conduct that is a suspected breach of law or contrary to Swyftx's values and policies, including its Code of Conduct.

## 4.2 Communication of Policy

A copy of this Policy will be made available:

- a) to all employees, and contractors, at induction;
- b) to all directors, officers, and responsible persons; and
- c) to all staff internally via internal intranet, at any time.

## 4.3 Disclosures that qualify for protection

If you make a Whistleblower Report you will qualify for protection if you are an **Eligible Whistleblower**, and your report is a **Disclosable Matter** that is made:

- a) Directly to an **Eligible Recipient** or to ASIC, APRA or another government body prescribed in the Corporations Act 2001 (Cth) (**Corporations Act**);
- b) alternatively, as prescribed in the Corporations Act 2001 (Cth), as a;
  - i. "emergency disclosure" which occurs when a substantial and imminent danger or dangers to the health or safety of one or more people or to the natural environment arises; or
  - ii. "public interest disclosure" which occurs when action to address concerns raised in an initial report made to ASIC, APRA or another government body as outlined in a) above is not being or has not been taken, following 90 days since the initial report, and reporting your concerns to a journalist or parliamentarian is in the public interest;
- c) as a **protected disclosure** under the Protected Disclosures Act 2022 (NZ);
- d) to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the Whistleblower provisions in any of the above legislation; or

## 4.4 What can (and should) be reported?

If you have reasonable grounds to suspect any behaviour or conduct that involves misconduct or an improper state of affairs or circumstances (which includes conduct that may not involve a contravention of a particular law) you should report this in accordance with this Policy. This includes conduct that is or which you consider may be:

- a) fraudulent;
- b) corrupt;
- c) dishonest;
- d) illegal;
- e) creating an unsafe environment;
- f) detrimental to Swyftx and could cause financial or non-financial loss;
- g) unethical;
- h) discriminatory;

- i) creating or could create a danger to the public or financial system, including harm to consumers;
- j) harassment and/or bullying of any kind;
- k) bribery;
- l) negligence;
- m) causing someone's health and safety to be in danger; or
- n) covering up wrongdoing.

#### 4.5 Disclosures that do not qualify for protection

It's important to know that not all matters will qualify for protection under applicable whistleblower legislation or this Policy, however, could be protected under other legislation, such as the Fair Work Act 2009 (Cth). You should also refer to our Complaint Policy and Procedure for more information regarding other types of complaints you may be able to make.

A disclosure that relates to a personal work-related grievance does not constitute grounds for making a Whistleblower Report, and therefore does not qualify for protection under the Corporations Act or other applicable whistleblower legislation. Personal work-related grievances are generally grievances relating to current or former employment or engagement of an individual (or that of a relative or dependent) that have personal implications for them solely but do not have any other significant implications for Swyftx or relate to any conduct about a Disclosable Matter.

These include interpersonal conflicts between employees, or a decision relating to employment or engagement, such as a transfer, promotion, or disciplinary action. Any personal work-related grievances should be raised with your manager, or the People & Culture Team.

An eligible whistleblower who makes a disclosure must have 'reasonable grounds to suspect' the information to qualify for protection. This means that even if a disclosure turns out to be incorrect, the protections will still apply, provided the eligible whistleblower had 'reasonable grounds to suspect' the protections applied.

## 5. Lodging a Whistleblower Report

If you would like to make a Whistleblower Report that qualifies for protection, you must make a report directly to an Eligible Recipient. You can do this by using any of the following channels:

- a) reporting via Swyftx's online Whistleblower portal via [swyftx | whistleblowingservice.com.au](https://swyftx.whistleblowingservice.com.au)
- b) speaking to or emailing the Whistleblower Protection Officer; or
- c) making a report to a Director, or Executive Management Team member of Swyftx.

Swyftx will respect and protect your identity if you choose to make an anonymous Whistleblower Report. You can choose to remain anonymous while making a Whistleblower Report, interacting during the investigation of your Whistleblower Report, as well as after your case is closed. At any given time you can identify yourself, but this is your choice and at no point do you need to do this or will you be forced to provide your identity. You can refuse to answer questions that you feel could reveal your identity at any time, including during follow-up conversations. If you wish to remain anonymous, you should maintain ongoing two-way communication with Swyftx to facilitate follow-up questions or provide feedback.

If you decide to disclose your identity, Swyftx will take steps to protect your identity. Swyftx will also take all steps necessary (as outlined in this Policy) to ensure you do not suffer any detriment.

Swyftx will make every endeavour to investigate your report, where possible and appropriate, but in some cases, there may be limitations to what can be achieved if you decide to remain anonymous.

## 5.1 How do I make an Online Whistleblower Report?

To make an online report please go to [swyftx | whistleblowingservice.com.au](https://swyftx.whistleblowingservice.com.au) and click on the 'Make a Report' button towards the bottom of the website. You will be redirected to the new page where you need to enter "Swyftx" in the 'Unique Key' field. Click on 'next' and follow the prompt. You will then be asked for your "Client Reference Number" which is "Swyftx2024".

# 6. Investigation Process

## 6.1 Whistleblower Protection Officer

Swyftx has appointed the Head of People & Culture to be the Whistleblower Protection Officer (WPO). The WPO will report directly to the Board or one of its nominated committees for the purposes of this Policy. The WPO's role is to safeguard the interests of **Eligible Whistleblowers** and ensure that the mechanisms in place under this Policy are met.

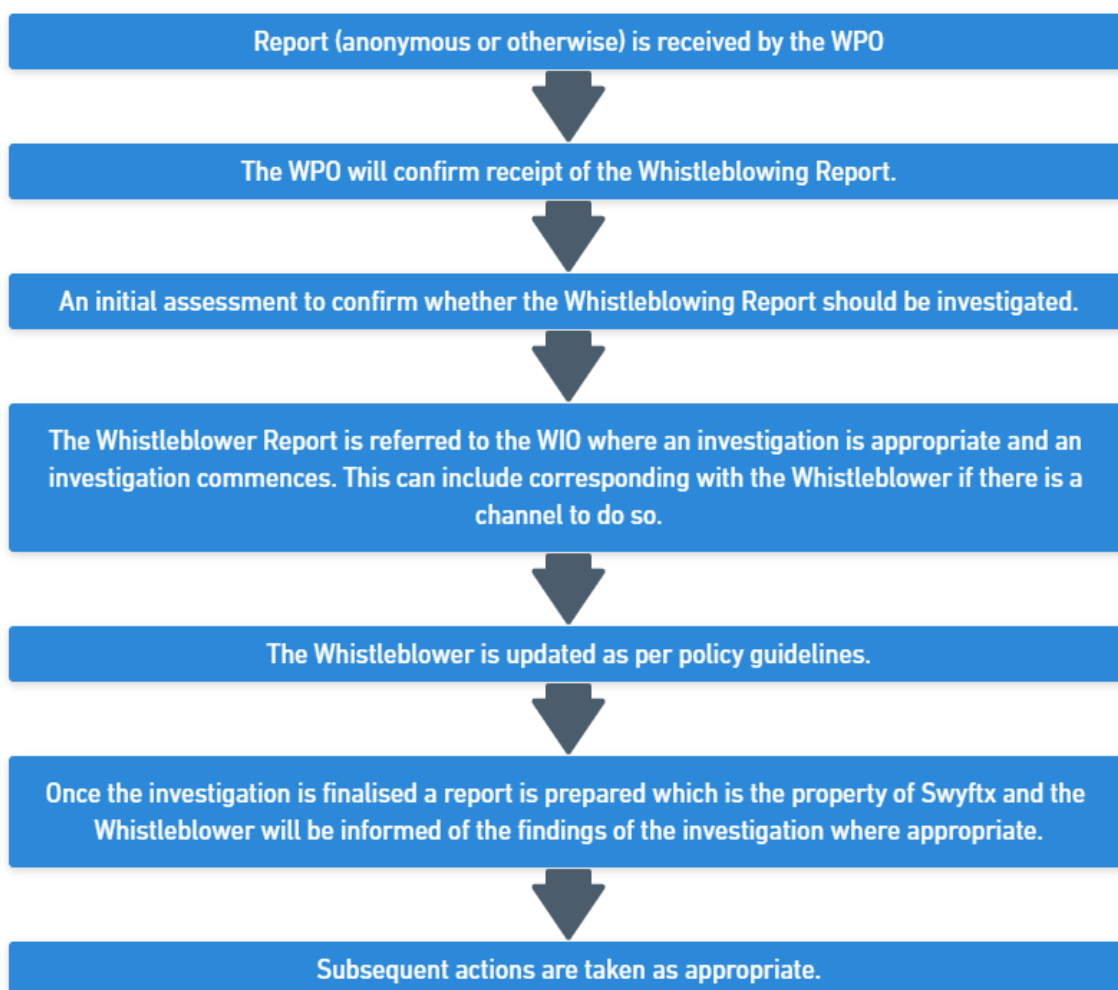
Once a Whistleblower Report has been received, the report will be assessed by the WPO who will determine whether the report should be investigated. If the report is to be investigated, it will be referred to the Whistleblower Investigation Officer (WIO). If a Whistleblower Report involves the WPO, the report will be immediately referred to and assessed by the WIO.

## 6.2 Whistleblower Investigation Officer

Swyftx has appointed the General Counsel to be the WIO. The WIO will report directly to the Board or one of its nominated committees for the purposes of this Policy. The WIO's role is to manage the investigation of Whistleblower Reports. If a Whistleblower Report involves the WIO, the WPO may choose either to investigate the report themselves or appoint an appropriate person internally (e.g. a senior manager) or externally to conduct the required investigation.

## 6.3 The investigation

This investigation flow applies regardless of where a Whistleblower Report is raised. The diagram below outlines the high-level steps Swyftx will apply once a report has been received.



#### 6.4 Using Third Parties

Swyftx may utilise third parties to carry out certain activities under this Policy. These third parties include:

- a) Whistleblowingservice.com.au: a third-party whistleblowing platform to leverage technologies that support Swyftx keeping the identity of its Whistleblowers anonymous (if requested). This platform also allows for two-way, anonymous communication as well as case management and data protection features;
- b) accounting Firms: a third-party accounting firm to undertake forensic investigating of specific reports; and
- c) investigative Firms: specialist investigative firms to investigate specific cases

#### 6.5 Updating the Whistleblower

As part of any investigative process the Whistleblower will be updated as to the progress of the investigation. These updates may include the following:

- a) confirming receipt of a Whistleblowing Report;
- b) advising that the investigative process has begun;

- c) providing updates on the investigation status (even if there has been no progress); and
- d) advising when the investigation has been closed.

Swyftx will share feedback on the investigation, where possible and appropriate. However, due to privacy or confidentiality requirements (or both), there may be information that cannot be shared with the Whistleblower, including providing details of the outcome of the investigative process. The frequency and timeframe of updates may vary depending on the nature of the disclosure.

## 6.6 Escalation

If the Whistleblower is not satisfied with a decision not to conduct an investigation into their concern or the findings of any investigation, they can escalate this to the Chief Executive Officer. The Whistleblower should provide this escalation in writing so that a formal review can take place. This should be made as a separate whistleblowing report to enable anonymity.

While the Chief Executive Officer commits to review the request, Swyftx is under no obligation to commence or reopen any investigation. If the Chief Executive Officer concludes that an investigation was appropriate or that the findings of any investigation were appropriate, the matter will be concluded.

# 7. How Whistleblowers Are Protected

## 7.1 Anonymity

After submitting a Whistleblower Report, the following is in place to protect a Whistleblower's identity:

- a) the Whistleblower has the right to remain anonymous and does not need to identify themselves at any time during the investigation process;
- b) Swyftx uses tools and platforms that help protect a Whistleblower's identity during and after submitting a report;
- c) at no time will Swyftx force the Whistleblower to reveal their identity; and
- d) the Whistleblower can refuse to answer questions they feel could identify them.

Swyftx may only disclose the identity of a Whistleblower:

- a) to ASIC, APRA, a member of the Australian Federal Police (AFP), or other permitted government agency and only as required or compelled to do so;
- b) to a legal practitioner (for the purposes of obtaining legal advice in relation to the Whistleblower provisions in the Corporations Act or other applicable legislation and only if necessary for that purpose); or
- c) with the consent of the Whistleblower.

## 7.2 Protection from detriment

Swyftx does not tolerate any retaliation or attempts to retaliate against a Whistleblower who has made, proposes to make, or could make a Whistleblower Report. Any director, officer, employee, contractor or



associated person that is found to engage in conduct that causes detriment to a Whistleblower will face disciplinary action, including the potential to be dismissed or disengaged.

Swyftx will do everything within its powers to protect the Whistleblower from detrimental conduct as a result of making the Whistleblower Report, including not allowing:

- a) termination or otherwise having their employment ceased;
- b) alteration of their duties to their disadvantage;
- c) harassment, intimidation, harm or injury during the course of employment;
- d) damage to property, reputation, financial position, or any other damage;
- e) discrimination; and
- f) any other action that can be perceived as retaliation for making a Whistleblower Report.

If a Whistleblower believes retaliation is near or imminent, or that they have been retaliated against, then the Whistleblower should contact the Whistleblower Protection Officer.

The Whistleblower Protection Officer will take all appropriate action to resolve the situation. Potential steps to protect a Whistleblower from a considered risk of retaliation can include:

- the Whistleblower or another person being directed to take leave;
- the Whistleblower being reassigned to other duties (that is not to their disadvantage); or
- the Whistleblower or another person being directed to undertake alternative work practices including working from home.

If the Whistleblower feels their report of retaliation was not resolved adequately, they can escalate this case in writing to the Chief Executive Officer and they will, where appropriate, investigate the matter and process undertaken to deal with the reported retaliation.

### 7.3 Compensation and other remedies

Whistleblowers (or any other employee or person) can seek compensation and other remedies through the courts if they suffer loss, damage, or injury because of a disclosure, and it is proven that Swyftx failed to take reasonable precautions and exercise due diligence to prevent such loss, damage or injury.

### 7.4 Protection from civil, criminal, and administrative liability

Whistleblowers are protected from any civil, criminal, and administrative liability, in relation to their disclosure. However, this protection does not grant immunity for any misconduct a Whistleblower has engaged in that is revealed in their disclosure or any subsequent investigation.

### 7.5 Protection and immunity for others

Other parties that might have to bear witness or are involved in the investigation will be protected from retaliation in the same manner as the Whistleblower.

Any parties allegedly involved in the conduct reported in the Whistleblower Report will be afforded an opportunity to respond to the allegations.

### 7.6 Separation of Issues

Swyftx will be able to still raise any issues related to work or performance related issues that arise in the ordinary course of a person’s employment or contractual relationship with Swyftx (for example, any separate performance or misconduct concerns). Swyftx can still raise any performance or conduct issues with a Whistleblower as long as they are not influenced by any Whistleblower Reports that have been made.

## 8. Reporting

The Board is regularly updated on Swyftx’s Whistleblowing Program, inclusive of summary information relating to reports, investigations, and results, which are de-identified, as required. Reports or investigations carrying an undue amount of risk may be reported to the Board outside of the usual updates. The Board at any time can enquire as to the state of the Swyftx’s Whistleblowing Program.

## 9. Roles and Responsibilities

Role	Responsibility
<b>Board</b>	<ul style="list-style-type: none"> <li>• receives updates and provides guidance on the Whistleblowing Program</li> <li>• endorses the Whistleblowing Program</li> </ul>
<b>Chief Executive Officer</b>	<ul style="list-style-type: none"> <li>• endorses the Whistleblowing Program</li> <li>• champions the Whistleblowing Program and overseeing the implementation and effectiveness of the program.</li> </ul>
<b>Whistleblower Protection Officer</b>	<ul style="list-style-type: none"> <li>• manages the Whistleblowing Program</li> <li>• determines whether a Whistleblower Report should be investigated and subsequently refers those reports to the WIO</li> <li>• provides support to Whistleblowers</li> <li>• prepares updates in relation to activities undertaken under this Policy for the Board, as required</li> </ul>
<b>Whistleblower Investigation Officer</b>	<ul style="list-style-type: none"> <li>• manages Whistleblower investigations</li> </ul>
<b>People &amp; Culture</b>	<ul style="list-style-type: none"> <li>• facilitates availability of the Whistleblower Policy</li> </ul>

## 10. Ongoing Review

This Policy will be reviewed at least annually to ensure that it is operating effectively and appropriately reflects how whistleblowing matters are managed at Swyftx. The review will also ensure that the Policy evolves in line with changes in the nature, scale and complexity of our business, and its operating and regulatory environments.

Attachments can be amended by management or the appropriate governance body, without the need to re-table the Policy document.

## 11. References

- Appendix: Protections for Whistleblowers provided by Australian law
- Code of Conduct
- Complaints Policy and Procedure
- Swyftx Values

## 12. Monitoring and Breaches

Swyftx verifies compliance with policies through monitoring and auditing.

It is crucial that you adhere to this Policy as non-compliance may be investigated and referred to People & Culture in accordance with the Underperformance Management Policy. Breaches of this Policy may result in disciplinary action.

## 13. Exemptions

Where an exemption to this policy may be required for business purposes, it should be raised through the GRC portal. The GRC team will review the proposed exemption.

### Revision Schedule

Version	Date	Description	Author(s)	Approver(s)	Signature (Initials)
V 1.0	21/12/2021	Initial Policy Creation	Compliance Manager	Head of Legal	N/A
V 1.1	16/1/2024	Material updates to Policy	Legal / GRC / P&C	EMT	In EMT Slack Channel

*Signature field must be filled in by the approver.*

## Appendix: Protections for Whistleblowers provided by Australian law

### How will I be protected if I raise a concern?

Two key protections inform all aspects of the Company's Whistleblower program.

**Confidentiality:** We protect the confidentiality of Whistleblowers who raise concerns. We do this by limiting how both your identity and information that is likely to lead to your identification is shared. Your identity will be kept confidential to the fullest extent possible and only shared as permitted by you or by law.

**Non-victimisation:** We protect Whistleblowers from detriment caused because they raised a concern or plan to raise a concern. We do not tolerate anyone threatening to cause or causing detriment to you because of your desire or decision to raise a concern. Doing so is taken seriously by the Company and may lead to disciplinary action.

The Company also provides a Whistleblowing Protection Officer to help support you and assist you with your report. Should you require any assistance, we encourage you to speak to the Whistleblowing Protection Officer. Further details of how we protect Whistleblowers is set out in the body of this policy.

In certain circumstances, these protections will also be enforceable under the Corporations Act or the Tax Administration Act (where a report relates to a breach of Australian tax law or tax-related misconduct).

Where those provisions apply, you are also protected from liability for making the report (either by way of civil, criminal or administrative legal proceedings, or contractual or other remedies being sought against you). Information you disclose cannot be used in legal proceedings against you (except for proceedings in relation to giving false information).

### **When will I be protected?**

The Company provides protections to Whistleblowers who raise concerns pursuant to this policy. The Company also provides these protections to any Whistleblower who makes a disclosure regarding a disclosable matter that is protected under law to:

- a director, officer or senior manager of the Company;
- an auditor, or a member of the audit team conducting an audit of the Company;
- an actuary of the Company;
- ASIC or APRA; or
- a legal practitioner, for the purpose of obtaining legal advice or legal representation in relation to your concern.

In limited circumstances, certain "public interest" or "emergency" disclosures made to a journalist or parliamentarian are also protected by law. It is important for you to understand the criteria for making a "public interest" or "emergency" disclosure. A disclosure must have previously been made to ASIC, APRA or a prescribed body and written notice provided to the body to which the disclosure was made. In the case of a public interest disclosure, at least 90 days must have passed since the previous disclosure. You should contact an independent legal adviser before making a "public interest" disclosure or an "emergency" disclosure.

### **What should I do if a protection is breached?**

The Company takes any breach of these protections seriously. Where you believe a breach has occurred, you should raise a concern with the Whistleblowing Protection Officer.

If you suffer detriment because you have or propose to raise a concern, you may be entitled to compensation or other remedies in some circumstances.

### **Is anything not covered by the Company's Whistleblower program?**

The Company's whistleblowing program and the protections under the Corporations Act or Tax Administration Act generally do not apply to personal work-related grievances. These are usually reports which relate to your employment.

Instead, these matters should be reported in accordance with the Company's [HR Policy].

However, this policy will still apply in some circumstances, such as where your concern:

- also includes information about misconduct (mixed report);
- relates to any detriment caused to you as a result of raising a concern regarding a disclosable matter;

- relates to breaches of a law of the Commonwealth, including that punishable by 12 months' imprisonment or more, or represents a danger to the public or the financial system; or
- has significant implications for Company.

A personal work-related grievance may also still qualify for protection if you have sought legal advice or representative about the operation of the Whistleblower protections under the Corporations Act. Where in doubt, you should make your report to an eligible recipient under this policy. They will make sure your report is dealt with under the right policy.

For New Zealand specific guidance, please visit the following website:

<https://www.ombudsman.parliament.nz/resources/making-protected-disclosure-guide-blowing-whistle>