



# Whistleblower Policy & Procedure

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This is supporting policy and procedure for the *Information Security Policy* section “*Whistleblower Anonymous Fraud Reporting*”.

## Policy Statement

Fandata Pty Ltd T/A Engine is committed to a culture of quality, compliance, and ethical behaviours. This Policy supports our Code of Conduct and Information Security Policy (AUP) underpinned by our values of Quality, Integrity, Unity, and Customer. This policy specifically outlines the process of reporting, and protections afforded to, eligible whistleblowers. Fandata Pty Ltd T/A Engine is committed to:

- encouraging individuals to disclose concerns relating to improper activity, conduct or wrongdoing;
- ensuring we provide an environment where individuals who disclose improper conduct, activity or wrongdoing feel they can do so within a safe and secure environment where their interests are protected;
- ensuring we are transparent in how we receive, handle, and investigate disclosures of improper conduct, activity or wrongdoing (and ensure that we meet our legal and regulatory obligations when doing so); and
- ensuring that any such disclosure(s) are used as an opportunity to improve our culture at Fandata Pty Ltd T/A Engine and deter behaviour amounting to improper conduct, activity or wrongdoing;
- regularly reviewing and updating this Policy and supporting tools.

Our policy and our approach allow anonymous disclosure to allow all people to raise concerns regarding unethical, unlawful or undesirable conduct.

## Protection of whistleblowers from detrimental acts or omissions

A whistleblower who makes a disclosure in good faith and on reasonable grounds to an eligible recipient will be protected by Fandata Pty Ltd T/A Engine from detrimental acts or omissions. In this context:

Term	Description
detrimental acts or omissions	May include, but is not limited to, any of the following: <ul style="list-style-type: none"> <li>• dismissal of an employee;</li> </ul>

	<ul style="list-style-type: none"> <li>• harm or injury to a person, including psychological harm;</li> <li>• alteration of an employee's position or duties to his or her disadvantage;</li> <li>• harassment or intimidation of a person; or</li> <li>• damage to a person's property or reputation</li> </ul>
disclosure	Means information shared by a whistleblower to an eligible recipient where the whistleblower has reasonable grounds to suspect improper activity, conduct or wrongdoing.
eligible recipient	Includes our Chief Financial Officer (external) and Chief Information Officer well as disclosure via a confidential third-party provider. Further information about this is set out in the table in Section 3 of this document Reporting points of contact.
improper activity, conduct or wrongdoing	<p>As pertains to this policy, improper activity, conduct or wrongdoing includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• circumstances where someone is receiving money that they may not be entitled to such as financial or accounting fraud;</li> <li>• failure to comply with, or breach of, laws and regulations;</li> <li>• breach of our policies or practices such as engaging in bullying, harassment, illegal drug use, theft of data;</li> <li>• unethical or unlawful behaviour such as deceptive conduct or creating records that are not true or accurate; or</li> <li>• engaging in behaviour that does not uphold our values and expected standards of behaviour.</li> </ul> <p>Some of the behaviours or activities set out above may not necessarily involve a contravention of law however if proven may constitute:</p> <ul style="list-style-type: none"> <li>• the elements of a criminal offence;</li> <li>• the basis for forming reasonable grounds for disciplinary action, dismissing or otherwise terminating the services of the person (or persons) who was, or is, engaged in that conduct; or</li> <li>• reasonable grounds for disciplinary action</li> </ul>
whistleblower	<p>An individual who makes a disclosure pursuant to this policy and to which this policy applies. This includes a current or former employee, volunteer, director or company secretary of Fandata Pty Ltd T/A Engine, contractor or employee of a contractor supplying goods or services to Fandata Pty Ltd T/A Engine.</p> <p>An individual will qualify for protection as a whistleblower under the Corporations Act 2001 (Cth) if they are an eligible whistleblower and they have made:</p> <ul style="list-style-type: none"> <li>• a disclosure of improper activity, conduct or wrongdoing directly to an eligible recipient or to the Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA) or another Commonwealth body prescribed by regulation;</li> <li>• a disclosure to a legal practitioner for the purpose of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act 2001 (Cth); or</li> </ul>

- an 'emergency disclosure' or 'public interest disclosure' (which is set out in further detail below).

All whistleblowers are protected from civil liability, criminal liability, and administrative liability in respect of their disclosure. This protection does not grant immunity for any misconduct a whistleblower has engaged in that is revealed in their disclosure. A whistleblower will still be entitled to protection, even if the relevant disclosure later turns out to be incorrect.

In addition, disclosures made to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the relevant disclosure are protected (and will not prevent protection). This also includes disclosures made to ASIC, APRA or another Commonwealth body prescribed by regulation.

In certain circumstances, public interest or emergency disclosures can be made to a journalist or parliamentarian and qualify for protection. Prior to making such a disclosure, it is important for the whistleblower to understand the specific criteria relating to eligibility for making a public interest or emergency disclosure.

Fandata Pty Ltd T/A Engine will take reasonable steps to protect whistleblowers from victimisation or detrimental conduct in the workplace (including harassment, bullying, and ostracism) arising from the making of a disclosure or arising out of a belief or suspicion that a person is a whistleblower.

A whistleblower is protected if the disclosure is made in good faith and on reasonable grounds even if the allegations prove to be incorrect or unsubstantiated. Other individuals who participate, or assist in, an investigation into the matters raised in the disclosure will also be protected.

This protection does not generally apply or extend to personal work-related grievances. For example:

- an interpersonal conflict between the whistleblower and another employee;
- a decision that does not involve a breach of workplace laws;
- a decision about the engagement, transfer or promotion of the whistleblower;
- a decision about the terms and conditions of engagement of the whistleblower; or
- a decision to suspend or terminate the engagement of the whistleblower, or otherwise to discipline the whistleblower.

A personal work-related grievance may qualify for protection if:

- it includes information about improper activity, conduct or wrongdoing that includes or is accompanied by a personal work-related grievance;
- it involves a breach of employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public or the disclosure relates to information that suggest misconduct beyond the whistleblower's personal circumstances;
- the whistleblower suffers from, or is threatened with, detriment for making the disclosure; or
- the whistleblower seeks legal advice or representation about the operation of the whistleblower protections under the Corporations Act 2001 (Cth).

Frivolous, vexatious allegations, false allegations or allegations driven by personal grievance will not be protected and the complaint will instead be dealt with in accordance with Fandata Pty Ltd T/A Engine's Code of Conduct.

If a whistleblower suffers loss, damage, or injury because of a disclosure and in the whistleblower's reasonable opinion, Fandata Pty Ltd T/A Engine failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct, a whistleblower can seek compensation and other remedies.

## How to make a disclosure

Preparation	<p>Any disclosure should be in writing (to the extent this is possible) and contain specific, accurate and pertinent information with respect to dates, places, persons/witnesses, amounts, and other relevant information, to enable a reasonable investigation to be conducted.</p>
Confidentiality	<p>Whistleblowers must keep information concerning the disclosure confidential, to avoid jeopardising the investigation.</p> <p>Disclosures can be made anonymously through our whistleblowing service (<a href="https://www.whistleblowingservice.com.au/engine">https://www.whistleblowingservice.com.au/engine</a>).</p> <p>Or you may choose to disclose to an eligible recipient.</p> <p>A whistleblower can choose to remain anonymous whilst making the disclosure, for the duration of the investigation and upon completion of the investigation. This includes having a right to reasonably refuse to answer questions that may reveal their identity.</p> <p>The Whistleblowing service will not reveal the identity of the Whistleblower unless they received express consent from the Whistleblower.</p> <p>If the Whistleblower chooses to report directly to a representative of Fandata Pty Ltd t/a Engine, Fandata Pty Ltd T/A Engine will make every effort to protect the confidentiality of both the information provided and the identity of the whistleblower, and neither the identity of the whistleblower nor the information provided will be disclosed without their consent, except:</p> <ul style="list-style-type: none"><li>• to ASIC, APRA or a member of the Australian Federal Police (within the meaning of the Australian Federal Police Act 1979);</li><li>• to a legal practitioner for the purpose of obtaining legal advice or legal representation about the whistleblower provisions in the Corporations Act 2001 (Cth);</li><li>• to a person or body prescribed by regulation; or</li><li>• with the consent of the whistleblower.</li></ul> <p>Unless one of the above exceptions apply, it is unlawful for a person to identify the whistleblower or disclose information that is likely to lead to the identification of the whistleblower.</p> <p>Whistleblowers may lodge complaints with a regulator such as ASIC, APRA or the ATO for investigation. Consent is not necessarily required when disclosing information contained in a disclosure in the following circumstances:</p> <ul style="list-style-type: none"><li>• the information does not disclose the whistleblower's identity;</li><li>• Fandata Pty Ltd T/A Engine has taken all reasonable steps to reduce any risk that the whistleblower will be identified from the information; and</li><li>• it is reasonably necessary for investigating the issues raised in the disclosure</li></ul>
Protection of Whistleblower	<p>All reasonable steps will be taken to ensure that a Whistleblower who makes a Misconduct Disclosure is supported and will not be subject to Detriment. Such steps will vary depending on the facts and circumstances but may include:</p> <ol style="list-style-type: none"><li>a) an assessment of the risk of Detriment and ongoing monitoring and control recommendations by the Protected Disclosure Committee;</li></ol>

- b) designating an appropriate person to be responsible for ensuring that the Whistleblower doesn't suffer Detriment and providing additional support for the Whistleblower;
- c) providing the Whistleblower with details of Fandata Pty Ltd T/A Engine's Employee Assistance Program;
- d) making modifications to the way that the Whistleblower performs their work duties; or
- e) providing the Whistleblower with strategies to help them minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation.

If a Whistleblower wishes to make their Misconduct Disclosure confidentially, their wish shall be honoured except insofar as it is not practical or appropriate for Fandata Pty Ltd T/A Engine to maintain confidentiality.

Making a Misconduct Disclosure does not necessarily absolve the Whistleblower from the consequences of any involvement on their own part in the misconduct that has been disclosed.

If a Whistleblower is concerned that they have suffered any Detriment or victimisation as a result of having made a Misconduct Disclosure, they are encouraged to contact the Chief Information Officer, Leadership team, Chief Executive Officer or a member of the Fandata Pty Ltd T/A Engine Board and provide full particulars of what has happened.

Whistleblowers may also wish to seek independent legal advice or contact regulatory bodies such as ASIC if they believe they have experienced any Detriment. If a person causes or threatens to cause a Whistleblower (or any other person) Detriment as a result of their Misconduct Disclosure, and Fandata Pty Ltd T/A Engine fails to take reasonable precautions and exercise due diligence to prevent the Detriment, and such person suffers loss, damage or injury as a result, then such person may apply to a court for compensation.

Subject to this Policy, a Whistleblower is protected even if the allegations prove to be incorrect or unsubstantiated. Protection is not available if a Misconduct Disclosure is trivial, or unfounded allegations are made maliciously or when they are known to be false. These may be viewed seriously and may be subject to disciplinary action. Workers and other certain individuals who participate, or assist in, an investigation will also receive the above protections.

#### Reporting points of contact

Whistleblowers may disclose improper activity, conduct or wrongdoing to any eligible recipient. At first instance, whistleblowers are encouraged to report to any of the following people, who are appropriately trained to manage disclosures:

- Via the independent Whistleblower service <https://www.whistleblowingservice.com.au/engine>
- Fandata Pty Ltd T/A Engine's Chief Executive Officer
- Fandata Pty Ltd T/A Engine's Chief Information Officer
- Fandata Pty Ltd T/A Engine's Director/s
- Leadership teams
- Affinity Accountants

If the disclosure relates to the Chief Executive Officer, the whistleblower may make a disclosure to the Board of Fandata Pty Ltd T/A Engine's Board or through the whistleblower service listed above.

	<p>If the disclosure relates to the Chief Information Officer the whistleblower may make a disclosure to the Chief Executive Officer or through the whistleblower service listed above.</p> <p>If the disclosure relates to a member of Fandata Pty Ltd T/A Engine’s Board of Directors or its Chair, the whistleblower may make a disclosure to Affinity Accountants or through the whistleblower service listed above.</p>
<p>Handling and investigating a disclosure</p>	<p>All disclosures will be investigated promptly and fairly with due regard to the nature of the allegations and the rights of the individuals involved in the investigation. This includes assessing a disclosure to determine whether it qualifies for protection and whether a formal and more in-depth investigation is required.</p> <p>For Fandata Pty Ltd T/A Engine to properly investigate a disclosure, it is important to be able to contact the whistleblower. Even if a disclosure has been made anonymously, it is important that we have a means of contact (for example, an anonymous email address).</p> <p>Fandata Pty Ltd T/A Engine may arrange for an impartial, suitably qualified investigator (internal or external as the circumstances dictate) to examine the allegations raised in the disclosure. The investigator will examine all relevant evidence including conducting witness interviews and examination of documents and conduct their investigation in a timely and unbiased manner.</p> <p>Fandata Pty Ltd T/A Engine will initiate and prioritise investigation procedures within a reasonable time frame and notes that the timing may vary depending on the nature of the disclosure.</p> <p>Fandata Pty Ltd T/A Engine will, to the extent possible, taking into account the nature of the investigation, keep whistleblowers informed of the process and outcomes of the investigation (subject to privacy and confidentiality restrictions). There may, however, be some circumstances where it is not appropriate to provide such details (including disclosure of the outcome) to the whistleblower.</p> <p>The investigator will provide a report to the CEO, who will make a joint recommendation to what action needs to be taken. If the CEO is the subject of the disclosure, the recommendations will be provided directly to the Fandata Pty Ltd T/A Engine Board of Directors.</p>
<p>Actions</p>	<p>The CEO or Board (as applicable) ultimately approves the action to take. Where criminal activity is reasonably suspected to have occurred, the disclosure will be referred to the appropriate authorities. No action will be taken against a whistleblower who, in good faith and in accordance with this policy, makes a disclosure about activity which is not confirmed by a subsequent investigation.</p>
<p>Responsibilities</p>	<p>Fandata Pty Ltd T/A Engine has a duty of care to protect all workers and other individuals who may be whistleblowers. All workers are required to follow the principles and procedural details within this document. Supervisors and managers are responsible for ensuring their staff are familiar with this policy and procedures. The Chief Executive Officer maintains responsibility for and governance of this process.</p>

## Independent Whistleblowing Service

Engine has engaged an external, independent company to manage the Whistleblowing service. The service provider has taken a number of measures to protect your anonymity. These steps are for your benefit. While you are entitled to disclose your identity, this will only occur with your express consent.

Reports can be made directly to this service. For more information, please visit <https://www.whistleblowingservice.com.au/engine/>

## Supporting resources

Below are resources that can be accessed for more information;

- Code of Conduct
- Information Security Policy (AUP)
- Lifeline (131114) and Beyond Blue (1300 224 636)

## Related Documents

- Corporations Act 2001 (Cth)
- Australian Securities and Investments Commission Act 2001 (Cth)
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019
- Competition and Consumer Act 2010 (Cth)

## Review Cycle

This policy shall be reviewed on an annual basis.

## Version Control

Version	Date	Description	Author	Approved By
1.0	19/3/2024	First Version	Monique Smoors	Scott Allen