

## WhistleBlower Policy and Procedure

### Policy Statement

Better Rehab is committed to the highest ethical standards of legal and moral behaviour and sound corporate governance and does not tolerate improper conduct.

These values and principles also mean that Better Rehab is committed to a culture of corporate compliance and ethical behaviour. This includes providing all eligible parties with the opportunity to report any actual or suspected wrongdoing or any other issue.

No person should be personally disadvantaged for reporting suspected wrongdoing that they believe they have reasonable grounds to suspect is occurring. Better Rehab strongly encourages the disclosure of any instances of suspected unethical, fraudulent, illegal, or undesirable conduct and provides protections and measures so that disclosures can be made confidentially.

Better Rehab will maintain an environment where legitimate concerns can be reported without fear of intimidation or retaliation and will take all reports made under this policy seriously.

### Purpose

Better Rehab has developed this Policy, to comply to the relevant legal requirements and current best practices relating to the protection of Whistleblowers under the [Corporations Act 2001 \(Cth\)](#), [Taxation Administration Act 1953 \(Cth\)](#) and [ASIC's Regulatory Guide RG 270](#) Whistleblower Policies.

The purpose of the Whistleblowing Policy is to encourage and support the reporting of actual or suspected wrongdoing and misconduct.

At Better Rehab our people are our greatest asset, and as such we are committed to providing a safe and supportive speak up culture where people can be their best. We are committed to maintaining the highest standards of ethical behaviour at all times.

This Policy sets out the framework for protection of Whistleblowers who witness, and report suspected wrongdoing (disclosable matters) at or by Better Rehab, how reports can be made without fear of detriment and how Better Rehab will support Whistleblowers.

We expect everyone who works for Better Rehab to comply with our [Code of Conduct](#), our policies and procedures, professional standards, laws, and regulations.

The purpose of the Better Rehab Whistleblower Policy is to:

- to encourage disclosures of wrongdoing 'disclosable matters'
- to help deter wrongdoing, inline with the Better Rehab Risk Management and Governance Frameworks;
- to ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported.

- to ensure disclosures are dealt with appropriately and in a timely manner;
- to provide transparency around for receiving, handling, and investigating disclosures;
- to support Better Rehab’s values and Code of Conduct Policy;
- to support Better Rehab’s long-term sustainability and reputation; and
- to meet Better Rehab’s legal and regulatory obligations.

## Scope

### Application of this Policy

This Policy applies across all jurisdictions where Better Rehab operates. If local legislation, regulations, or laws provide a higher level of protection than what is included in this Policy such local legislation, regulations or laws will take precedence.

A person who speaks up to report wrongdoing or misconduct under this policy is known as an eligible whistleblower.

### Eligible Whistleblowers

A person who speaks up to report wrongdoing or misconduct under this policy is known as an eligible whistleblower. An eligible whistleblower has legal rights under the Corporations Act and other legislation (tax laws). This policy does not override those rights.

A Whistleblower is someone who discloses wrongdoing (as outlined in the **Definitions** section of this Policy). A Whistleblower **can be** a current or former director, officer, employee, contractor, volunteer, consultant, partner, stakeholder, or supplier. It also applies to relatives, spouses, and dependents of any of these people named as eligible whistleblowers.

An eligible whistleblower must make a whistleblower report directly to an **Eligible Recipient** (Refer to **Who can receive a disclosure** section of this Policy) to qualify for protections under the Whistleblower laws and this Policy (Refer to the **Legal protections for disclosers** section in this Policy)

### What does not Apply

This Policy does not apply to third parties (other than Eligible Whistleblowers) including participants and clients of Better Rehab. Participant and client complaints should be managed in accordance with the [Feedback and Complaints Handling Policy and Procedure](#).

## Responsibilities

Role	Responsibilities
Eligible Whistleblower (Person making a report)	Report any past, present or likely future activity or behaviour which is defined as a wrongdoing under this Policy
Eligible Recipient	Any person who receives a report for the purposes of this Policy must maintain the confidentiality of the person making the report and notify the Whistleblower Protection Officer by phone or email.
Whistleblower Protection Officer (WPO)	<ul style="list-style-type: none"> <li>• Provide support to persons making a report of wrongdoing.</li> <li>• Provide protection to persons making a report of wrongdoing in accordance with this Policy.</li> <li>• Keeping persons making a report of wrongdoing informed of the progress and outcomes of the investigation where appropriate ensuring the privacy of those against whom a disclosure has been made is protected.</li> <li>• Determines that an investigation is required and instructs the Whistleblower Investigation Officer (WIO) to undertake an investigation.</li> <li>• Monitor the WIO's investigation to ensure the confidentiality of the investigation is maintained.</li> </ul>
Whistleblower Investigation Officer (WIO)	<ul style="list-style-type: none"> <li>• As directed by Whistleblower Protection Officer (WPO) Investigate reports received from whistleblowers.</li> <li>• Provide updates to the Whistleblower Protection Officer with their investigation findings in a timely manner.</li> <li>• Maintain confidentiality, be objective, fair and independent throughout the investigation process.</li> <li>• Conduct a sufficient and appropriate inquiry into the content of a whistleblower report.</li> <li>• Engage an external professional to assist in any investigation with the approval of the Whistleblower Protection Officer.</li> </ul>

## Definitions

Terminology	Definition
ASIC	Australian Securities and investments Commission
Detrimental Conduct	Detrimental Conduct is negative action taken against any person who, in good faith, makes a Whistleblower Report or assists or participates in an investigation of the disclosure and as a result suffers Detriment.
Detriment	Harm or damage
Eligible Recipient	A person authorised under Whistleblower laws to receive disclosures of wrongdoing
Eligible Whistleblower	<p>A person who reports suspected wrongdoing.</p> <p>A Whistleblower <b>can be</b> a current or former director, officer, employee, contractor, volunteer, consultant, partner, stakeholder, or supplier. It also applies to relatives, spouses, and dependents of any of these people named as Eligible Whistleblowers.</p> <p>An Eligible Whistleblower must make a Whistleblower Report directly to an Eligible Recipient to qualify for protections under the Whistleblower Laws and this Policy</p>
Protected Disclosure	A disclosure that is protected by Whistleblower laws
Reasonable grounds to suspect	The term 'reasonable grounds to suspect' is based on the objective reasonableness of the reasons for the discloser's suspicion. It ensures that a discloser's motive for making a disclosure, or their personal opinion of the person(s) involved, does not prevent them from qualifying for protection. In practice, a mere allegation with no supporting information is not likely to be considered as having 'reasonable grounds to suspect'. However, a discloser does not need to prove their allegations.
Whistleblowing	The reporting by a Whistleblower of actual or suspected wrongdoing
Wrongdoing (Disclosable Matters)	<p>Wrongdoing is anything that you have reasonable grounds to suspect, in relation to Better Rehab is:</p> <ul style="list-style-type: none"> <li>• misconduct, or an improper state of affairs or circumstances.</li> <li>• conduct that constitutes a contravention of laws specified in the Whistleblower Laws or other Commonwealth laws that are punishable by imprisonment for a period of 12 months; or</li> <li>• represents a danger to the public or the financial system.</li> <li>• Section 9 of the Corporations Act 2001 defines 'misconduct' to include 'fraud, negligence, default, breach of trust and breach of duty'.</li> </ul> <p>Examples of wrongdoing include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• illegal conduct, such as theft, violence or threatened violence, and criminal damage against property.</li> <li>• fraud, money laundering or misappropriation of funds;</li> <li>• offering or accepting a bribe;</li> <li>• financial irregularities;</li> <li>• failure to comply with, or breach of, legal or regulatory requirements; and</li> <li>• engaging in or threatening to engage in Detrimental Conduct against a person who has made a disclosure or is believed or suspected to have made or be planning to make a disclosure.</li> </ul> <p>Wrongdoing <b>excludes</b> personal work-related grievances. A personal work-related grievance is a report of behaviour that has implications for the discloser. Examples include:</p> <ul style="list-style-type: none"> <li>• an interpersonal conflict between you and another Employee, or</li> <li>• a decision relating to your employment or engagement, such as a transfer, promotion, or disciplinary action.</li> </ul>

## Matters this Policy applies to

### Wrongdoing (Disclosable Matters)

Wrongdoing or ‘disclosable matters’ is anything that you have reasonable grounds to suspect, in relation to Better Rehab as outlined in the ***Wrongdoing Definition***.

### Exclusions

Disclosures that are **not** about “disclosable matters” listed in the *Wrongdoing Definition* do not qualify for protection under the [Corporations Act 2001 \(Cth\)](#), or the [Taxation Administration Act 1953](#) (Cth) (where applicable)

Wrongdoing (disclosable matters) excludes personal work-related grievances (refer to the [Complaints and Grievance Procedure](#) examples include:

- an interpersonal conflict between you and another employee, or
- a decision relating to your employment or engagement, such as a transfer, promotion, or disciplinary action.

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

- it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report);
- Better Rehab has breached 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 suggests misconduct beyond the discloser’s personal circumstances;
- The discloser suffers from or is threatened with detriment for making a disclosure; or
- the discloser seeks legal advice or legal representation about the operation of the Whistleblower protections under the [Corporations Act 2001 \(Cth\)](#)

### False or Misleading Reports

A person making a report must not make a false or vexatious claim. Protections under this Policy will not be applied to false reports or vexatious claims. Better Rehab may apply disciplinary proceedings to any employee making them.

## Who can receive a disclosure?

### Eligible Recipients

Better Rehab encourages a culture of speaking up and coming forward if a person is aware, has knowledge of, or reasonably suspects, that someone has, or will, commit wrongdoing.

An Eligible Whistleblower must make a Whistleblower Report directly to an Eligible Recipient to qualify for protections under the Whistleblower Laws and this Policy.

Better Rehab encourages disclosures be made to the following ‘Eligible Recipients’.

Eligible Recipient	Who is the disclosure about?
Compliance Manager - (Whistleblower Protections Officer) & (Whistleblower Investigations Officer)	Any disclosure - (except those where they are implicated)
General Manager (Southwest)	Any disclosure – (except those where they are implicated) including those implicating the Compliance Manager, General Manager (Northeast), Allied Health Manager, Chief Operating Officer, or Directors
General Manager (Northeast)	Any disclosure – (except those where they are implicated) including those implicating the Compliance Manager, General Manager (Southwest), Allied Health Manager, Chief Operating Officer, or Directors
Allied Health Manager	Any disclosure – (except those where they are implicated) including those implicating the Compliance Manager, General Manager/s, Chief Operating Officer or Directors
Chief Operating Officer	Any disclosure – (except those where they are implicated) including those implicating the Compliance Manager, General Manager/s, Allied Health Manager or Directors
Directors	Any Disclosure – (except those where they are implicated) including those implicating the Compliance Manager, General Manager/s, Allied Health Manager and Chief Operating Officer.

Reports can also be made to:

- An auditor or member of an audit team conducting an audit of Better Rehab.
- The [Australian Securities and Investment Commission](#) (ASIC) or another Commonwealth body prescribed by regulation under the Corporations Act 2001.
- A legal practitioner for the purpose of determining if protections will apply to them.

Employees can seek confidential information on the operation of this Policy and how a disclosure will be handled, without making a disclosure, by contacting the Compliance Manager. However, if workers require legal advice with regard to their obligations under this Policy or the Whistleblower Laws, they must contact an external lawyer for the purposes of determining what protections will apply to them.

Reports and disclosures can be made verbally or in writing.

Reports should include as much information as possible, including:

- time, date, and location;
- names of person(s) involved, and their roles;
- your connection with the person(s) involved;
- the details of your concern;
- how you became aware of the matter;
- witnesses; and
- other evidence or information that supports your report.

## How to make a disclosure?

### Speaking Up

We encourage you 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.

All reports made anonymously still receive the protection provided under this Policy (refer to ***Legal Protections for Disclosers*** section of this Policy). However, when deciding whether to make a report anonymously, please be aware that anonymity may limit Better Rehab's ability to investigate the matters reported.

Better Rehab encourages reporters to disclose their identity when making a report under this Policy, as this will also enable us to monitor your wellbeing and protect you from any retaliation or detriment.

Before making your Whistleblower Report you should satisfy yourself that you have reasonable grounds to suspect wrongdoing. 'Reasonable grounds to suspect' is based on objective reasonableness of the reasons for the suspicion.

Better Rehab will treat all reports, as well as all confidential information acquired during the course of investigating a report, with the strictest confidence.

Disclosures can be made directly as follows:

## Eligible Recipient

*(The Eligible Recipient must not be involved or in any way connected with the alleged disclosable matter)*

### Compliance Manager

**Heidi Gray**

(Whistleblower Protections Officer) &  
(Whistleblower Investigations Officer)

## Contact Details

**Phone: 0434 401 923**

**Email: [whistleblower@betterrehab.com.au](mailto:whistleblower@betterrehab.com.au)**

### General Manager (Southwest)

**Kyle Platek**

**Phone: 0431 200 750**

**Email: [kyle@betterrehab.com.au](mailto:kyle@betterrehab.com.au)**

### General Manager (Northeast)

**Jessica Nosworthy**

**Phone: 0478 537 118**

**Email: [jessica@betterrehab.com.au](mailto:jessica@betterrehab.com.au)**

### Allied Health Manager

**Kirsten Burke**

**Phone: 0432 256 358**

**Email: [kirsten@betterrehab.com.au](mailto:kirsten@betterrehab.com.au)**

### Chief Operating Officer

**David Klimek**

**Phone: 0432 941 340**

**Email: [david.k@betterrehab.com.au](mailto:david.k@betterrehab.com.au)**

### Directors

**Phone: D. Petterson: 0403 569 512 or R. Brimblecombe: 0407 303 190**

**Email: [david@betterrehab.com.au](mailto:david@betterrehab.com.au) or [rachel@betterrehab.com.au](mailto:rachel@betterrehab.com.au)**

## Legal protections for disclosers

A Whistleblower must make a Whistleblower Report directly to an Eligible Recipient outlined in the **Eligible Recipient** section of this policy to qualify for protections under the Whistleblower Laws and the [Corporations Act 2001 \(Cth\)](#).

These protections include:

- Identity protection
- Protection from Detriment
- Compensation and remedies; and
- Civil, criminal, and administrative liability protection.



We are committed to taking all reasonable steps to protect you from Detriment as a result of making a report under this Policy and the Whistleblower Laws.

## Support and protection for disclosers

Better Rehab will implement the following measures and mechanisms to protect the confidentiality of a discloser's identity:

### Risk mitigation that a discloser will be identified

- the discloser will be referred to in a gender-neutral context;
- If possible, the discloser will be contacted to assist in identifying any aspects of their disclosure that could inadvertently identify them; and
- disclosures will only be managed and investigated by qualified people.

### Security of information and record keeping

- Hard and soft copy documents and any other material relating to disclosures will be stored securely;
- Access to information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- Only people who are directly involved in handling and investigating a disclosure will be made aware of a discloser's identity or information that is likely to lead to the identification of the discloser (subject to the discloser's consent);
- Documentation and communications relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other staff members within Better Rehab; and
- Remind the people involved in handling and investigating a disclosure about the requirements to maintain confidentiality and that any unauthorised disclosure of a discloser's identity could result in a **criminal offence**.

### Detrimental Conduct

Better Rehab does not tolerate any form of Detrimental Conduct taken by any person against the Whistleblower or any people who are involved in an investigation of a Whistleblower Report.

Examples of Detrimental Conduct can include, but are not limited to:

- dismissal of an employee or alteration of an employee's position to their disadvantage, or negative performance feedback that is not reflective of an employees' actual performance;
- harassment, intimidation, or bullying; and

- threats to cause detriment.

Examples of actions that are **not** Detrimental Conduct may, include:

- managing a Whistleblower's unsatisfactory work performance, if the action is in accordance with Better Rehas [Performance Management and Disciplinary Action Policy and Procedure](#).
- administrative action that is reasonable to protect the Whistleblower from Detriment.

Better Rehab takes all allegations of Detrimental Conduct very seriously. If an employee believes that they are experiencing Detriment, they should report it to the Compliance Manager (WPO) and appropriate steps will be taken in accordance with this Policy and the [Performance Management and Disciplinary Action Policy and Procedure](#).

Better Rehab will also take reasonable steps to protect other employees who have been requested to assist in investigating from any detriment or reprisal as a consequence of their involvement in an investigation. Where any employee, or contractor breaches the Whistleblower Policy by acts of intimidation, retaliation these acts will be considered to be a breach of Better Rehas [Code of Conduct](#) and will be dealt with as outlined within that policy.

Unsubstantiated, malicious allegations which are proven to be false will be viewed seriously and followed up with appropriate disciplinary action up to and including termination of employment.

Any employee who makes, or is the subject of, a report is encouraged to contact Better Rehab's Employee Assistance Program (EAP) for support where required as outlined in the [Your Mental Wellbeing Policy and Procedure](#).

## Handling and investigating a disclosure

### Who will investigate matters?

All Whistleblower Reports will be taken seriously by Better Rehab. They will all be assessed carefully to determine whether an investigation is required.

The Directors (except where they are implicated) or their delegate (except where they are implicated) will determine whether the investigation will be conducted by an internal or external investigator, depending on the nature of the report.

### What is the investigation process?

While the circumstances of each Whistleblower disclosure may require different investigation measures, all investigators will:

- conduct the investigation as soon as practicable and will ensure it is fair and independent from any persons to whom the disclosure relates;

- conduct the investigation promptly, and in an objective and fair manner, ensuring that every individual subject to the investigation is granted sufficient opportunity to reply to allegations before any findings are made;
- treat all information acquired in the course of the investigation with the strictest confidence.
- determine whether there is enough evidence to substantiate the matters reported.
- Provide feedback, as appropriate, on the progress of an investigation and expected timeframes of the investigation.
- Identify Issues from the investigation that will be resolved or otherwise finalised.

### Fair Treatment for Individuals mentioned in the Report

Better Rehab understands that there may also be some serious repercussions for individuals who are mentioned in a report. Accordingly, Better Rehab will ensure their fair treatment and will extend the protections stated in this policy to these individuals where appropriate.

### How will Whistleblower reports be Reviewed?

The outcomes of the investigation are reported to the Directors (except where they are implicated) or delegate (except where they are implicated) who will review the outcome and determine appropriate actions to respond to the matter on a confidential and anonymous basis.

### Keeping a discloser (Whistleblower) informed

A 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. Better Rehab will:

- Acknowledge a discloser after receiving their disclosure.
- Provide updates to a discloser during the key stages, such as:
  - when the investigation process has begun;
  - while the investigation is in progress; and
  - after the investigation has been finalised.

### What happens after an investigation?

The Whistleblower Protection Officer (WPO) will inform the Whistleblower of the completion of the investigation as appropriate but may be unable to disclose particular details or the outcome of the investigation.

## Accessibility of this Policy

This policy and procedure is available to all internal staff and is located in SharePoint.

This policy and procedure can be accessed externally on the Better Rehab website.

Where further information about this Policy is needed employees can seek confidential information on the process and how a disclosure will be handled, without making a disclosure, by contacting the Compliance Manager (WPO). However, if you require legal advice with respect to your obligations under this Policy or the Whistleblower Laws, then you must contact an external lawyer.

## Legislation

*Corporations Act 2001*

*Tax Administration Act 1953*

*Fairwork Act 2009*

*Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2018.*

Further legislation which may relate to this policy and procedure can be found in the [Compliance Register](#).

## Review

The Whistleblower Policy and Procedure will be reviewed as required or annually by the Risk and Quality Committee.

Any changes made to this Policy will be communicated internally to all staff, volunteers and contractors as required.

## Associated Documents / Learning Modules / Systems

Policies and Procedures	Forms	LMS Modules	Systems
Notifiable Incidents	Speak Up Poster	Whistleblower	Compliance Register
Risk Management Framework			Better Rehab Website
Incident Management Policy and Procedure			
Governance Framework			