

## Purpose and Scope

EBM is committed to the highest standards of conduct and ethical behaviour in all of our business activities, and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance. EBM expects all its employees, consultants and contractors who have been engaged to provide services to EBM to act with honesty and integrity in maintaining these high standards.

The Corporations Act 2001 (Cth) ('the Act') and the Tax Administration Act 1953 (Cth) provide protections to certain individuals who communicate real or potential instances of misconduct, or an improper state of affairs or circumstances in relation to EBM.

The purpose of EBM's Whistleblower Policy is to:

- encourage all individuals to report any instances of suspected unethical, illegal, fraudulent or undesirable conduct;
- explain to whom and how to make a disclosure and what protections a discloser will receive;
- outline the processes at EBM for responding to disclosures; and
- promote a workplace environment in which everyone feels safe, supported and encouraged to speak up.

This Policy explains the mechanism for reporting concerns, outlines confidentiality and other protections for persons who report concerns, and charts EBM's process for responding to reported concerns.

All relevant individuals are expected to report Disclosable Matters. A failure to report Disclosable Matters may expose EBM to additional risks and undermine our culture and values.

EBM will not tolerate anyone being discouraged from speaking up about a potential or actual Disclosable Matter or being disadvantaged or victimised because they want to make a report or have done so.

## What is a Disclosable Matter?

The meaning of a "Disclosable Matter" for the purposes of the Act is intentionally broad to promote disclosure amongst relevant individuals.

Disclosable Matters involve information that the Discloser has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances, in relation to EBM.

Examples of "misconduct" for the purposes of this Policy include but are not limited to:

- fraud, money laundering or misappropriation of funds;
- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- negligence;
- offering or accepting a bribe;
- default;

- unlawful conduct in relation to EBM or its related body corporate;
- breach of trust;
- breach of duty.
- engaging in detrimental conduct against a Discloser or person suspected to have made or planning to make a disclosure.

Additionally, if a relevant individual has reasonable grounds to suspect that EBM (including its employees or officers) has engaged in conduct that constitutes an offence against the following:

- the Corporations Act;
- the *Australian Securities and Investments Commission Act 2001*;
- the *Banking Act 1959*;
- the *Financial Sector (Collection of Data) Act 2001*;
- the *Insurance Act 1973*;
- the *Life Insurance Act 1995*;
- the *National Consumer Credit Protection Act 2009*;
- the SIS Act; or
- an instrument under the legislation mentioned above,

**this information will be considered as a Disclosable Matter and that individual will be given protections under the Corporations Act.** Disclosable Matters also include offences against any other law of the Commonwealth that is punishable by imprisonment of 12 months or more or conduct that represents a danger to the public or financial system.

Information that indicates a considerable risk to public safety or the stability of, or confidence in, the financial system is also a disclosable matter, even if it does not contravene a particular law.

A person reporting a Disclosable Matter under the terms of this Policy will be expected to have reasonable grounds to suspect the information they are disclosing is true, but they will not be penalised even if the information turns out to be incorrect. However, the Discloser must not make a report that they know is not true or is misleading. EBM strongly discourage deliberate false reporting.

Disclosures that are not about “Disclosable Matters” do not qualify for protection under the Act, but the disclosure may be protected under other legislation, such as the *Fair Work Act 2009* (Cth). In addition, customer complaints about EBM are not covered by this policy and are to be reported through the [EBM Complaints and Disputes Form](#) on our website.

## What does not constitute a disclosable matter?

A disclosure is not a “Disclosable Matter” (and protections are not available under the Act) if the disclosure is solely a personal work-related grievance. However, such disclosures may still be protected under other legislation, such as the *Fair Work Act 2009* (Cth).

A personal work-related grievance is one which is related to your current or former employment, and which has, or tends to have, implications for you personally but does not:

- have any significant implications for EBM (or another entity); or
- relate to any conduct, or alleged conduct, about a disclosable matter.

Examples of personal work-related grievances include:

- an interpersonal conflict between the discloser and another employee;
- a decision about a transfer or promotion the discloser may have applied for; or
- a decision to suspend or terminate the discloser's employment or engagement, or otherwise to discipline the discloser.

However, a personal work-relative 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);
- EBM 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 protections under the Act.

## Making a report

### Who can speak up

This Policy applies to disclosures of a Disclosable Matter made by all of EBM's current and past employees, officers, Authorised Representatives, contractors, and suppliers (including employees of suppliers) and associates, as well as these people's spouses, dependents and relatives. ("**Eligible Disclosers**")

EBM encourages all persons to speak up about Disclosable Matters that have occurred or is occurring in relation to EBM. People must not discourage any individual from speaking up. If any person is told not to raise or pursue a concern, even by their immediate supervisor or manager or a person in authority, they are encouraged to make a further disclosure to a Disclosure Officer. If a Discloser requires additional information before making a disclosure, they can contact an Eligible recipient (as explained below) or independent legal adviser for further information.

### Who the Discloser can tell

Relevant individuals will only qualify for protection under the Corporations Act for imparting disclosable matters strictly to:

- an "**Eligible recipient**" (detailed below); or
- ASIC, APRA or another Commonwealth body prescribed by regulation; or
- a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Act; or
- the internal or external auditor or actuary of EBM or related body corporate, journalists and members of Commonwealth, state or territory parliaments if they have made an "emergency disclosure" or "public interest disclosure". (see relevant heading)

Eligible recipients within EBM include a Disclosure Officer (outlined below), EBM directors, senior managers of EBM and/or disclosure through EBM's external hotline.

The role of a Disclosure Officer is to ensure that the Discloser is heard by EBM and appropriate follow-up occurs, as well as to ensure that the Discloser feels supported and protected.

Disclosure Officer Name	Contact Details
Jane Barry, Director – Broking & CoverLink	Phone: 1300 755 112   (08) 9213 4574 E-mail: janeb@ebm.com.au
Sally Baker, Business Manager	Phone: 1800 661 662   (03) 9425 1847 Email: sallyba@ebm.com.au

Alternatively, a report may be made to EBM's free external hotline and reporting service, Your Call, which is independently monitored and provides reporting options that are available 24/7 365 days a year.

Your Call reporting options are:

**Phone (Australia):** 1300 788 712 (7am – midnight, AEST)  
**International Phone:** + 61 3 9938 7027  
**Email:** [info@yourcall.com.au](mailto:info@yourcall.com.au)  
**Web:** [www.yourcall.com.au](http://www.yourcall.com.au)  
**Post:** Level 2, High Street Kew, Victoria 3101

After receiving a disclosure, Your Call will provide the details of the disclosure to an appropriate Disclosure Officer. Where the Discloser provides their contact details to Your Call, those contact details will not be provided to the Disclosure Officer without the Discloser's consent.

EBM encourages its employees and external disclosers to make a disclosure to either internal or external eligible recipients in the first instance. However, a discloser can make a disclosure directly to regulatory bodies or other external parties about a disclosable matter that qualifies for protection under the Act without making a prior disclosure to EBM.

## What information to provide

For a report of suspected Reportable Conduct to be investigated, it must contain sufficient information for EBM to form a reasonable basis for considering the report to be genuine and to form a reasonable basis for taking further steps to investigate. It can be verbal or in writing and the Discloser should, where possible, provide:

- Their name (unless reported anonymously);
- Nature of the issue or complaint;
- All relevant facts giving rise to the complaint;
- Name of relevant EBM division, unit or department;
- Where the complaint has arisen; and
- Names of the EBM employee(s)/contractor(s) involved.

The Discloser is encouraged to consent to the limited sharing within EBM of their identity. This will assist EBM to protect and support the Discloser in relation to their disclosure and to properly investigate and determine the appropriate response to disclosures made.

## Making an anonymous disclosure

If the Discloser does not want to reveal their identity when providing a disclosure, they can remain anonymous and remain protected under the Act. A discloser is within their rights to refuse to answer questions that they feel could reveal their identity at any time, including follow-up conversations. However, anonymous reports can limit the extent of information available for consideration and investigation, and restrict EBM's ability to seek further information and investigate the matter effectively.

The Disclosure Officer (or other person receiving the disclosure) will always seek the Discloser's consent before recording the Discloser's name. Disclosers are encouraged to provide their name, as this will assist EBM's investigation of the disclosure. Nevertheless, they are not required to do so, and if the Discloser elects to remain anonymous, any investigation will be conducted as best as possible in the circumstances.

Measures or mechanisms EBM and/ or the discloser may utilise to protect a discloser's anonymity include:

- communicating with disclosers through anonymous telephone hotlines or email addresses;
- a discloser adopting a pseudonym for the purposes of their disclosure; or
- referring to the discloser in a gender-neutral context.

## Legal protections for disclosers

A disclosure will qualify for protection under this Policy if an "eligible discloser" has made a disclosure considered to be a "Disclosable Matter" to an "eligible recipient".

Under this Policy, eligible disclosers are provided the following protections:

- identity protection/ confidentiality (see above 'Making an anonymous disclosure');
- protection from detrimental acts or omissions;
- compensation and other remedies; and
- civil, criminal and administrative liability protection for making the disclosure.

## Protection from detrimental acts or omissions

No person may victimise or cause detriment to someone (or threaten to do so) because of a suspicion that any person has, will or could speak up. Civil and criminal sanctions apply for breaches of these protections.

Detrimental conduct includes:

- dismissal;
- injury of a person in his or her employment (including physical harm);
- alteration of an employee's position or duties to their disadvantage;
- discrimination between employees;

- harassment or intimidation of a person;
- damage to a person's property;
- damage to a person's reputation;
- damage to a person's business or financial position; and
- any other damage to a person.

A discloser may seek independent legal advice, contact regulatory bodies, such as ASIC, APRA or the ATO or lodge a complaint with an Eligible Recipient if they believe they have suffered detriment as a consequence of their disclosure.

Measures or mechanisms EBM may promote to protect disclosers from detriment include providing:

- access to support services (including counselling or other professional legal services) that are available to disclosers;
- changing the whistleblower's reporting line if the disclosure relates to a manager;
- strategies to aid a disclosure to minimise and manage stress, time or performance impacts, or other challenges (including offering flexible working arrangements where suitable);

Examples of conduct which is not detrimental conduct include:

- administrative action that is reasonable for the purpose of protecting a discloser from detriment (e.g. moving a discloser who has made a disclosure about their immediate work area to another office or area to prevent them from detriment); and
- managing a discloser's unsatisfactory work performance if the action is in line with EBM's performance management framework.

At the same time, EBM will ensure the fair treatment of employees who are mentioned in a disclosure that qualifies for protection, including those who are the subject of a disclosure. Typically, this would include giving those persons an opportunity to respond to the subject matter of the disclosure having regard to principles of procedural fairness. In addition, action would only be taken against such a person if there is convincing evidence of wrongdoing. EBM will not inform these individuals of who has made the allegations against them.

## Other protections available

If the Discloser suffers loss, damage or injury as a result of their disclosure, they are able to seek compensation and other remedies through the courts if it is shown that EBM failed to take regular precautions and exercise due diligence to prevent the detrimental conduct. In these circumstances, disclosers are encouraged to seek independent legal advice.

A Discloser is further protected from the following in relation to their disclosure:

- Civil liability (e.g. legal action against the disclosure for breach of employment contract, duty of confidentiality or another contractual obligation);
- Criminal liability (e.g. attempted prosecution of the discloser for unlawfully releasing information, or other use of the disclosure against the discloser in a prosecution (other than for making a false disclosure)); and
- Administrative liability (e.g. disciplinary action for making the disclosure)

The above protections do not provide immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.

## How EBM will respond

### Initial response and investigation process

While making a disclosure does not guarantee that the disclosure will be formally investigated, all reports will be assessed and considered by EBM and a decision made as to whether they should be investigated. As all situations are different, EBM's response to a disclosure will vary depending on the nature of the disclosure (including the amount and detail of information provided).

EBM will acknowledge receipt of a disclosure within a reasonable time, assuming the Discloser can be contacted. EBM will assess disclosure to determine if they fall within the whistleblower protection and how the investigation should be carried out.

If EBM determines that the matter is not a disclosable matter, we will provide reasons for this. Unless the disclosure is made anonymously, EBM will keep the Discloser informed of the steps taken or to be taken or if no action is to be taken, the reason for this.

EBM will provide updates about the completion of any investigation. The extent of the information provided (or whether it will be provided at all) will be subject to applicable confidentiality considerations, legal obligations and other factors EBM considers relevant in the particular situation.

Without the Discloser's consent, EBM cannot disclose information that is likely to lead to the identification of the Discloser as part of the investigation process – unless:

- the information does not include the discloser's identity;
- EBM removes information that is likely to lead to the identification of the discloser (e.g. the discloser's name, position title and other identifying details); and
- it is reasonably necessary for investigating the issue raised in the disclosure.

All employees and contractors must cooperate fully with any investigations or other process being undertaken under this Policy, including keeping matters confidential to the extent EBM or the law requires.

Unless there are confidentiality or other reasons not to do so, persons to whom the disclosure relates will be informed of the allegation at an appropriate time and will be given a chance to respond to the allegations made against them. Where appropriate, they will be informed of the findings of the investigation.

### What happens after any investigation

Once any investigation is finalised, appropriate parties will be informed of the outcome and findings. This may include recommended next steps including whether disciplinary action or external reporting is required.

Disclosers will be informed of the investigation outcome if appropriate. It may not always be suitable to provide Disclosers with this information. If appropriate, the persons to whom the disclosure relates will also be informed of the findings of any investigation. The formal report

recording the results of an investigation will not be provided to a Discloser or any other person subject to investigation. The method for documenting and reporting the findings will depend on the nature of the initial disclosure.

## Ensuring fair treatment

EBM is committed to ensuring fair treatment of its employees who are mentioned or otherwise associated in a disclosure that qualifies for protection, by:

- offering counselling services to employees and whistleblowers involved;
- confidentially handling disclosures when it is practical and appropriate in the circumstances;
- assessing each disclosure and if necessary, deciding that an investigation is required;
- delivering an objective, fair and independent investigation when an investigation is required; and
- offering a work from home option until resolution of the issue, if role/s are suitable to accompany a work from home option (as determined by the HR department).

## Public Interest Disclosures and Emergency Disclosures

Disclosures may be made to a journalist or to a Federal, State or Territory parliamentarian under certain circumstances and qualify for protection. Prior to making public interest or emergency disclosures you should contact an independent legal advisor.

### Public Interest Disclosures

A public interest disclosure is the disclosure of information to a journalist or parliamentarian where:

- you initially made a disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation ("**External Body**") and at least 90 days have passed since you made that disclosure; and
- you do not have reasonable grounds to believe that action is being taken in relation to that disclosure; and
- you have reasonable grounds to believe that making a further disclosure of the information is in the public interest.

Before making a public interest disclosure, you must have given written notice to the relevant External Body that includes sufficient information to identify the previous disclosure, and states that you intend to make a public interest disclosure.

### Emergency Disclosures

An emergency disclosure is the disclosure of information to a journalist or to a Federal, State or Territory parliamentarian where:

- you initially made a disclosure to an External Body; and
- you have reasonable grounds to believe that the information concerns a substantial and imminent danger to the health and safety of one or more persons or to the natural environment; and



- the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

Before making an emergency disclosure, you must have given written notice to the relevant External Body that includes sufficient information to identify the previous disclosure, and states that you intend to make an emergency disclosure.

## Availability of this Policy

EBM employees (including new employees) should ensure they are informed about and understand this Policy. Each employee will receive a copy of this Policy and be provided with training about the Policy and their rights and obligations under it. Key employees, including Disclosure Officers, will receive regular and specialist training, including in relation to how to respond to disclosures.

A copy of this Policy will also be available on iNavigator.

Any questions about this Policy can be referred to the EBM Risk & Compliance Team.

## Policy review

This Policy may be reviewed, varied, added to or withdrawn from time to time to ensure it continues to meet legislative requirements and best practice standards, and to ensure relevance to the business operations of EBM.

Whilst all employees must comply with any obligations set out in this Policy, the Policy (and any amendments to it) does not form part of any contract (including any employment contract or contractor agreement).