

Whistleblower Policy

Policy Purpose

MPOWER MSL is committed to a culture of corporate compliance and high ethical behaviour.

The Policy aims to:

- Encourage employees to report an issue if they reasonably believe someone has engaged in serious wrongdoing
- Provide protection for employees who report any allegations
- Outline how MPOWER MSL will deal with whistleblowing reports
- Ensure that all allegations are thoroughly investigated with suitable action taken, when necessary

Scope

This Policy applies to casuals, contractors, part-time, and full-time employees of MPOWER MSL.

This Policy applies to all MPOWER MSL’s businesses, divisions, 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.

This Policy is not designed to deal with general employment grievances and complaints. If you have a complaint or you wish to raise a grievance, refer to the Grievance Policy.

Policy Statement

This Policy is designed to ensure that honesty and integrity are maintained.

An individual who raises allegations of misconduct and/or an improper state of affairs or circumstances will be protected against adverse employment actions (dismissal, demotion, suspension, harassment, or other forms of discrimination).

Employees who participate or assist in an investigation will also be protected. Every effort shall be made to protect the anonymity of the whistleblower; however, there may be situations where anonymity cannot be guaranteed. If the whistleblower's anonymity cannot be guaranteed they will be notified.

All employees should be aware that if an employee makes a false report deliberately, maliciously, or for personal gain, that employee may face disciplinary action.

Definitions

ASIC	Australian Securities and Investments Commission.
Discloser	An individual who discloses information.
Eligible Recipient	An Eligible Recipient for MPOWER MSL are: <ul style="list-style-type: none"> a) Officers b) Directors c) Senior managers
Eligible whistleblower	An individual is an eligible whistleblower if the individual is, or has been, any of the following: <ul style="list-style-type: none"> a) officer of MPOWER MSL b) an employee of MPOWER MSL

- c) an individual who supplies services or goods to MPower MSL (whether paid or unpaid)
- d) an employee of a person that supplies services or goods to MPower MSL (whether paid or unpaid)
- e) an individual who is an associate of MPower MSL
- f) a relative of an individual referred to in any of paragraphs (a) to (e)
- g) a dependant of an individual referred to in any of paragraphs (a) to (e), or of such an individual's spouse.

Misconduct	Includes fraud, negligence, default, breach of trust, and breach of duty.
Personal workplace grievances	A grievance about any matter concerning the discloser's employment, or former employment, having (or tending to have) implications for the discloser personally.
Reasonable grounds	A reasonable person in your position would also suspect the information indicates misconduct or a breach of the law.
Whistleblower	An employee who discloses information that s/he reasonably believes is evidence of illegality, fraud, mismanagement, abuse of power, general wrongdoing, or a substantial and specific danger to public health and safety.
Whistleblowing	The disclosure of illegal, immoral or illegitimate practices under the control of the employer/s, to persons or organisations that may be able to effect action

1. Whistleblowing

The disclosure of illegal, immoral, or illegitimate practices under the control of the employer/s, to persons or organisations that may be able to effect action.

1.1. Eligible Whistleblower

A current or former:

- a) officer of MPower MSL
- b) employee of MPower MSL
- c) individual who supplies services or goods to MPower MSL (whether paid or unpaid)
- d) employee of a person that supplies services or goods to MPower MSL (whether paid or unpaid)
- e) individual who is an associate of MPower MSL
- f) relative of an individual referred to in any of paragraphs (a) to (e)
- g) dependant of an individual referred to in any of paragraphs (a) to (e), or of such an individual's spouse.

1.2. What conduct should be reported

The discloser must have reasonable grounds to suspect that the information they are disclosing about MPower MSL concerns:

- Misconduct or
- An improper state of affairs or circumstances.

This information can be about MPower MSL, or an officer or employee of MPower MSL, engaging in the conduct.

Employees are encouraged to report if they witness or know about any behaviour that:

- Is fraudulent, corrupt, dishonest, or unethical

- Is illegal - including theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage against property
- Violates the law or any legal code, such as:
 - the Corporations Act
 - laws enforced by ASIC
 - any other law of the Commonwealth
- Creates unsafe work practices or poses a serious risk to the health and safety of any person at the workplace
- Breaches any of MPower MSL policies
- Discriminates
- Is harassment and/or bullying of any kind
- Is detrimental to MPower MSL and could cause financial or non-financial loss.

1.3. Personal work-related grievances

The Whistleblower Policy does not cover personal work-related grievances. As per the Grievance Policy any of the following should be discussed directly with the line manager or Human Resources:

- Interpersonal conflict between the discloser and another employee
- A decision relating to the engagement, transfer or promotion of the discloser
- A decision relating to the terms and conditions of engagement of the discloser
- A decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

However, it does not include any conduct that would be considered victimisation of an individual because they have made, may have made, or propose to make a report under this Policy. Or a matter that would have significant implications for MPower MSL.

1.4. Responsibility to report

MPower MSL relies on its employees/disclosers to help maintain and grow its culture of honesty and ethical behaviour. If an individual becomes aware of misconduct and/or an improper state of affairs or circumstances, they have a responsibility to report the behaviour.

Any person who has reasonable grounds to suspect misconduct and/or an improper state of affairs or circumstances has occurred is encouraged to report that suspicion to the employee's line manager, or if this is considered inappropriate, is encouraged to raise any concerns with Human Resources by phone, via email or in writing. Any items of concern may also be raised directly with the CEO or any member of the MSL Board.

2. Reporting Procedures

All claims of misconduct and/or an improper state of affairs or circumstances should include specific, adequate and pertinent information concerning, among other things, dates, places, persons/witnesses, amounts, and other relevant information, to allow for a reasonable investigation. If the discloser provides his/her name, the person receiving the claim will acknowledge having received the complaint and may initiate a follow-up meeting.

If the claim is anonymously submitted, there will be no follow-up meeting regarding the claim of misconduct and/or an improper state of affairs or circumstances. If additional information is necessary for further investigation, MPower MSL will be unable to communicate with the discloser.

2.1. Internal reporting for employees

Employees should first report any matters of concern to their line manager or Human Resources who will then report it to a MPower MSL eligible recipient. Where the individual making a report does not feel comfortable making an internal report, or where an employee has made an internal report, but no action has occurred within a reasonable time, the report can be made using any Eligible Recipient.

2.2. Procedures following disclosure

Once a whistleblower reports suspected misconduct and/or an improper state of affairs or circumstances, and they have provided reasonable grounds for their belief that misconduct and/or an improper state of affairs or circumstances have occurred, an investigation of those allegations shall commence.

3. Protection and Support of Whistleblower

This policy protects the discloser against any reprisals, provided that the claim:

- Is submitted in good faith and without any malice or intentionally false allegations
- Is based on the discloser's reasonable belief that the allegation, or issue related to the allegation constitutes, or may constitute, a material violation
- Does not result in a personal gain or advantage for the discloser.

No alleged misconduct and/or allegations of improper state of affairs or circumstances that meet the above conditions will give rise to any reprisals or threat of reprisals against the discloser unless the discloser is a participant in the prohibited activities related to the complaint. In those circumstances, the decision to file the complaint is only likely to affect the extent of the disciplinary measures (if any) that may eventuate against the discloser.

3.1. Protection of whistleblowers

Eligible whistleblowers are protected under Law and there is no requirement for a discloser to identify himself or herself to qualify for protection under this part.

MPOWER MSL and its directors, officers, employees, and agents will not:

- Penalise
- Dismiss
- Demote
- Suspend
- Threaten or harass
- Transfer the discloser to an undesirable job or location, or
- Discriminate in any manner against the discloser

MPOWER MSL considers any reprisals against a discloser to be a serious breach of this policy and one likely to result in disciplinary measures, including dismissal. This protection applies to anyone providing information related to an investigation according to this policy.

3.2. Support for disclosers

Support available for disclosers (if known) includes:

- Access to the Employee Assistance Program (EAP)
- Appointing an independent support person to deal with any ongoing concerns they may have

3.3. Retaliation

The Corporations Act 2001 makes it illegal for someone to cause or threaten detriment to an individual because they believe or suspect that they have made, may have made, or could make a whistleblower disclosure.

In the case of considered risk of retaliation and/or retaliation, the discloser should contact their line manager or Human Resources. Appropriate action will be taken to resolve this situation. Potential steps to protect the discloser from a considered risk of retaliation and/or retaliation may include:

- The discloser taking leave
- The discloser reassigned to other duties

- The discloser reassigned to another location.

Other parties that might be witnesses or are involved in the investigation will be protected from retaliation in the same manner as the discloser.

Any employee or associated person found retaliating will face disciplinary action, including the potential to be terminated from their roles.

3.4. Support for persons implicated

No action against employees who are implicated in a report under this Policy until an investigation has determined whether any allegations against them are substantiated. However, an employee who has been implicated may be temporarily stood down on full pay while an investigation is in process, or maybe temporarily transferred to another office, department or workplace, if appropriate in the circumstances. Any such stand-down or temporary transfer may only continue for the duration of the investigation. If the investigation determines that the allegations are not substantiated, the employee must be immediately reinstated.

Support available for persons implicated in a report under this Policy includes:

- Access to the Employee Assistance Program (EAP)
- Appointing an independent support person to deal with any ongoing concerns they may have

4. Confidentiality

MPOWER MSL will take all reasonable steps to protect the identity of the discloser and will adhere to any statutory requirements in respect of the confidentiality of disclosures made. In some cases, the release of the identity of the discloser or the allegation made by them may be unavoidable, such as if court proceedings result from disclosure according to this policy.

Any disclosures that implicate an employee must be kept confidential. Even if the discloser has consented to the disclosure of their identity, any information shared should only be with those persons who need to know the information for the performance of their functions or the investigation of the report. An employee who is implicated in a disclosure has a right to be informed of the allegations against them, and must be given an opportunity to respond to those allegations and provide additional information, if relevant, in the course of an investigation into those allegations (subject to the discloser's right to anonymity).

4.1. Anonymous reporting

An anonymous report can be made; however, it may be difficult for MPOWER MSL to properly investigate or take other action to address the matters disclosed in anonymous reports. In circumstances where the discloser has not consented to the disclosure of their identity, the investigator will take all reasonable steps to reduce the risk of identifying the discloser as a result of the investigation.

Information about a discloser's identity and information that is likely to lead to the identification of the discloser may be revealed in the following circumstances:

- Where the information is reported to ASIC or the Australian Federal Police
- Where the information is disclosed to a legal practitioner for obtaining legal advice concerning whistleblowing protection laws
- Where the discloser consents.

If a discloser reveals their identity, MPOWER MSL will work to protect their identity and will outline and document who in the organisation will know who submitted the report. MPOWER MSL will also take all steps necessary to ensure they do not suffer any retaliation.

5. Investigations

Investigations will be conducted promptly and fairly with due regard for the nature of the allegation and the rights of the persons involved in the investigation. Evidence, including any materials, documents, or records shall be held securely by the investigator. The person receiving the disclosure must report it as soon as possible to the CEO. The CEO shall then determine if the allegation is, in fact, pertinent to any of the issues mentioned in this policy.

The CEO will determine the appropriate method for the investigation. In some cases, the CEO may ask for the assistance of an internal or an external specialist, as the CEO deems necessary.

During the investigation, the investigator will have access to all relevant materials, documents, and records. The directors, officers, employees and agents of MPower MSL must cooperate fully with the investigator.

During the investigation, the CEO will use all reasonable means to protect the confidentiality of the information regarding the discloser.

6. Reporting

After the investigation, the investigator will prepare a report of the findings for the CEO. Where the final report indicates that the misconduct and/or an improper state of affairs or circumstances has occurred, the final report will include recommendations for steps to be taken to prevent the misconduct and/or an improper state of affairs or circumstances from occurring in the future. Including any action that should be taken to remedy any harm or loss arising from the misconduct and/or an improper state of affairs or circumstances. This may include disciplinary proceedings against the person responsible for the conduct, and the referral of the matter to appropriate authorities, as is deemed necessary by the Management Team.

6.1. Communications to the Whistleblower

MPower MSL shall ensure that provided the claim was not submitted anonymously, the discloser is kept informed of the outcomes of the investigation of the relevant allegations, subject to the considerations of privacy of those against whom allegations are made.

6.2. What if the informant is not satisfied with the result

If, after receiving the report of the investigation, the discloser is not satisfied with the result, they can escalate this to the MSL Board. The discloser can provide this escalation in writing so that a formal review can take place. While the MSL Board commits to review the request, MPower MSL is under no obligation to reopen the investigation. If the MSL Board concludes that the investigation was conducted properly and no new information exists that would change the results of the investigation, the investigation will be concluded.

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