



Risk Management Framework

Whistleblower Policy



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1. Purpose

The purpose of the Whistleblower Policy (**'the Policy'**) is to establish a system for employees, officers, suppliers, contractors and associates of the Health Insurance Fund of Australia Limited (**'HIF'** or **'the Company'**) to raise concerns regarding any serious misconduct (including unethical, illegal, fraudulent, corrupt or other inappropriate conduct) without being subject to victimisation, harassment or discriminatory treatment. The Policy is an important tool to encourage more disclosures of wrongdoing and to provide transparency around HIF's framework for receiving, handling and investigating disclosures.

2. Context and Background

The *Corporations Act 2001* (Cth) (**'Corporations Act'**) protects certain whistleblower activities and protects whistleblowers from persecution. These protections are designed to encourage people within companies, or with special connections to companies, to alert companies of concerns of inappropriate conduct or misconduct being performed by a director, officer, employee, contractor, supplier or other person associated with a company.

The Policy is a core component of HIF's Risk Management Framework (**'RMF'**) and therefore it applies to the board of directors (**'Board'**), management and all other employees across all areas of HIF's business. Any irregularity, or suspected irregularity, involving suppliers, consultants or any other third party agencies engaged by HIF, or its employees is included in the scope of the Policy.

3. Policy

3.1 Reportable Conduct

You may make a report under the Policy if you have reasonable grounds to suspect that a director, officer, employee, contractor, supplier, tenderer or other person who has business dealings with HIF has engaged in conduct (**'Reportable Conduct'**) which:

- (a) is dishonest, fraudulent or corrupt, including bribery or other activity in breach of HIF's Fraud and Corruption Policy;
- (b) involves illegal activity (such as theft, violence, criminal damage to property or other breaches of state or federal law);
- (c) is unethical or in breach of HIF's policies (such as undeclared conflicts of interest, dishonestly altering company records or data, adopting questionable accounting practices or wilfully breaching HIF's Code of Conduct or other policies or procedures);
- (d) is potentially damaging to HIF, an employee or a third party (such as unsafe work practices, environmental damage, health risks or abuse of HIF's property or resources);
- (e) amounts to an abuse of authority;
- (f) may cause financial loss to HIF or damage to its reputation or be otherwise detrimental to HIF's interests;
- (g) involves harassment, intimidation, discrimination, victimisation or bullying, other than personal work-related grievances as defined in the Corporations Act;
- (h) involves the unauthorised use of HIF's confidential information;

- (i) represents a danger to the public or to the financial system;
- (j) involves any other kind of misconduct or an improper state of affairs or circumstances; or
- (k) involves the deliberate concealment of any of the above.

Reportable Conduct does not include personal work-related grievances, such as grievances regarding employment (or former employment) that have (or may have) implications for you personally. Examples of personal work-related grievances include interpersonal conflicts between you and another employee, decisions relating to your employment, engagement, transfer or promotion, decisions relating to the terms and conditions of your engagement, and decisions to suspend or terminate your engagement or otherwise to discipline you, where such decisions were not taken due to a report of Reportable Conduct being made.

A disclosure of a personal work-related grievance will only be protected under the Corporations Act if the disclosure includes information about misconduct accompanied by a personal work-related grievance (mixed report) or involves detrimental conduct to the whistleblower. A disclosure of a personal work-related grievance will also be protected if it is made to a legal practitioner to obtain legal advice or representation in relation to the whistleblower provisions.

Personal work-related grievances can be raised internally under HIF's Grievance Resolution Policy. You may also seek legal advice about your rights and protections under employment or contract law to resolve your personal work-related grievance.

3.2 Who can receive reports of Reportable Conduct

If you become aware of any issue or behaviour which you consider to be Reportable Conduct, you are encouraged to talk to a member of the HIF Leadership Team ('HIFLT') in the first instance. If you wish to report the Reportable Conduct and have your report dealt with under the Policy, you can either ask the person you have been dealing with to escalate the matter on your behalf, or you can make the report yourself. You can also choose to remain anonymous when making a disclosure and in doing so, remain protected under the Corporations Act.

If you wish to report the matter yourself, you are encouraged to make a report to HIF's Protected Disclosure Officer who will, unless advised otherwise, be as follows:

Chief Risk Officer **Phone:** (08) 9227 4242
Email: whistleblower@hif.com.au
Post: GPO Box X2221, Perth, WA, 6847

If a report involves the Protected Disclosure Officer, or any office held by that officer, the report should be directed to the Chief Executive Officer ('CEO') as follows:

Chief Executive Officer **Email:** CEO@hif.com.au
Post: GPO Box X2221, Perth, WA, 6847

In the event your report involves the Chief Executive Officer, the report should be directed to the Company Secretary as follows:

Company Secretary **Email:** Company.Secretary@hif.com.au
Post: GPO Box X2221, Perth, WA, 6847

You may also report Reportable Conduct to the following external people or bodies:

- (a) HIF's Internal or External Auditor (or a member of the internal or external audit team).
- (b) HIF's Appointed Actuary.
- (c) Australian Securities and Investments Commission ('ASIC').
- (d) Australian Prudential Regulation Authority ('APRA').
- (e) A legal practitioner, for the purpose of obtaining legal advice or legal representation in relation to your report.

Nothing in the Policy is intended to restrict you from disclosing Reportable Conduct, providing information to, or communicating with a government agency, law enforcement body or a regulator in accordance with any relevant law, regulation or prudential standard in all jurisdictions in which the Company conducts business.

Reportable Conduct should only be disclosed to the persons listed above for it to qualify for protection under the Corporations Act (or the Taxation Administration Act, where relevant).

3.3 Investigation of Reportable Conduct

Investigation processes will vary depending on the nature of the conduct being investigated. HIF will assess each disclosure to determine whether it qualifies for protection and if a formal, in-depth investigation is required. All investigations must be conducted in a timely manner that is fair and objective to all people involved. Any persons mentioned in the disclosure, including those that the disclosure relates to, will be afforded procedural fairness in the investigation, including being provided the opportunity to respond to any allegations of Reportable Conduct made against them. A report will not be investigated by someone who is implicated in the report. HIF may not be able to undertake an investigation if it is not able to contact the whistleblower (e.g. if a disclosure is made anonymously and the whistleblower has refused to provide, or has not provided, a means of contacting them).

The Protected Disclosure Officer may, with your consent, appoint a person to assist in the investigation of a report. Depending on the nature and circumstances of the alleged Reportable Conduct, the Protected Disclosure Officer may deem it necessary and/or appropriate to engage with an independent third party to conduct the investigation on its behalf. At their discretion, the Protected Disclosure Officer may advise the Chairman of the Board and/or the Board's Audit Committee and/or Risk Committee about the matter reported and the progress of their investigation. If contactable, HIF will provide you with regular updates at key stages throughout the investigation process, noting that the frequency and timeframe of these updates may vary depending on the nature of the disclosure (subject to considerations of the privacy of those against whom allegations are made).

To avoid jeopardising an investigation, a person who has made a report under the Policy is required to keep confidential the fact that a report has been made (subject to any legal requirements). The Protected Disclosure Officer will maintain a register of Protected Disclosures.

The Protected Disclosure Officer has direct access to the Board and the Board's Audit Committee and Risk Committee and is required to report to the Board and the Audit Committee at least annually on compliance activity. Serious and/or material Reportable Conduct will be considered by the Protected Disclosure Officer for immediate referral to the Chairman of the

Audit Committee, including where such Reportable Conduct is considered to be in breach of the Company's Fraud and Corruption Policy or any equivalent policy.

3.4 Notification of Outcome

The results of any investigation will be recorded in writing in a formal internal report that will be kept confidential and will remain the property of HIF. Once the investigation and matter (including any disciplinary action) has been finalised, HIF will attempt to notify the whistleblower that the matter has concluded. However, it may not always be appropriate to provide whistleblowers with this information, including where HIF is bound by a law or agreement that prevents such disclosure being made.

HIF is not obliged to reopen an investigation and can conclude a review if it finds that the investigation was conducted properly, or new information is either not available or would not change the findings of the investigation. If you are not satisfied with the outcome of the investigation, depending on the nature of your report, you may lodge a complaint with the relevant regulator, such as ASIC, APRA or the Australian Tax Office ('ATO').

If a review is deemed necessary, the review will be conducted by an officer who is not involved in handling and investigating disclosures and will be conducted in accordance with paragraph 3.3 of the Policy.

3.5 Protection of Whistleblowers

HIF is committed to ensuring confidentiality in respect of all matters raised under the Policy, and that those who make a report are treated fairly and do not suffer detriment.

(a) Protection against detrimental treatment

Detrimental treatment includes dismissal, demotion, alteration of an employee's position or duties to their disadvantage, harm or injury to a person including psychological harm, damage to a person's property, reputation, business or financial position, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a report.

HIF may take other actions that are not considered detrimental treatment, such as administrative action that is reasonable for the purpose of protecting an employee from detriment (e.g. allowing the employee to perform their duties from another location, reassigning the employee to another role at the same level, making other modifications to the employee's workplace or the way in which they perform their work duties, or reassigning or relocating other staff involved in the disclosable matter).

If you are subjected to detrimental treatment as a result of making a report under the Policy, you should:

- (i) Inform the Protected Disclosure Officer, a member of the HIFLT, or the CEO; or
- (ii) raise it in accordance with paragraph 3.2 of the Policy.

(b) Protection of your identity and confidentiality

Subject to compliance with legal requirements, upon receiving a report under the Policy, HIF will only share your identity as a whistleblower or information likely to reveal your identity if:

- (i) you consent;

- (ii) the concern is reported to ASIC, APRA, the Commissioner of Taxation or the Australian Federal Police ('AFP'); or
- (iii) the concern is raised with a lawyer for the purpose of obtaining legal advice or representation.

If HIF needs to investigate a report, it may disclose information that could lead to your identification, but it will take reasonable steps to reduce this risk. Where possible, HIF will reduce this risk by redacting personal information or any reference to you witnessing an event. Further, you will be referred to in a gender-neutral context and your disclosure will be handled and investigated by qualified staff. Any disclosures of your identity or information likely to reveal your identity will be made on a strictly confidential basis.

(c) Compensation protections

A whistleblower can seek compensation and other remedies through the courts if:

- (i) you suffer loss, damage or injury because of the disclosure; and
- (ii) HIF failed to take reasonable precautions and exercise due diligence to prevent any detrimental treatment.

(d) Civil, criminal, and administrative liability protections

In relation to the disclosure, a whistleblower is protected from:

- (i) Civil liability (e.g. any legal action against the whistleblower for breach of an employment contract);
- (ii) Criminal liability (e.g. attempted prosecution of the whistleblower for unlawfully releasing information); and
- (iii) Administrative liability (e.g. disciplinary action for making the disclosure).

(e) Protection of files and records

All files and records created from an investigation will be retained securely.

Unauthorised release of information to someone not involved in the investigation (other than members of the HIFLT or directors, who need to know to take appropriate action, or for corporate governance purposes) without your consent as a whistleblower will be a breach of the Policy.

Whistleblowers are assured that a release of information in breach of the Policy will be regarded as a serious matter and will be dealt with under HIF's Disciplinary Policy.

The Corporations Act gives special protection to disclosures about breaches of that Act, provided certain conditions are met – refer to **Appendix A** for further details.

The *Taxation Administration Act 1953* (Cth) ('**Taxation Administration Act**') also gives special protection to disclosures about breaches of any Australian tax law, provided certain conditions are met – refer to **Appendix B** for further details.

3.6 Breach of Policy

A breach of the Policy may be regarded as misconduct, which may lead to disciplinary action (including termination of employment or engagement). In particular, any breach of confidentiality of the information provided by a whistleblower, or a whistleblower's identity, and any retaliation against a whistleblower, will be taken seriously and if appropriate, will be

separately investigated. An individual may also be exposed to criminal or civil liability for a breach of relevant legislation.

4. Communication

The Policy will be communicated and made available to HIF's employees, including the Board and all relevant persons contracted by HIF, through HIF's intranet and external website.

The effectiveness of the Policy will be monitored and reported to the Board periodically.

5. Review and Update

The Policy must be reviewed by the Board at least triennially and may only be amended by resolution of the Board.

The Policy is approved by Board resolution dated 25 October 2023 and supersedes any policy previously in force in relation to its subject matter.

6. Appendix A – Special Protections under the Corporations Act

The Corporations Act gives special protection to disclosures about any misconduct or improper state of affairs relating to HIF if the following conditions are satisfied:

- (a) the whistleblower is or has been:
 - (i) an officer or employee of HIF;
 - (ii) an individual who supplies goods or services to HIF or an employee of a person who supplies goods or services to HIF;
 - (iii) an individual who is an associate of HIF; or
 - (iv) a relative, dependent or dependent of the spouse of any individual referred to at (i) to (iii) above;
- (b) the report is made to:
 - (i) a Protected Disclosure Officer;
 - (ii) an officer or senior manager of HIF;
 - (iii) HIF's external auditor (or a member of that audit team);
 - (iv) HIF's Appointed Actuary;
 - (v) ASIC;
 - (vi) APRA; or
 - (vii) a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act;
- (c) the whistleblower has reasonable grounds to suspect that the information being disclosed concerns misconduct, or an improper state of affairs or circumstances in relation to HIF. This may include a breach of legislation including the Corporations Act, an offence against the Commonwealth punishable by imprisonment for 12 months or more or conduct that represents a danger to the public or financial system.

Examples of conduct which may amount to a breach of the Corporations Act include: insider trading, insolvent trading, breach of the continuous disclosure rules, failure to keep accurate financial records, falsification of accounts, failure of a director or other officer to act with the care and diligence that a reasonable person would exercise, or to act in good faith in the best interests of the Company or failure of a director to give notice of any material personal interest in a matter relating to the affairs of the company.

The protections given by the Corporations Act when these conditions are met are:

- (a) the whistleblower is immune from any civil, criminal or administrative legal action (including disciplinary action) for making the disclosure;
- (b) no contractual or other remedies may be enforced, and no contractual or other right may be exercised, against the whistleblower for making the report;
- (c) in some circumstances, the reported information is not admissible against the whistleblower in criminal proceedings or in proceedings for the imposition of a penalty;
- (d) anyone who causes or threatens to cause detriment to a whistleblower or another person in the belief or suspicion that a report has been made, or may have been made, proposes to or could be made, may be guilty of an offence and may be liable for damages;

- (e) a whistleblower's identity cannot be disclosed to a Court or tribunal except where considered necessary; and
- (f) the person receiving the report commits an offence if they disclose the substance of the report or the whistleblower's identity, without the whistleblower's consent, to anyone except ASIC, APRA, the AFP or a lawyer for the purpose of obtaining legal advice or representation in relation to the report.

The protections do not grant immunity for any misconduct a whistleblower has engaged in that is revealed in their disclosure.

The protections under the Corporations Act do not generally apply to information relating to personal work-related grievances except in limited circumstances.

Confidentiality

If a report is made, the identity of the whistleblower must be kept confidential unless one of the following exceptions applies:

- (a) the whistleblower consents to the disclosure of their identity;
- (b) disclosure of details that might reveal the whistleblower's identity is reasonably necessary for the effective investigation of the matter;
- (c) the concern is reported to ASIC, APRA, or the AFP; or
- (d) the concern is raised with a lawyer for the purpose of obtaining legal advice or representation.

7. Appendix B – Special Protections under the Taxation Administration Act

The Taxation Administration Act gives special protection to disclosures about a breach of any Australian tax law by HIF or misconduct in relation to HIF's tax affairs if the following conditions are satisfied:

- (a) the whistleblower is or has been:
 - (i) an officer or employee of HIF;
 - (ii) an individual who supplies goods or services to HIF or an employee of a person who supplies goods or services to HIF;
 - (iii) an individual who is an associate of HIF;
 - (iv) a spouse, child, dependent or dependent of the spouse of any individual referred to at (i) to (iii) above;
- (b) the report is made to:
 - (i) the Protected Disclosure Officer;
 - (ii) a director, company secretary or senior manager of HIF;
 - (iii) HIF's external auditor (or a member of that audit team);
 - (iv) a registered tax agent or BAS agent who provides tax or BAS services to HIF;
 - (v) any other employee or officer of HIF who has functions or duties relating to tax affairs of the company (e.g. an internal accountant) ('**HIF recipient**');
 - (vi) the Commissioner of Taxation; or
 - (vii) a lawyer for the purpose of obtaining legal advice or representation in relation to a report; and
- (c) if the report is made to a HIF recipient, the whistleblower:
 - (i) has reasonable grounds to suspect that the information indicates misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of HIF or an associate of HIF; and
 - (ii) considers that the information may assist the HIF recipient to perform functions or duties in relation to the tax affairs of HIF or an associate of HIF; and
- (d) if the report is made to the Commissioner of Taxation, the whistleblower considers that the information may assist the HIF recipient to perform functions or duties in relation to the tax affairs of HIF or an associate HIF.

The protections given by the Taxation Administration Act when these conditions are met are:

- (a) the whistleblower is immune from any civil, criminal or administrative legal action (including disciplinary action) for making the disclosure;
- (b) no contractual or other remedies may be enforced, and no contractual or other right may be exercised, against the whistleblower for making the report;
- (c) where the disclosure was made to the Commissioner of Taxation, the reported information is not admissible against the whistleblower in criminal proceedings or in proceedings for the imposition of a penalty, except where the proceedings are concerned with whether the information is false;

- (d) unless the whistleblower has acted unreasonably, a whistleblower cannot be ordered to pay costs in any legal proceedings in relation to a report;
- (e) anyone who causes or threatens to cause detriment to a whistleblower or another person in the belief or suspicion that a report has been made, or may have been made, proposes to or could be made, may be guilty of an offence and liable to pay damages;
- (f) a whistleblower's identity cannot be disclosed to a Court or tribunal except where considered necessary;
- (g) the person receiving the report commits an offence if they disclose the substance of the report or the whistleblower's identity, without the whistleblower's consent, to anyone except the Commissioner of Taxation, the AFP or a lawyer for the purpose of obtaining legal advice or representation in relation to the report.

Confidentiality

If a report is made, the identity of the whistleblower will be kept confidential unless one of the following exceptions applies:

- (a) the whistleblower consents to the disclosure of their identity;
- (b) disclosure of details that might reveal the whistleblower's identity is reasonably necessary for the effective investigation of the allegations;
- (c) the concern is reported to the Commissioner of Taxation or the AFP; or
- (d) the concern is raised with a lawyer for the purpose obtaining legal advice or representation.