

Benestar Whistleblower Policy

Last Updated: December 2022

1. Overview and scope

We are a group of people who care...

We care about doing the right thing. Making ethical decisions and speaking up when we see something that does not seem right is crucial for us to maintain the trust of each other, our customers, business partners, regulators and society.

We care about business integrity and ethical behaviour because conducting all our business in a compliant and fair manner helps prevent criminal, illegal and unethical activities and preserves the transparency and reliability of our industry.

We care about our company because we are proud of Benestar and our brands and understand that protecting our reputation and our assets is critical for our long-term success

Through the Benestar Whistleblower Policy ("Policy") we enable and encourage you to speak up and report if you notice any improper conduct, non-compliance or breach of legal or regulatory requirements ("Concern").

Benestar entities operating in Australia (or "We") will observe this Policy.

This Policy:

- provides protections for a person who discloses wrongdoing ("discloser")
- describes the whistleblowing culture for Benestar and increases transparency in how Benestar will handle a disclosure of wrongdoing
- encourages disclosure of wrongdoing
- deters wrongdoing, promotes compliance with the law and an ethical culture by increasing awareness of the likelihood that wrongdoing will be reported.

2. Who can report a Concern

A Concern under this Policy may be reported by:

- an officer or employee of Benestar *i.e. current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers, and directors*
- a supplier of services or goods to Benestar (whether paid or unpaid), including employees *i.e. current and former contractors, consultants, service providers and business partners*
- an associate of Benestar or
- a relative, dependant or spouse of any party listed above *i.e. relatives, dependants or spouse of current and former employees, contractors, consultants, service providers, suppliers and business partners.*

The above individuals are eligible whistleblowers under the Corporations Act 2001 (Cth) ("the Act") that qualify for protections available for whistleblowers under the Act.

3. Types of Concerns that can be reported under the Policy

If you have reasonable grounds to suspect a Concern in relation to Benestar or a related company, you can report that under this Policy.

Concerns which may be reported under this Policy include failure to comply with, or breach of, legal or regulatory requirements as well as engaging in or threatening to engage in detrimental conduct against a discloser or a person who is suspected to have made or is intending to make a disclosure.

Examples of Concerns may include, but are not limited to:

- fraud, bribery, theft or other crime
- financial irregularities
- falsification of company business or financial records
- misuse of company resources
- impermissible gifts
- improper destruction of documents
- questionable or unethical business practices
- violations of our Code of Conduct (unethical conduct) or other Benestar policies
- violations of professional Code of Conduct
- harassment and discrimination or
- actions that could cause Benestar financial or reputational damage.

Types of disclosures that qualify for protection under the Act includes conduct that:

- is an offence against, or a contravention of, any of the prescribed Acts¹ or any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more
- represents a danger to the public or the financial system or
- is prescribed by regulation.

4. Reporting a Concern

Anyone wishing to raise a concern or to obtain additional information before making a disclosure can do so via the **Benestar Group's Risk & Compliance department** via benestarriskandcompliance@benestar.com or privacyofficer@benestar.com

A Concern can also be reported anonymously.

Nothing in this Policy prohibits anyone from reporting possible breaches of law, regulation or rule to any supervisory authority, governmental or regulatory agency or governmental or regulatory entity, even if the reporting may contain confidential information. Nothing in this Policy requires notification to or prior approval by Benestar Group or entities of any such report or disclosure.

A discloser qualifies for protections under the Act if a disclosure is made to Benestar directly, or other agencies including the Australian Health Practitioner Regulation Agency (AHPRA) or another state-based body prescribed by regulation, and even if the disclosure was made anonymously.

If you wish to report a Concern, you should have **reasonable grounds** to suspect the information that you intend to report, concerns misconduct. You should not, knowingly, provide false or misleading information in the course of an investigation (as a discloser or as a witness).

¹ 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; an instrument made under an Act referred to above.

5. How we review and evaluate a reported Concern

Concerns reported to Benestar Risk and Compliance or Privacy Officer will be managed by Benestar after withholding any information to be kept confidential.

Once received, each reported Concern will be reviewed and evaluated, and assigned as required to the appropriate function for investigation. Benestar is committed to investigating reported Concerns in an objective, timely, thorough and professional manner, consistent with all local laws and regulations, and in a way that will gather the facts necessary to allow for a reasonable assessment of the Concerns raised.

Acknowledgement of a reported Concern

A reported Concern will be acknowledged in writing and the discloser will be provided with an indication of how Benestar proposes to deal with the matter.

Nature of investigations

Some issues may be investigated without the need for initial enquiries to be made. Similarly, some concerns may be capable of resolution by agreed action without the need for investigation.

Benestar will take appropriate steps to minimise any difficulties that a discloser, or any other party involved in the investigation, may experience while we investigate any Concern reported.

Information provided to the discloser

The discloser will be given as much information as possible on the outcome of the investigation, subject to the constraints of Benestar's duty of confidentiality or any other legal constraint.

6. Protections for disclosers

Identity protection

Disclosers may choose to report their Concerns anonymously.

Where a Concern is reported anonymously, Benestar will not disclose the identity of the discloser or any information that is likely to lead to the identification of the discloser except with the consent of the discloser or if required by law². However, the information received may be disclosed, with or without the discloser's consent, if:

- the information does not include the discloser's identity
- Benestar has taken all reasonable steps to reduce the risk that the discloser will be identified from the information and
- it is reasonably necessary for investigating the issues raised in the disclosure.

A discloser can lodge a complaint about a breach of confidentiality to Benestar Group's Risk & Compliance department via benestarriskandcompliance@benestar.com or directly with a regulator for investigation.

The confidentiality of the discloser's identity will be ensured by:

- storing all paper and electronic documents and other materials relating to disclosures securely;
- limiting the access to all information and communications relating to a disclosure to those directly involved in managing and investigating the disclosure only;
- applying more access restrictions on information relating to a discloser's identity, where a disclosure was made anonymously; and

² Exceptions include disclosure of discloser's identity to ASIC, the Australian Federal Police, to a legal practitioner; to a person or body prescribed by regulations (s14ZZW(2) of the Taxation Administration Act).

- ensuring each person who is involved in handling and investigating a disclosure is aware of the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence.

No retaliation

Benestar does not tolerate retaliation against any party who reports a Concern on reasonable grounds. A person must not engage in conduct or make a threat that causes detriment to a discloser or another person, in relation to a disclosure. A threat may be express or implied, or conditional or unconditional.

Protection against retaliation is also extended to those who participate in an investigation e.g. witnesses or provide information/evidence in the course of any investigation.

Anyone who is found to have engaged in retaliation against a reporter, witness or investigator (including managers condoning or enabling the retaliatory acts of others, may be subject to disciplinary action up to and including termination of employment.

Retaliation includes, but is not limited to, direct or indirect intimidation, threats, harassment or other similar conduct against a reporter, witness or investigator as a result of a report and/or investigation, as well as recommendation, encouragement or condoning of such conduct.

Examples of retaliation include, but are not limited to:

- harassment or intimidation of a person
- harm or injury to a person, including psychological harm
- damage to a person's property, reputation, business or financial position.

However, certain reasonable actions taken by Benestar will not be considered retaliation (where relevant) such as:

- 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 to prevent them from detriment and
- managing a discloser's unsatisfactory work performance, if the action is in line with the performance management framework.

If a discloser or a witness or an investigator experience a retaliation in anyway, they can lodge a complaint via the Risk & Compliance department via benestarriskandcompliance@benestar.com or directly with a regulator.

Any person connected to an investigation of a reported Concern will be protected from retaliation by:

- conducting investigations in such a way so that the process will not be overly stressful, time-consuming or impact the performance of the discloser or any other party subject to the disclosure
- taking actions for protecting a discloser from detriment and risk of detriment, where necessary. For example, take disciplinary action, offer compensation and other remedies, make modifications to the discloser's workplace or the way they perform their work duties, or reassign or relocate the discloser or other staff involved in the disclosable matter
- ensuring that management is aware of their responsibilities to maintain the confidentiality of a disclosure, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a discloser, a witness or an investigator
- providing information on how a complaint can be lodged if they have suffered detriment, and the actions Benestar may take in response to such complaints.

Other legal protections available

While Benestar provides protections to the disclosers against retaliation, if the discloser anticipates or believes that they have encountered any retaliation, a discloser (or any other employee or person) can seek compensation and other remedies through the courts if:

- they suffer loss, damage or injury because of a disclosure; and
- Benestar failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

The discloser is encouraged to seek their own independent legal advice in this regard.

A discloser is also protected from any of the following in relation to their disclosure:

- civil liability e.g. any legal action against the discloser for breach of an 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.

Benestar acknowledges that the act of whistleblowing does not excuse a discloser from his or her involvement in improper conduct. A person's liability for his or her own conduct is not affected by the person's disclosure of that conduct. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

Fair treatment of individuals mentioned in a reported Concern

In order to ensure fair treatment of individuals mentioned in a disclosure, where applicable:

- disclosures will be handled confidentially, when it is practical and appropriate in the circumstances
- each disclosure will be assessed and may be the subject of an investigation
- the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported
- when an investigation needs to be undertaken, the process will be objective, fair and independent
- an employee who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and prior to any actions being taken and
- an employee who is the subject of a disclosure may utilise Benestar's support services e.g. counselling.

Awareness

This Policy will be made available on Benestar's intranet and on our website www.benestar.com for access by disclosers within and outside of Benestar.