

# WHISTLEBLOWER POLICY

## Introduction

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StreetSmart Australia Limited (**StreetSmart**) endeavours to uphold the highest standards of legal, ethical and moral behaviour.

StreetSmart's Whistleblower Policy (**Policy**) has been developed to encourage anyone associated with it who becomes aware of serious misconduct to report that misconduct. It will not tolerate any retaliatory action or threats of retaliatory action against a person reporting such misconduct (referred to as a **whistleblower**) or any person involved in the investigation process. It is essential that the reporting person should be able to make a report without fear of retribution, harassment, victimisation or discrimination.

The purposes of this Policy are to:

- encourage the reporting of wrongdoing;
- protect and support those who make disclosures;
- set out a safe reporting mechanism; and
- outline how StreetSmart will investigate and resolve protected disclosures made in accordance with this Policy.

## Who can make a report?

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This Policy applies to:

- employees and interns;
- volunteers and members;
- directors of the Board;
- clients;
- contractors, suppliers and service providers engaged by StreetSmart;
- a relative, dependant or dependant of the spouse of any individual referred to above.

Former employees, volunteers and interns may make a protected disclosure.

## Reportable concerns

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StreetSmart encourages the reporting of misconduct and/or reasonable suspicions that any of the following have taken place, are taking place, an intent exists to carry any of the following out in the future, or that any of the following have been concealed:

- fraud, that is, a deliberate deception in order to secure personal gain, or to cause disadvantage to StreetSmart; this includes theft, bribery and facilitation payments and money laundering;
- corruption, that is, the improper use of influence or position and/or improper use of information by commission or omission;
- unauthorised use or misuse of StreetSmart property, equipment or materials;
- criminal offences by StreetSmart staff or third parties;
- damage to the environment;
- breaches of health and safety laws;
- undeclared conflicts of interest;
- sexual exploitation, harassment or abuse; and

- unethical or other serious improper conduct, including such conduct that is in breach of StreetSmart's policies and procedures.

The disclosure of any of the above matters to a legal practitioner for the purposes of obtaining legal advice or representation in relation to whistleblower laws is protected under this Policy. This includes where the legal practitioner concludes that the matter would not be a reportable concern.

Personal work-related grievances that do not involve a detriment caused or threatened are not a reportable matter and are not protected under this Policy. A personal work-related grievance is one that relates to a reporting person's current or former employment that has implications for the reporting person, but does not have significant implications for StreetSmart and does not relate to a 'reportable concern' listed above.

## Protection for the whistleblower

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Those who make protected disclosures are protected from any civil, criminal or administrative liability (including disciplinary action) for making the disclosure. StreetSmart is committed to protecting and respecting the rights of anyone who has made such a disclosure.

Protection is available to those who make a disclosure that is:

- serious in nature;
- made in good faith; and
- made with reasonable grounds to believe it is true.

Whistleblowers, as far as possible, will not be disadvantaged for making a report. Any adverse action, harassment, discrimination or reprisals for a protected disclosure made under this Policy will be treated by StreetSmart as serious misconduct and may result in disciplinary action against the perpetrator.

For example, a whistleblower must not be disadvantaged for having made the report by:

- dismissal, or termination of services or supply;
- demotion;
- discrimination, victimisation or harassment;
- current or future bias; and
- threats of any of the above.

Any reporting person who believes that they have been subject to detriment as a consequence of making a disclosure should report the details to the Board Chair.

## Making a report

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Reports and disclosures can be made verbally or in writing and can be anonymous. However, whistleblowers are encouraged to make such reports in writing. All reports are subject to the confidentiality provisions set out in this Policy.

StreetSmart encourages reports or disclosures to be made to StreetSmart's Board Chair **C/- Damien Farrell** via email at [damien.farrell@humbli.com](mailto:damien.farrell@humbli.com).

A report or disclosure can also be made to the CEO, any director, or the auditor of StreetSmart.

Reports and disclosures of a reportable concern may also be protected when made to the Australian Securities & Investments Commission or to another Commonwealth authority prescribed by law.

When making a report, the whistleblower should clearly outline:

- the issue or concern;

- the alleged misconduct;
- the individual(s) involved;
- their reasons for believing that the misconduct has occurred, including when and how it occurred; and
- the nature and whereabouts of any further evidence that would substantiate their allegation, if known.

This is to ensure that the recipient has sufficient information to take appropriate action without delay.

The whistleblower should ensure that their report is:

- factually accurate, noting the suspected misconduct and their own actions;
- based on firsthand knowledge;
- objectively based on reasonable grounds; and
- contains all relevant details.

The whistleblower must keep secure any relevant documents as possible evidence and not alter them.

## **Confidentiality and privacy protection**

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StreetSmart will not use or disclose a whistleblower's identity unless:

- it is necessary to further an investigation and the whistleblower consents to the disclosure, and/or
- the disclosure is required or authorised by law. Personal information may be used or disclosed where:
- it is made with the individual's express or implied consent;
- it is necessary to prevent or lessen a serious threat to a person's health or safety; or
- it is necessary to protect or enforce StreetSmart's legal rights or interests, or to defend itself against any claims.

During an investigation, it will be necessary to disclose the facts and substance of the misconduct to the subject/s of it. This is essential for a fair investigation to be undertaken and for the laws of natural justice and procedural fairness to prevail. However, it is also acknowledged that by ensuring the protection of the reporting person at all times, this may limit StreetSmart's ability to conduct a full and thorough investigation.

Where an investigation does not substantiate misconduct, the fact that the investigation has been carried out, the results of the investigation, the identity of the person making the report and the identity of the person who is the subject of it must be handled confidentially.

StreetSmart will ensure that any relevant records are stored securely and are able to be accessed only by the Board Chair or by a director with the knowledge of the Chair of the Board and *bona fide* for the purposes of discharging their responsibilities as a director.

The whistleblower must also maintain confidentiality and refrain from discussing the matter with anyone else except for the purposes of seeking independent legal advice. This includes informing commercial media or social media of their concern. Any person who violates this may not be offered protection.

## **Investigating a report**

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All disclosures must be referred to the Board Chair to determine what further action, if any, is to be taken, including the investigation process that will apply.

Following a disclosure being made, the Board Chair, will be responsible for:

- assessing whether this Policy applies to the disclosure;
- coordinating an investigation into any protected disclosure received;
- documenting and handling all matters related to the disclosure and investigation; and
- keeping the reporting person properly informed verbally or in writing (as they determine is appropriate) of the progress and final outcome of the investigation, and the actions taken or to be taken in response, subject to considerations of the privacy of all those concerned.

Where an external investigation is deemed warranted by the Board Chair, an investigator must be appointed. The appointed investigator must be external to StreetSmart or a person who is completely at arm's length from the management and administration of StreetSmart and the matters raised by the report or disclosure. The appointed investigator/s will be required to:

- take all reasonable steps to ensure that the investigation is fair, timely and that the rules of procedural fairness are applied;
- provide regular and timely feedback on the status of an investigation and the outcome of the investigation to the parties involved; and
- report the findings of the investigation to the Board Chair.

On completion of an investigation, the Board Chair will determine the appropriate responses to the findings of the investigation. This will include determining whether disciplinary action is necessary.

## **Distribution**

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This Policy will be made available for internal and external stakeholders via the StreetSmart website.

## **Policy review**

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This Policy was approved by the StreetSmart Board in February 2020 and will be reviewed annually.

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