

Whistle-blower Policy and Procedure

1.0 Introduction

Momentum Collective is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles).

To achieve our vision; empowered people, connected communities, it is crucial that all our employees understand, follow and adhere to our corporate values of trust and respect, wellbeing, innovation, working well together, and being gracious. We have policies and procedures in place to ensure that we live by these values in our day-to-day work.

Together with our values, we want to have feedback and encourage people to speak up when they see activity or behaviour that they feel is wrong or does not match our values. The goal of this policy is to provide clear guidelines on how we approach and manage this feedback.

2.0 Purpose

Momentum wants its employees to know that they can provide information on any concerns they may have, understand where they can report their concerns, know what happens after they make a report, and ensure that they feel safe in providing a report. Employees have the right to be anonymous as well as to understand how we, as an organisation, will ensure they are not subject to any retaliation or other abuse because they made a report.

This Policy seeks to encourage employees to report non-compliance by describing:

- What to report
- How to make a report, how Momentum will investigate your report
- The protections available to you if you make a report. This Policy also aims to promote a culture of compliance at Momentum.

3.0 Policy Statement

This Policy describes how you may report, and how Momentum investigates non-compliance with laws and Momentum's policies and values. It also describes how you will be protected if you make a report.

4.0 Policy Scope

The following would be considered an "eligible person" and would fall under Momentum's whistleblowing policy:

- Employees (including directors, managers, interns, and secondees)
- Contractors, consultants, service providers, suppliers, business partners
- Former employees
- Volunteers.

This policy applies to all Momentum's businesses, divisions and offices. It also applies across all jurisdiction 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.

5.0 Policy Content

5.1 Summary

"Whistleblowers" are people who report a company for doing the wrong thing. In doing so, they let the company identify, investigate and deal with non-compliance. Whistle-blowers thus play a crucial role in achieving full compliance. Momentum believes that full compliance with the law, and with Momentum's own policies and values, is key to its success. Momentum therefore encourages you to make whistle-blower reports in accordance with this Policy.

5.2 What conduct should be reported

It is important that Momentum outlines what behaviour we want to be reported under this policy. For the purposes of clarity, we must define the distinction between a complaint, grievance and whistleblowing.

A complaint is a statement that something is wrong or is not satisfactory (in the opinion of complainer). A grievance is making a complaint about something which affects you personally and it does not impact the wider public. Workplace grievances can be dealt with internally by following Momentum's Human Resources Grievance Policy and Procedure.

Whistleblowing matters are those concerns which are about workplace wrongdoing more generally and information which is in the public interest to raise. We want to hear from you if you witness or know about any behaviour that is:

- Fraudulent
- Illegal
- Corrupt
- Dishonest
- Unethical
- Violates the law or any legal code
- Is creating an unsafe environment
- Breaches any of our company's policies
- Discrimination
- Harassment and/or bullying of any kind
- Any conduct which is detrimental to Momentum and could cause financial or non-financial loss.

5.3 Procedure to report non-compliance

5.3.1 What you should report

You should report any reasonable suspicion that Momentum, its Officers or employees:

- Have done something unlawful, or
- Have done something that endangers the public or the financial system.

You should also report any reasonable suspicion of misconduct, or an improper state of affairs, in relation to Momentum. This includes any breach of Momentum's own policies or values.

5.3.2 To whom you may report it

You may make a report to any of the following internal Momentum people:

- Your supervisor or manager (if you are an employee of Momentum)
- CEO
- A member of the Executive Leadership Team
- A member of the Board.

You may also make a report to the following external people or bodies:

- NDIA
- Fair Work Ombudsman

5.3.3 Methods of reporting

You may make a report in person, by telephone, or in writing (including by email, letter, or via Momentum website). The external people or bodies set out above may let you make reports by other methods too.

In the interest of maintaining your confidentiality, please be mindful when using technology to submit your report. . To ensure confidentiality is maintained for the investigation of whistleblower reports, the reports should not be made via Ion.My.

Regardless of to whom you make your report, please provide as much detail as possible so that Momentum can fully investigate the matter.

You do not have to reveal your identity. To make an anonymous report, you can make your report in writing (either by letter or via the contact us page in Momentum website) or via phone.

It is worth noting that Momentum will make every reasonable endeavour to investigate your report, but in some cases, there are limitations of what can be achieved if the informant decides to remain anonymous.

5.3.4 How Momentum investigates reports

The recipient of a whistle-blower report will promptly provide it to the CEO (or board member when the CEO is unable to receive the report for any reason). The CEO or Board member will then arrange for it to be investigated.

It is important for Momentum to be transparent with our employees and outline the process we use to investigate a report submitted through our whistleblowing channels.

Below are the different steps a member of the Executive Leadership Team will take once a report is received and until the case is closed:

- Report (anonymous or otherwise) is received.
- A case manager (a member of the Executive Leadership Team) is assigned to the report to assess it and confirm its receipt.
- The case manager will do an initial assessment to confirm it is a valid report and request permission to investigate.
- The case manager will assign someone independent and impartial to investigate. This can include corresponding with the informant if there is a channel to do this.

- The case manager will coordinate the investigation and update management and the informant per policy guidelines.
- Once the investigation is finalised, the case manager will update the Executive Leadership Team and the informant will be updated.
- At this point, the case manager will hand everything over to the Executive Leadership Team for any subsequent action to take place.

Momentum will ensure that all investigations are:

- Conducted by someone independent and impartial (and never by the recipient of the report, or anyone implicated in its subject matter)
- Conducted in strict confidence
- Conducted as quickly as possible
- As thorough as possible
- Appropriately resourced
- Confidential and protect the identity of the whistle-blower
- Given to anyone who is implicated in the subject-matter of the report an opportunity to respond to any allegations made against them. Implicated individuals do not, however, have to respond.

At the end of the investigation, the investigator must provide the CEO with a written report that:

- Summarises the content of the whistle-blower's report
- Describes the investigation in enough detail to allow the CEO to assess the adequacy of the investigation
- Sets out the conclusions that the investigator reached as a result of the Investigation
- Annexes any relevant supporting material.

The CEO will take appropriate action in relation to the investigator's report. This may, for example, include:

- Requirement for further investigations;
- Recommendation for disciplinary action;
- Referral of the matter to the Executive Leadership Team or the Board; and
- Notification to relevant regulatory bodies.

Each year the CEO will provide the Board with a summary report containing:

- The number of whistle-blower reports received
- The results of the investigations into those reports
- Any identified root causes of non-compliance and the steps taken to eliminate those root causes
- The effectiveness of this Policy.

5.4 How you will be protected

5.4.1 Protection of your identity

Momentum will protect your identity from disclosure. We will do this, for example, by limiting the number of people involved in the receipt, investigation and outcome of your report. If you are an "Eligible Whistleblower", anyone who discloses your identity, or information that could be used to identify you, may commit a criminal offence. There are only two circumstances in which someone may have to disclose your identity, or identifying information.

These circumstances are:

- Where the disclosure is needed to give effect to the part of the Corporations Act that deals with protecting whistle-blowers, or
- Where a Court or Tribunal thinks that the disclosure is necessary in the interests of justice.

5.4.2 Protection from victimisation

Momentum will not cause you any detriment because you made a whistle-blower report, or as a result of investigating your report. Anyone who does anything, or threatens to do something, to your detriment because you made a whistle-blower report, or as a result of an investigation of your report, may commit a criminal offence.

5.4.3 Immunity from liability

If you are an “Eligible Whistleblower” and you make a report consistent with this Policy:

- You will not have any civil, criminal or administrative liability (including disciplinary action) for making that report;
- No contractual or other rights or remedies may be enforced against you because of the report; and
- No information contained in the report may be used in evidence against you in criminal proceedings, or in proceedings for the imposition of a penalty. The only exception is for proceedings about the falsity of the information – but only where your report was made to APRA, ASIC or a prescribed Commonwealth authority, or where the report was an “emergency disclosure” (see further below).

5.4.4 Available orders

If you are an “Eligible Whistleblower”, you may sue someone who has victimised you in connection with the making of your report. If you do, the Court may make various orders in your favour. These include compensation orders, injunctions, apology orders, reinstatement orders (i.e. to reinstate you to your employment, or to a particular position), exemplary damages, or any other order that the Court thinks is appropriate.

Monetary penalties may also be payable. You will generally not have to pay the other side’s costs, even if you do not succeed. There are only two exceptions. The first is where you commenced the proceedings vexatiously or without reasonable cause. The second exception is where your unreasonable acts or omissions caused the other side to incur costs.

5.4.5 Additional support

Momentum recognises that making a whistle-blower report could be stressful. If you are an employee, you may like to access the Employee Assistance Program (EAP). The EAP provides you with free help from experienced counsellors, psychologists and social workers. Your family members can also access the service. More information is available on the Intranet.

5.5 Emergency disclosures

If you are an “Eligible Whistle-blower”, you will also be protected if:

- You have made a report consistent with this Policy; and
- A reasonable period has passed since you made that report; and

- You reasonably believe that serious harm or danger to public health or safety, or to the financial system, may result if your report is not acted on at once; and
- You have given written notice to the recipient of your report that you intend to make an emergency disclosure of the report; and
- The emergency disclosure is made to a Member of Parliament or a Journalist.

Momentum encourages you to seek legal advice before making an emergency disclosure.

5.6 False or Malicious Reporting

Where it is shown that a person purporting to be a whistle-blower has made a false and/or malicious report, then that conduct itself is considered to be a serious matter and may render the person concerned subject to disciplinary action.

5.7 How Momentum will publish this Policy

Momentum will publish this Policy on the intranet and on Momentum website.

6.0 Review Timeframes

This Policy will be reviewed every two years.

Associated legislation and documents

Legislation:

Documents related to this procedure:

Related Policies:

Related Procedures:

Related Guidelines:

Related Forms:

Other: