



right by your side

## Whistleblower Policy

Brighter Super Trustee

ABN 94 085 088 484

RSE Licence No. L0000178

as trustee for

Brighter Super

ABN 23 053 121 564

RSE Registration No. R1000160

## 1 PURPOSE

1.1 The objectives of this Policy are to:

- (a) encourage the reporting of Reportable Conduct
- (b) ensure that individuals who disclose Reportable Conduct can do so safely and securely and in the knowledge that they will be supported and protected from victimisation, detriment and retaliation
- (c) ensure any reports of Reportable Conduct are dealt with appropriately and in a timely way
- (d) provide transparency as to Brighter Super's framework for receiving, handling and investigating disclosures of Reportable Conduct
- (e) afford natural justice and procedural fairness to anyone who is the subject of an allegation of Reportable Conduct
- (f) support Brighter Super's values, our *Code of Conduct* and our risk management and governance frameworks
- (g) support Brighter Super's long-term sustainability and reputation, and
- (h) meet Brighter Super's legal and regulatory obligations.

## 2 SCOPE

2.1 Who can make a disclosure under this Policy – the Policy applies to:

- (a) a current or former:
  - (i) employee of Brighter Super and its wholly owned subsidiaries
  - (ii) officer of Brighter Super or of a related body corporate
  - (iii) contractor, or an employee of a contractor who has supplied goods or services to Brighter Super, or
  - (iv) a person or body corporate who is a trustee, custodian or investment manager within the meaning of the *Superannuation Industry (Supervision) Act 1993 (Cth)*, or
  - (v) an employee or individual who supplies goods and services to an individual referred to in (iv) above (whether paid or unpaid)
- (b) a spouse, relative or dependant of one of the people referred to above

2.2 who makes or attempts to make a Protected Disclosure (whether anonymously or not) (each an eligible whistleblower).

## 3 POLICY PRINCIPLES

*Disclosures covered by this Policy – Reportable Conduct*

3.1 A Protected Disclosure is a report of Reportable Conduct under this Policy by an eligible whistleblower who has reasonable grounds to suspect any of the following conduct (or

the deliberate concealment of such conduct) in relation to Brighter Super or a related body corporate (including their employees or officers):

- (a) conduct which constitutes an improper state of affairs or circumstances in relation to Brighter Super or a related body corporate
- (b) fraud, negligence, default, breach of trust and breach of duties under the *Corporations Act 2001 (Cth)* (**Corporations Act**)
- (c) conduct which constitutes an offence against, or a contravention of:
  - (i) the Corporations Act or an instrument made under it, or other financial sector laws enforced by the Australian Securities and Investments Commission (**ASIC**) or the Australian Prudential Regulation Authority (**APRA**)
  - (ii) any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more
- (d) conduct which represents a danger to the public or the financial system (even if the conduct does not involve a breach of a particular law).

Examples of Reportable Conduct include:

- (i) illegal conduct, such as theft, dealing in or use of illicit drugs, violence or threatened violence or criminal damage to property
- (ii) fraud, money laundering or misappropriation of funds
- (iii) offering or accepting a bribe
- (iv) financial irregularities
- (v) failure to comply with, or breach of, legal or regulatory requirements
- (vi) unethical or improper conduct which raises significant implications for Brighter Super, which may include:
  - A. serious and/or systematic breaches of Brighter Super policies
  - B. bullying or harassment
  - C. misuse of sensitive or confidential information
  - D. unfair or unethical business behaviour or practices in dealing with an investor, other customer, contractor or supplier (including a potential investor, customer, contractor, supplier) or their employees
- (vii) conduct likely to damage Brighter Super's financial position or reputation
- (viii) victimisation for making or proposing to make a disclosure under this Policy, and
- (ix) any behaviour that poses a serious risk to the health and safety of any person at the workplace, or to public health or safety, or the environment (even where this does not constitute a breach of any law).

#### *What is not Reportable Conduct?*

3.2 Reportable Conduct does not generally include a personal work-related grievance, which are grievances relating to a person's current or former employment with Brighter Super which have, or tend to have, implications for the person personally but do not:

- (a) have significant implications for Brighter Super or a related body corporate, or
- (b) relate to any conduct, or alleged conduct, regarding Reportable Conduct.

Examples of personal work-related grievances include, but are not limited to:

- (a) an interpersonal conflict between the discloser and another employee
- (b) a decision relating to the engagement, transfer or promotion of the discloser
- (c) a decision relating to the terms and conditions of engagement of the discloser; and

- (d) a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

Disclosures relating to these matters do not qualify for whistleblower protection under this Policy or Australian law.

A personal work-related grievance may still qualify for protection under this Policy if:

- (a) it includes information about Reportable Conduct, or forms part of a disclosure which also includes Reportable Conduct
- (b) the disclosure is that the person has suffered, or have been threatened with, a detriment for making a disclosure of Reportable Conduct, or
- (c) the person has made the disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act.

## 4 HOW TO MAKE A REPORT

- 4.1 Eligible whistleblowers must make a disclosure directly to one of the Recipients referred to in this section to qualify for protection as a whistleblower under this Policy and under Australian law. Brighter Super would like to identify and address wrongdoing as early as possible. We therefore encourage eligible whistleblowers to disclose Reportable Conduct to one of the following Recipients:

Company Secretary 1800 444 396 <a href="mailto:whistleblower@brightersuper.com.au">whistleblower@brightersuper.com.au</a> GPO BOX 264, Brisbane, QLD	Chief Risk Officer 1800 444 396 <a href="mailto:whistleblower@brightersuper.com.au">whistleblower@brightersuper.com.au</a> GPO BOX 264, Brisbane, QLD
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- 4.2 Additionally, eligible whistleblowers may make a disclosure to any of the following persons:
- (d) any officer or senior manager of Brighter Super or a related body corporate
  - (e) Brighter Super’s internal or external auditor, including a member of an audit team conducting an audit on Brighter Super, or
  - (f) Brighter Super’s actuary, or
  - (g) a director of a body corporate that is the trustee of the entity.
- 4.3 However, if you do not wish to raise your concern via any of the above methods, eligible whistleblowers may still qualify for protection under Australian law if they:
- (a) make a disclosure of Reportable Conduct to ASIC, APRA or any other Recipient as identified in **Appendix A**
  - (b) make a disclosure of information to an external legal practitioner for the purposes of obtaining legal advice or representation about making a disclosure under this Policy (even if the external legal practitioner concludes that a disclosure does not concern Reportable Conduct).
- 4.4 If you require additional information in relation to making a disclosure of Reportable Conduct, you may discuss the matter in confidence with the Whistleblower Protection Officer (defined below). In the event you do not formally make a disclosure under this Policy, Brighter Super may nevertheless be compelled to act on the information you have provided if that information reasonably suggests Reportable Conduct has occurred or may occur.
- 4.5 In limited circumstances, an eligible whistleblower may make a public interest disclosure or an emergency disclosure to a journalist or parliamentarian which qualifies for protection in accordance with Australian whistleblowing laws. It is important to

understand the criteria for making a disclosure in these circumstances, which includes, among other things:

- (a) the discloser has first made the disclosure to ASIC, APRA or other Commonwealth prescribed body; and
- (b) the discloser has provided written notice to that entity that they now intend to make a public interest or emergency disclosure in relation to this issue. In the case of public interest disclosures, at least 90 days must have passed since the original disclosure. Information you should provide.

4.6 When making a disclosure under this Policy, you should provide as much information as possible, including the details of the Reportable Conduct, people involved, dates, locations and any other evidence or material which may be relevant.

4.7 You must have reasonable grounds to believe that the information you are disclosing is true, however you will still qualify for protection under this Policy and under Australian law if the information you provide turns out to be incorrect.

#### *Anonymous reports.*

4.8 Brighter Super encourages eligible whistleblowers to provide their name when making a disclosure under this Policy, as it will assist Brighter Super to investigate and address their report.

4.9 However, if you do not want to reveal your identity, you may make an anonymous disclosure under this Policy, and may choose to remain anonymous over the course of any investigation and after the investigation is finalised. There are various mechanisms available for protecting your anonymity when making a disclosure under this Policy, including:

- (a) using an anonymised email address
- (b) adopting a pseudonym for the purpose of your disclosure.

4.10 If you choose to make an anonymous disclosure under this Policy, any investigation will be conducted as best as possible in the circumstances. You may refuse to answer questions that you feel could reveal their identity at any time during the investigation or at any other time.

4.11 Disclosures which are made anonymously will still be protected under this Policy and under Australian law. However, Brighter Super may be unable to provide you with the same level of practical support and protection if you do not provide your name.

4.12 If you wish to remain anonymous in making a disclosure of Reportable Conduct, you should, where possible, maintain ongoing communication with Brighter Super so that Brighter Super can seek further information or clarification to assist in investigating and addressing your disclosure, and provide you with feedback and updates regarding the progress of any investigation and outcomes.

## **5 HANDLING AND INVESTIGATING A DISCLOSURE**

5.1 All disclosures made under this Policy will be treated sensitively and seriously, and will be dealt with promptly, fairly and objectively. Brighter Super's obligations and process in the case of a whistleblower complaint are outlined in **Appendix B**, including:

- (a) initially assessing the disclosure
- (b) investigating a disclosure
- (c) communicating with the whistleblower.

#### *Fair treatment*

5.2 The Whistleblowing Investigation Officer (**WIO**), who is responsible for assessing the disclosure and where necessary conducting the investigation, will ensure that any employee who is the subject of a disclosure made under this Policy is treated fairly during the course of an investigation of Reportable Conduct. Employees will have the

opportunity to be informed of, and respond to, any report of Reportable Conduct made against them during the investigation.

#### *Whistleblower Protection Officer (WPO)*

- 5.3 Where you have made a disclosure of Reportable Conduct which is eligible for protection under this Policy, Brighter Super may appoint a WPO to support and help protect you. Brighter Super can only appoint a WPO where you have agreed to share your identity with the WPO. The role of the WPO is to:
- (a) safeguard the interests of a whistleblower
  - (b) assess the immediate welfare and protection needs of a whistleblower and, where the whistleblower is an employee, assist in providing the whistleblower with a supportive work environment, and
  - (c) respond as appropriate and necessary to any concerns or reports of victimisation or detriment by a whistleblower.

#### *Information management and reporting*

- 5.4 Only the Company Secretary and Chief Risk Officer have access to the inbox for the [whistleblower@brightersuper.com.au](mailto:whistleblower@brightersuper.com.au) email address, and protected records received or made under this Policy (e.g., complaints, investigations, correspondence, reports).
- 5.5 In some circumstances, including where a Reportable Conduct amounts to or may amount to an unlawful matter under a State or Commonwealth law or regulation, Brighter Super may be required by law to refer an allegation of Reportable Conduct to law enforcement authority (e.g., Queensland Police Service, Australian Federal Police) or regulatory agency (e.g., ASIC, APRA, AUSTRAC). In such circumstances, Brighter Super may not be able to keep you informed on the progress of a Protected Disclosure.
- 5.6 The WIO and WPO are also required to report the occurrence of a whistleblower complaint and investigation to the Board, taking into account the protections in this Policy.

## **6 PROTECTIONS AVAILABLE**

- 6.1 In order to be eligible for the protections under this Policy, you must:
- (a) be an eligible whistleblower
  - (b) make a disclosure of Reportable Conduct to an eligible Recipient or as otherwise provided in accordance with the Policy
  - (c) be acting honestly with genuine or reasonable belief that the information in the allegation is true or likely to be true, and
  - (d) have not engaged in serious misconduct or illegal conduct in relation to the Reportable Conduct.
- 6.2 The protections in this Policy apply not only to disclosures of Reportable Conduct made to Eligible Recipients, but also to:
- (a) disclosures made to legal practitioners for the purpose of obtaining legal advice or representation regarding the operation of whistleblowing provisions under Australian law
  - (b) disclosures to regulatory and other external bodies
  - (c) 'public interest' and 'emergency' disclosures that are made in accordance with the Corporations Act.
- 6.3 You can still qualify for the protections under this Policy even if your disclosure turns out to be incorrect or, in the case of disclosures to legal practitioners, they have advised you that your disclosure is not Reportable Conduct.
- 6.4 If you have made a Protected Disclosure, you must, at all times during the reporting process, continue to comply with this Policy.

### *Identity protection*

- 6.5 If you make a disclosure of Reportable Conduct in accordance with this Policy, the Recipient cannot disclose your identity, or information that is likely to lead to your identification, except:
- (a) to ASIC, APRA, or a member of the Australian Federal Police
  - (b) to a legal practitioner for the purpose of obtaining legal advice or legal representation about the whistleblowing provisions of the Corporations Act
  - (c) to a person or body prescribed by the Corporations Act regulations, or
  - (d) with your consent.
- 6.6 The information contained in a disclosure made by you under this Policy may be disclosed without your consent if the disclosure of this information is reasonably necessary to investigate the issues raised in the report, provided that:
- (a) the information does not include your identity, and
  - (b) all reasonable steps have been taken by Brighter Super to reduce the risk that your identity will be revealed from the information provided.
- 6.7 It is unlawful for a person to identify a whistleblower or disclose information that is likely to lead to the identification of the whistleblower, outside of the circumstances listed above. Brighter Super will take all reasonable steps to reduce the risk that a person will be identified as a result of making a disclosure under this Policy and to ensure their identity remains confidential throughout the investigation process.
- 6.8 Measures that Brighter Super may take to protect a whistleblower's confidentiality include:
- (a) ensuring that disclosures will be handled and investigated by qualified staff
  - (b) wherever practicable, redacting all personal information or reference to a whistleblower witnessing an event
  - (c) using gender neutral terms when referring to a whistleblower
  - (d) where possible, liaising with a whistleblower to identify any aspects of their disclosure that could inadvertently identify them
  - (e) securely storing documents (whether electronic or paper) relating to disclosures
  - (f) limiting access to information to those investigating the disclosure
  - (g) restricting the number of people who may be made aware of a whistleblower's identity
  - (h) putting in place measures to prevent information about investigations of disclosures being sent to an email address or printer that can be accessed by other staff, and
  - (i) reminding those persons handling investigations of their confidentiality obligations.
- 6.9 The unauthorised disclosure of a whistleblower's identity, or information which may identify the whistleblower, may be regarded as a disciplinary matter to be dealt with in accordance with Brighter Super's disciplinary procedures. It may also, in some circumstances, be a criminal and civil offence under the Corporations Act.
- 6.10 Any concerns regarding breach of confidentiality should be raised with the WPO. You may also lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation.

### *Protection from detriment*

- 6.11 A person must not cause, or threaten to cause, detriment to a person because they have made, may make, proposes to make or could make, a disclosure that qualifies for protection under this Policy and Australian law.

- 6.12 Examples of detrimental conduct include dismissal, discrimination, harassment or intimidation, altering a person's position in employment to their prejudice, altering an employee's position or duties to their disadvantage, physical or psychological harm, or damage to a person's property, reputation, business or financial position.
- 6.13 Actions that are not detrimental conduct include:
- (a) administrative action that is reasonable for the purpose of protecting a discloser from detriment (e.g., moving a person who has made a disclosure from their immediate work area to another location where necessary to prevent detriment from occurring)
  - (b) managing a whistleblower's unsatisfactory work performance, where the action is in line with Brighter Super's performance management framework.
- 6.14 Brighter Super is committed to making sure that eligible whistleblowers are treated fairly and do not suffer detriment for making a Protected Disclosure under this Policy. Brighter Super may take the following measures to ensure that eligible whistleblowers who have made a protected disclosure are protected from detriment:
- (a) put in place processes for assessing risks of detriment against the whistleblower and other persons, which will commence as soon as possible after receiving a disclosure
  - (b) provide a whistleblower with support services including counselling or other professional services
  - (c) develop strategies to help a whistleblower minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or investigation
  - (d) where practicable, allow the whistleblower to perform duties to another location, or reassign or relocate the whistleblower to another role at the same or substantially the same level
  - (e) make modifications to the whistleblower's workplace or way they perform their duties
  - (f) develop processes for ensuring that management are aware of their responsibilities to maintain the confidentiality of 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 whistleblower
  - (g) develop procedures for how a whistleblower can make a complaint if they believe they have suffered detriment and the actions Brighter Super will take in response to such complaints, or
  - (h) intervene where detrimental conduct has already occurred, including investigating and taking disciplinary action, allowing the whistleblower to take extended leave, develop career development plan for the whistleblower that includes new training and career opportunities, or other compensation or remedies.
- 6.15 Brighter Super will investigate any reports of adverse action taken against a person who is eligible for protection under this Policy. If proven, those who have engaged in such behaviour may be subject to disciplinary proceedings and potential criminal and civil liability under the Corporations Act or the *Taxation Administration Act*.

#### *Other remedies and protections*

- 6.16 There are a number of other legal protections if you make a protected disclosure under Australian whistleblowing laws including:
- (a) in some circumstances (e.g., if the disclosure has been made to a regulator) the information you provide is not admissible in evidence against you in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information

- (b) you are protected from liability in relation to your disclosure:
  - (i) civil liability (e.g., any legal action against you for breach of an employment contract, duty of confidentiality or other contractual obligation)
  - (ii) criminal liability (e.g., attempted prosecution for unlawfully releasing information, or other use of your disclosure against you in a prosecution (other than for making a false disclosure), or
  - (iii) administrative liability (e.g., disciplinary action for making the disclosure); and
- (c) no contractual or other remedy may be enforced or exercised against you based on the disclosure.

6.17 The protections do not grant eligible whistleblowers immunity from any misconduct they were involved in that is revealed in the disclosure, unless it meets the conditions for immunity within ASIC's immunity policy set out below.

6.18 Under ASIC's immunity policy, individuals who engage in market misconduct offences under Part 7.10 of the Corporations Act (e.g. insider trading, market manipulation, dishonest conduct when operating a financial services business) can, in certain circumstances (e.g. actual or potential contravention, conduct involves one or more persons other than the applicant seeking immunity, applicant must be involved in but not the instigator of the conduct) seek immunity from both civil penalty and criminal proceedings if they make the first application in relation to the misconduct. For detailed information about the immunity application and requirements, refer to ASIC's immunity policy on the ASIC website.

6.19 Further information on available protections under Australian law are set out in **Appendix A**.

## **7 SUPPORT AVAILABLE**

7.1 Brighter Super's Employee Assistance Program, Assure, provides free confidential counselling services that employees can access at any time.

## **8 CONSEQUENCES OF MAKING A FALSE REPORT**

8.1 Anyone who knowingly makes a false report of Reportable Conduct, or who otherwise fails to act honestly with reasonable belief in respect of the report may be subject to disciplinary action, including dismissal (in the case of employees) or professional conduct sanction (in the case of members).

8.2 The disciplinary action or sanction will depend on the severity, nature and circumstance of the false report.

## **9 REPORTING OF POTENTIAL BREACHES**

### *Regulatory breach*

9.1 Where a whistleblowing report has been made and the WIO believes on a reasonable basis that the in-scope disclosure was substantiated, and any potential breaches of regulations or law administered by a regulatory agency with a self-reporting regime, an incident must be reported by the WIO via the Protecht ERM in accordance with the *Incident and Breach Management Policy*.

### *Criminal law*

9.2 Where a whistleblowing report has been made and the WIO believes on a reasonable basis that the in-scope disclosure was substantiated, and any potential breaches of

criminal law are identified, the WIO should take legal advice as to whether a report should be made to a law enforcement agency as soon as practicable.

## 10 STRATEGIC ALIGNMENT

- 10.1 At Brighter Super we are guided by our values. Together our values reflect the priorities of the business and provide guidance in decision making. This Policy reinforces our culture of winning together, aspiring for our members, performance with purpose and unlocking innovation at all times.
- 10.2 Where matters arise contrary to our values and culture, this Policy provides a robust and secure process for reporting and investigating these matters. This Policy is also relevant to the management of the following material risks: Regulatory compliance risk, Reputational risk.

## 11 ROLES AND RESPONSIBILITIES

Role	Accountability and Responsibility
<b>Employees, directors, executives, contractors and third parties</b>	Responsible for adhering to this Policy. Responsible for reporting under the Policy
<b>Chief Risk Officer</b>	Acts as the WPO and investigates (or arranges the independent investigation of) any disclosure, safeguarding confidentiality as set out in this Policy. Refers any disclosures and findings to the Board
<b>Company Secretary</b>	Acts as the WIO and investigates (or arranges the independent investigation of) any disclosures, safeguarding confidentiality as set out in this Policy. Refers any disclosures and findings to the Board
<b>Audit Risk and Compliance Committee</b>	Establishes and reviews this Policy
<b>Chair of the Audit Risk and Compliance Committee</b>	Reviews any report that involves the CEO or WIO
<b>Board</b>	Has ultimate decision-making power in relation to disclosures and investigations under this Policy. Authorises Audit Risk and Compliance Committee to implement the Policy

## 12 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
<b>Policy Version Number</b>	8.0
<b>Approval Authority</b>	Audit Risk and Compliance Committee
<b>Administrator</b>	Chief Risk Officer
<b>Approval Date</b>	Tuesday, 17 March 2026
<b>Next Review Date</b>	Every two years (next review: 17 March 2028)

- 12.1 This policy will be reviewed and monitored in line with Brighter Super's policy register to ensure ongoing alignment with relevant legislation, regulation and organisational strategy and practice, in line with relevant authority or delegated authority.
- 12.2 This Policy is subject to Brighter Super's assurance process, including internal and external audit. Actions and dates required to achieve compliance with this Policy are documented in the Brighter Super Actions Register.
- 12.3 Breaches of this Policy will be addressed under Brighter Super's *Code of Conduct* (refer to the Policies and Guidelines section).

## **13 APPENDIX**

- 13.1 Appendix A sets out the whistleblower protections that may apply where you make a disclosure of Reportable Conduct to ASIC, APRA or any other Recipient as identified in Appendix A.
- 13.2 Appendix B sets out Brighter Super's obligations and process in the case of a whistleblower complaint including:
- (a) initially assessing the disclosure
  - (b) investigating a disclosure
  - (c) communicating with the whistleblower.
- 13.3 Appendix C sets out the Brighter Super's obligations to this policy, including:
- (a) record-keeping and accountability
  - (b) training and information
  - (c) monitoring and review.

## **14 RELATED LEGISLATION AND DOCUMENTS**

- 14.1 The following key regulatory obligations are relevant:
- (a) *Corporations Act 2001 and Regulations*
  - (b) *ASIC Regulatory Guide 270 Whistleblower Policies*
  - (c) *ASIC Immunity Policy*
  - (d) *Superannuation Industry (Supervision) Act 1993 and Regulations*
- 14.2 Other related documents:
- (a) *Code of Conduct*
  - (b) *Risk Management Framework*
  - (c) *Risk Management Strategy*
  - (d) *Fraud and Corruption Risk Management Policy*
  - (e) *Conflicts Management Framework and Policy.*

## APPENDIX A – WHISTLEBLOWER PROTECTIONS UNDER AUSTRALIAN LAW

A whistleblower who discloses specified information to certain people or organisations is protected by Australian law.

Examples of this information and recipients are outlined in the following table:

Information reported or disclosed	Recipient of disclosed information
<p>Information about actual or suspected misconduct, or an improper state of affairs or circumstances in relation to Brighter Super or a related body corporate.</p> <p>This includes information that Brighter Super or any officer or employee of Brighter Super has engaged in conduct that:</p> <ul style="list-style-type: none"> <li>(a) contravenes or constitutes an offence against the following Commonwealth legislation: <b>Corporations Act; Australian Securities and Investments Commission Act 2001; Banking Act 1959; Financial Sector (Collection of Data) Act 2001; Insurance Act 1974; Life Insurance Act 1973; National Consumer Credit Protection Act 2009; and Superannuation Industry (Supervision) Act 1993</b></li> <li>(b) represents a danger to the public or financial system</li> <li>(c) constitutes an offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more.</li> </ul> <p>Note that personal work-related grievances are not protected disclosures under the law, except as noted below.</p>	<ul style="list-style-type: none"> <li>(a) Company Secretary</li> <li>(b) Chief Risk Officer</li> <li>(c) Any senior manager of Brighter Super or a related body corporate</li> <li>(d) A director or company secretary of Brighter Super</li> <li>(e) Brighter Super's internal or external auditor, including a member of an audit team conducting an audit on Brighter Super, or</li> <li>(f) Brighter Super's actuary</li> <li>(g) ASIC or APRA</li> <li>(h) A legal practitioner for the purpose of obtaining legal advice or legal representation regarding the operation of the whistleblowing provisions under the Corporations Act.</li> </ul>
<p>Information that may assist the Commissioner of Taxation to perform his or her functions under a taxation law in relation to Brighter Super or a related body corporate</p>	<p>Commissioner of Taxation</p>
<p>Information about misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of Brighter Super or a related body corporate.</p>	<ul style="list-style-type: none"> <li>(a) An auditor, or a member of an audit team conducting an audit, of Brighter Super or a related body corporate</li> <li>(b) A registered tax agent or BAS agent who provides tax services or BAS services to Brighter Super or a related body corporate</li> <li>(c) a director, secretary or senior manager of Brighter Super or a related body corporate</li> <li>(d) An employee or officer of Brighter Super or a related entity who has functions or duties that relate to the tax affairs of Brighter Super or a related body corporate.</li> </ul>

It is important to note that a disclosure must be made directly to one of the above specified recipients in order to qualify for protection as a whistleblower under Australian law.

The law also protects certain disclosures made in 'emergency' and 'public interest' circumstances, which allows for the disclosure to be made to a journalist or parliamentarian.

You should seek independent legal advice before making a 'public interest' or 'emergency' disclosure.

#### *Protections and remedies available under Australian law*

In addition to the protections specified in this Policy, additional legislative protections may also be available to eligible whistleblowers, including but not limited to:

- (a) compensation for loss, damage or injury suffered as a result of detrimental conduct arising from making a disclosure or where an entity failed to take reasonable cautions and exercise due diligence to prevent the detrimental conduct
- (b) an injunction to prevent, stop or remedy the effects of the detrimental conduct
- (c) an order requiring an apology for engaging in the detrimental conduct
- (d) if the detrimental conduct wholly or partly resulted in the termination of an employee's employment: reinstatement to their position, and
- (e) any other order the court thinks appropriate.

You are encouraged to seek independent legal advice in relation to these matters.

#### *Public Interest Disclosure*

As at the date of the Policy to qualify for public interest disclosure protection under the Corporations Act a discloser:

- (a) must have made an eligible report to ASIC or APRA<sup>1</sup>
- (b) must confirm that at least 90 days have passed since the report was made
- (c) does not have reasonable grounds to believe that action has been or is being taken to address the matters raised in the report
- (d) reasonably believes further disclosure is in the public interest
- (e) has provided ASIC or APRA (whichever received the initial report) with written notification that identifies the previous report and that they intend to make a public interest disclosure
- (f) disclose information that is not greater than necessary to inform the recipient of the misconduct, or improper state of affairs<sup>2</sup>, and
- (g) make the disclosure to:
  - (i) a member of Parliament of the Commonwealth, the Parliament of a State, or the legislature of Territory, or
  - (ii) a journalist<sup>3</sup>.

#### *Emergency disclosure*

As at the date of the Policy to qualify for emergency disclosure protection under the Corporations Act a discloser:

- (a) must have made an eligible report to ASIC or APRA<sup>4</sup>
- (b) reasonably believes that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment
- (c) has provided ASIC or APRA (whichever received the initial report) with written notification that identifies the previous report and that they intend to make an emergency disclosure

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<sup>1</sup> section 1317AA and 1317AAD of the Corporations Act.

<sup>2</sup> section 1317AAD of the Corporations Act.

<sup>3</sup> as defined by section 1317AAD(3) of the Corporations Act.

<sup>4</sup> section 1317AA and 1317AAD of the Corporations Act

- (d) disclose information that is not greater than necessary to inform the recipient of the substantial and imminent danger<sup>5</sup>, and
- (e) make the disclosure to:
  - (i) a member of Parliament of the Commonwealth, the Parliament of a State, or the legislature of Territory; or
  - (ii) a journalist<sup>6</sup>.

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<sup>5</sup> section 1317AAD of the Corporations Act.

<sup>6</sup> as defined by section 1317AAD(3) of the Corporations Act.

## **APPENDIX B – BRIGHTER SUPER'S OBLIGATIONS IN A WHISTLEBLOWER COMPLAINT**

### **B1 Handling and investigating a disclosure**

All disclosures made under this Policy will be treated sensitively and seriously, and will be dealt with promptly, fairly and objectively. Where you have elected to provide your name in making the disclosure, it will only be disclosed with your consent, or in exceptional circumstances where the disclosure is allowed or required by law. If you have any concerns regarding this issue, you should discuss them with the Recipient.

### **B2 Initial assessment of the disclosure**

Subject to the confidentiality requirements outlined in this Policy, all disclosures of Reportable Conduct made pursuant to this Policy must be referred to the Whistleblowing Investigation Officer (WIO) (or, where there is a conflict of interest, another appropriate person). The current WIO is the Company Secretary. The WIO will assess the information provided and determine:

- (a) whether the disclosure relates to Reportable Conduct and qualifies for protection under this Policy, and
- (b) whether an investigation is necessary or appropriate, taking into account whether sufficient information exists to allow the disclosure to be investigated.

Brighter Super may not be able to undertake an investigation in some circumstances, including if it is not able to contact the whistleblower to obtain necessarily consent or information to enable an investigation to proceed in a timely manner.

All Protected Disclosures will ultimately be reported to the Audit Risk and Compliance Committee, either as part of the Whistleblower Register, or as standalone agenda items in circumstances where the WIO determines this is warranted or necessary.

### **B3 Investigating a disclosure**

Where the WIO is satisfied that an investigation should be conducted, the WIO will determine the appropriate investigation process, including:

- (a) the nature and scope of the investigation
- (b) who will conduct the investigation (including whether an external investigator should be engaged)
- (c) the nature of any technical, financial or legal advice that may be required, and
- (d) the timeframe for the investigation (having regard to the nature and scope of the Reportable Conduct, the complexity of the issues and any other relevant factors).

### **B4 Communication with whistleblower**

If you make a disclosure of Reportable Conduct under this Policy and are able to be contacted, Brighter Super will contact you to acknowledge receipt of your disclosure, within three business days.

In addition, where practicable, once the matter has been passed to the WIO, you will be contacted within 14 business days to discuss next steps and during key stages in the process such as:

- (a) when the investigation process has begun (or if no investigation is to be conducted, to advise you of this)
- (b) when the investigation is in progress,

provided you are able to be contacted and that the contact does not compromise your anonymity.

### **B5 Investigation findings**

Brighter Super will apply principles of procedural fairness and natural justice to the conduct of any investigation conducted under this Policy.

Once the investigation is completed, the WIO will determine the recommended course of action (if any) that Brighter Super should take in response to the findings. Such action may include a disciplinary process or another form of escalation of the report within or outside of Brighter Super and its subsidiaries.

The method of documenting and reporting the findings of any investigation will depend on the nature of the disclosure. If appropriate, and subject to any applicable confidentiality, privacy or legal constraints, the WIO will notify the whistleblower, and any employee who is the subject of a disclosure, of the outcome of the investigation. However, there may be circumstances where it is not appropriate to provide details of the outcome to the whistleblower or the person who is the subject of the disclosure.

Brighter Super will ensure that, in accordance with this Policy, publication of an investigation's findings will not breach the whistleblower's confidentiality.

The WIO is required to report whistleblower complaints under this Policy to the Risk and Compliance Committee, which will include the following information (and taking into account the protections under this Policy):

- (a) subject matter and status of each disclosure
- (b) type of person (e.g., employer, supplier, etc) and employment status of the discloser
- (c) action taken in response to the disclosure
- (d) timeframe for finalising the investigation, and
- (e) outcomes reached.

## **APPENDIX C – BRIGHTER SUPER’S OBLIGATIONS TO THIS POLICY**

### **C1 Record keeping and accountability**

Brighter Super’s Chief Risk Officer is responsible for:

- (a) communicating this Policy to Brighter Super business units and members, and
- (b) otherwise ensuring maintenance and adherence to this Policy.

Brighter Super will establish and maintain a Whistleblower Register, which contains details of the Protected Disclosures received in accordance with this Policy.

The WIO will:

- (c) coordinate and support the impartial investigation of Protected Disclosures, and
- (d) periodically review the Whistleblower Register to ensure that proper processes are being followed.

### **C2 Training and Information**

The Policy will be made available on Brighter Super’s website which can be accessed at: <https://www.lgiasuper.com.au/>

The Policy is accessible to staff at all times from Brighter Super’s intranet. All new employees must receive training on this Policy as part of the employee’s induction training. All employees also receive annual training on this Policy as part of Brighter Super’s internal training program.

All employees who are Recipients, WPOs or WIOs must receive training on their roles, obligations and responsibilities under this Policy prior to any such appointment and at least annually thereafter.

### **C3 Monitoring and Review**

Brighter Super will conduct a review of the matters reported under this Policy as appropriate to enable identification and management of any emerging risks.

The Chief Risk Officer and the Audit Risk and Compliance Committee may, in their discretion, adjust or exclude a specific requirement of this Policy from time to time, either generally or on a case-by-case basis.