



## **Whistleblower Policy**

**Evolve Prefabrication Pty Ltd**

4 South Road Braybrook VIC 3019

## 1. Our Policy

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- 1.1 Evolve Prefabrication Pty Ltd (**Evolve**) is committed to high standards of behaviour and conduct in its business activities and encourages the reporting of behaviour which fails to meet this standard.
- 1.2 Evolve encourages individuals to disclose suspected misconduct, without fear of detriment, where concerns about serious instances of misconduct are supported by reasonable grounds.
- 1.3 Evolve's approach to protected whistleblower disclosures is set out in this policy, which will be communicated to all Evolve officers and employees by email upon commencement of the policy and thereafter will be available to all officers and employees.

## 2. Purpose of Policy

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- 2.1 The purpose of this policy is to ensure eligible whistleblowers, and those who may be involved in an investigation, understand: the ways in which a whistleblower can make a disclosure of information; the protections which arise under whistleblower laws; Evolve's process for handling and investigating disclosures, and ensuring the fair treatment of the individuals involved; and how whistleblowers will be supported and protected by Evolve.
- 2.2 In addition to ensuring Evolve meets its legal and regulatory obligations, this policy intends to help deter wrongdoing, encourage more disclosures of wrongdoing, and ensure both disclosures, and individuals who disclose, are dealt with appropriately and fairly.

## 3. Application of Policy

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- 3.1 This policy applies to all directors, officers and employees of Evolve, as well as any eligible whistleblower who has made a protected disclosure under the whistleblowing legislation.

## 4. Eligible Whistleblowers

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- 4.1 Eligible whistleblowers are current and former:
  - officers and employees of Evolve;
  - individuals who supply goods or services to Evolve (and their employees);
  - individuals who are associates of Evolve; and
  - relatives of any the above-named persons, as well as the dependants of any of the individuals listed above or their spouse.
- 4.2 Grievances made competitors, customers or clients of Evolve are not covered by whistleblowing legislation.

## 5. Disclosable Matters

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- 5.1 What is a disclosable matter?

An eligible whistleblower may make a disclosure under this policy if they have reasonable grounds to suspect the information concerns:

- misconduct; or
  - an improper state of affairs or circumstances;
- in relation to Evolve.

Disclosable Conduct is defined in section 6 of the *RO Act* as follows:

***Disclosable conduct means an act or omission that:***

*(a) contravenes, or may contravene, a provision of this Act, the Fair Work Act, or the Competition and Consumer Act 2010; or*

*(b) constitutes, or may constitute, an offence against a law of the Commonwealth.*

For example, this could include conduct by Evolve, or a director, officer or employee of Evolve, involving:

- fraud;
- bribery or corruption;
- money laundering or misappropriation of funds;
- conduct which is detrimental to Evolve and could cause financial or non-financial loss;  
or
- conduct that represents a danger to the public or the financial system.

## 5.2 What is not a disclosable matter?

Matters involving personal or work-related grievances are not generally capable of being a disclosable matter under whistleblowing legislation, unless they point to systemic issues.

Personal or work-related grievances include grievances about:

- personal or interpersonal issues connected to work; and
- transfers, promotions, demotions, disciplinary action, performance management, or any other grievance connected to conditions of employment or employment generally.

Reports raised about concerns which are not disclosable matters do not qualify for protection under whistleblower laws.

## 6. Eligible Recipients

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6.1 Only reports about disclosable matters made to an eligible recipient, or another individual recognised by whistleblower legislation as being able to receive such a report, attract protection under the whistleblowing legislation.

6.2 For the purposes of this policy, Evolve's nominated eligible recipient is:

Mr. Wasif Madurai - Whistleblower Investigation Officer  
4 South Road, Braybrook, VIC 3019

6.3 Whistleblowing legislation states that reports about disclosable matters made to the following people will also attract protection:

- officers and senior managers of Evolve, being anyone with the job title of Senior Director or above;
- legal practitioners (for the purpose of obtaining legal advice and representation);
- other external parties authorised by Evolve from time to time.

## **7. Investigation Team**

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7.1 When a protected disclosure is received, Evolve will follow the process set out in section 8 below. As part of that process, the eligible recipient will pass the disclosure to a member or members of the investigation team. The members of the investigation team in each case will depend upon the nature of the disclosable matter, but will likely be made up of a combination of the following people:

- Personnel from Compliance, Finance and/or Tax;
- External providers engaged by Evolve for their specialist knowledge or in situations where (for reasons of confidentiality or independence) it is appropriate to have an external provider assist Evolve in the investigation process.

## **8. Disclosure and Investigation Process**

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8.1 The process for reporting a disclosable matter is as follows:

- Evolve's preference is that eligible whistleblowers who wish to report a disclosable matter do so by submitting the report directly to Mr. Wasif Madurai through email, telephone, in person or in hard copy.
- Protected disclosures can be made anonymously. The process Evolve will follow when a disclosure is made to an eligible recipient will vary depending on whether the whistleblower chooses to remain anonymous, as described below.

### **8.2 Where the Eligible Whistleblower is Anonymous**

1. The eligible recipient will send an acknowledgement message to the eligible whistleblower, assuming contact details are available, confirming receipt of the disclosure and that the matter will be referred to the investigation team.

2. The eligible recipient will send the matter to the investigation team (or another eligible recipient or other appropriate person, depending on the circumstances).
3. A member of the investigation team will contact the eligible whistleblower, assuming contact details are available, to:
  - i. ask if they are prepared to identify themselves to assist with the investigation; and
  - ii. to obtain further information, if possible, relevant to the disclosure and investigation.
4. If the eligible whistleblower is prepared to identify themselves, a member of the investigation team or another eligible recipient will confirm with them whether the eligible whistleblower's identity can be shared with a limited group of people, which will typically include the investigation team members. If the eligible whistleblower is a current employee of Evolve, the investigation team member will also ask whether they consent to their identity being shared with the Evolve team so that support can be provided throughout and following the investigation, if required.
5. If the eligible whistleblower decides to remain anonymous, the investigation will proceed on that basis.
6. It is important to note that while Evolve will make appropriate efforts to investigate a disclosable matter from an eligible whistleblower who remains anonymous, there may be limitations on what can be achieved by the investigation process in those circumstances.

### 8.3 Where the Eligible Whistleblower is Identified

1. The eligible recipient will send an acknowledgement message to the eligible whistleblower, assuming contact details are available to facilitate, confirming receipt of the disclosure and that the matter will be referred to the investigation team. They will also ask for confirmation as to whether the eligible whistleblower's identity can be shared with a limited group of people. If the eligible whistleblower is a current employee of Evolve, the eligible recipient will also ask whether they consent to their identity being shared with the Evolve team so that support can be provided throughout and following the investigation, if required.
2. If the eligible whistleblower confirms that they do not want their identity to be disclosed, the eligible recipient will advise the eligible whistleblower that confidentiality with respect to the whistleblower's identity will be maintained to the fullest extent possible when passing the matter to the investigation team. The eligible recipient will then send the matter to a member of the investigation team without disclosing the whistleblower's identity.
3. If the eligible whistleblower confirms that they agree to their identity being disclosed, the eligible recipient will send the matter to a member of the investigation team along with the name and contact details of the whistleblower.

This information may also then be shared with the members of the relevant group, in accordance with the whistleblower's consent.

#### 8.4 All Eligible Whistleblowers – Investigation Process

Once the investigation team has received the report of the disclosable matter which has been raised, they will undertake an investigation in accordance with Evolve's standard practice, which will ordinarily include the following steps:

- speaking to the whistleblower to obtain more information (if possible);
- reaching a decision as to who will form the investigation team and conduct the investigation;
- informing the person (or group of people) to whom the disclosable matter relates (if it is a particular person, or group of individuals) that a report has been received and is being investigated;
- ascertaining whether there are any potential witnesses who should be interviewed and speaking to those witnesses (if any);
- accessing and reviewing relevant material including emails, historic documents, records, communications and the like;
- reviewing expenses, purchase orders, contracts and other data;
- reaching findings as to whether the allegations raised by the disclosure are substantiated; and
- preparing a report to document the outcomes of the investigation.

8.5 The eligible whistleblower will be kept informed of the progress and the outcome of the investigation, to the extent possible, having regard to Evolve's policies and duties.

8.6 Records of whistleblowing disclosable matters will be kept in a locked documents area for reporting and compliance purposes, which are only accessible to authorised personnel.

8.7 Where the eligible whistleblower is an employee of Evolve, it is recommended that they check-in with a member of the team at both 3 and 6 months after the resolution of the matter. The team will also be available to provide support to the whistleblower as required throughout the investigation process. Such support might include how to raise a concern if the whistleblower experiences victimisation as a result of raising a disclosable matter or participating in an investigation.

## **9. Eligible Whistleblower Protections**

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### 9.1 Protection of Identity

If the eligible whistleblower discloses their identity, protections exist to ensure that Evolve (and any other individual who is made aware of the whistleblower's identity) does not:

- disclose the identity of the whistleblower; or

- disclose information that is likely to lead to identification of the whistleblower, unless it is reasonably necessary to investigate the disclosure, and with the exception of disclosure to certain regulatory and government bodies or a legal practitioner.

It is not a breach of the law to disclose the identity of an eligible whistleblower if the eligible whistleblower consents to their identity being disclosed.

## 9.2 Protection from Victimisation

Eligible whistleblowers, and others who are involved in whistleblower investigations, also receive protection against victimisation and detrimental conduct.

Victimisation includes causing or threatening to cause a detriment to a person, including damage to the health, property, reputation, finances or employment of the individual. Dismissal, demotion, harassment and exclusion are examples of detriment to employment.

Evolve does not tolerate victimisation of any kind. Any employee found to be participating in such conduct will face disciplinary action, which may include termination of employment.

Complaints of victimisation should, in the first instance, be raised with Mr. Wasif Madurai.

While Evolve will take steps to protect those involved in whistleblowing investigations from unlawful victimisation, it is also important that employees are effective in their role and treated in regard to performance and conduct. Evolve may raise performance or conduct concerns, as long as these concerns are not raised as a result of participation in the whistleblowing investigation.

## 9.3 Compensation, Other Legal Remedies and Penalties

A person who participates in a whistleblower investigation may be entitled to seek compensation and other legal remedies if they suffer loss, damage or injury as a result of the disclosure and reasonable steps were not taken to prevent detrimental conduct from occurring.