

# Whistleblower Policy

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## 1. PRINCIPLES

The Medibank Private Limited (**'Medibank'**) Whistleblower Policy (**'Policy'**) and Medibank's whistleblower hotline, Medibank Alert, reflect Medibank's commitment to the effective identification, disclosure and investigation of Reportable Conduct (as defined below) by:

- encouraging people to speak up if something isn't right; and
- protecting and supporting whistleblowers by ensuring appropriate protections are in place to prevent their identification, victimisation or disadvantage in response to making a report.

Medibank's values are at the center of everything we do, from the decisions we make to the way we serve our customers and community. Medibank's values can be found on [our website](#) and have informed the development of this Policy.

Medibank recognises that, in some instances, procedures outlined in this document and the Policy will apply to reports of Reportable Conduct made by Eligible Persons who are covered by the whistleblower protection provisions contained in the *Corporations Act 2001* (Cth) and other applicable legislation, as amended from time to time. Nothing in this document or the Policy is intended to detract from or diminish the rights or protections afforded to individuals by the provisions of that legislation.

## 2. SCOPE

### 2.1. Who this policy applies to

This policy applies to Medibank and its controlled subsidiaries. Any of the following people may make a disclosure under the Policy (**'Eligible Persons'**):

- (a) current or former officers, directors or employees of Medibank or its subsidiaries;
- (b) suppliers of goods or services, contractors (including a contractor for the supply of services or goods or any employee of the same), sub-contractors and employees of outsourced providers to Medibank;
- (c) individuals associated with Medibank (including agents or volunteers); and
- (d) relatives or dependants of any of the above persons.

### 2.2. What conduct can be disclosed?

Medibank encourages the disclosure of any instances of Reportable Conduct that they have reasonable grounds to believe have occurred or are occurring.

**'Reportable Conduct'** includes, but is not limited to:

- (a) Theft;
- (b) fraud, bribery or corruption;
- (c) serious breaches of policies or procedures;
- (d) illegal activities;
- (e) unethical behaviour, including breaches of the Code of Conduct;
- (f) non-declared conflicts of interest;
- (g) giving or receiving gifts outside of guidelines;
- (h) workplace safety hazards or unsafe work practices;
- (i) insider trading;
- (j) breach of trade sanctions or other trade controls;
- (k) unauthorised use of Medibank's confidential information;
- (l) conduct likely to damage the financial position or reputation of Medibank;
- (m) any other improper conduct; or
- (n) deliberate concealment of any of the above.

Reportable Conduct does not include personal work-related grievances, such as grievances regarding employment (or former employment) that have (or may have) implications for the discloser personally. Examples of personal workplace grievances include interpersonal conflicts

between the discloser and another employee, decisions relating to the employment or engagement of an individual, transfer or promotion of the discloser, decisions relating to the terms and conditions of engagement of the discloser, and decisions to suspend or terminate the engagement of the discloser or otherwise to discipline the discloser, where such conduct is not taken due to a report of Reportable Conduct being made.

### **2.3. Identification of Reportable Conduct**

- (a) All Eligible Persons (as defined in section 2.1) are encouraged, and have the responsibility, to disclose any instances of Reportable Conduct that they have reasonable grounds to believe have occurred or are occurring. Making disclosures assists Medibank to ensure that persons are safe in their work environment, continuous improvement opportunities are identified, and theft, fraud and dishonesty are eliminated.
- (b) A Whistleblower who has themselves committed, engaged in or otherwise been involved in Reportable Conduct will not be immune from disciplinary action merely because they have reported the Reportable Conduct in accordance with this Policy. However, the conduct of that person in making the report may be taken into account in determining the disciplinary response, if any, which is appropriate.
- (c) The primary goal of this Policy is the identification of Reportable Conduct therefore, it is the choice of the person making a disclosure to select the most appropriate method from the options below.

### **2.4. How can an Eligible Person disclose wrongdoing?**

- (a) An Eligible Person may make a disclosure of Reportable Conduct to Medibank Alert, which is an independently monitored reporting service operated by Deloitte.
- (b) Medibank Alert can be accessed via one of the channels below:
  - Phone: 1800 453 411
  - Online: [www.medibankalert.deloitte.com.au](http://www.medibankalert.deloitte.com.au)  
(username: medibank; password: medibank#1)
  - Email: [medibankalert@deloitte.com.au](mailto:medibankalert@deloitte.com.au)
  - Postal: Medibank Alert Reply Paid 12628 A'Beckett Street, VIC 8006

Whistleblower legislation includes further categories of individuals employed or engaged by Medibank who can receive reports of certain types of alleged misconduct. Please refer to the applicable legislation for further details.

### **2.5. What to include in a report**

A Whistleblower who makes a report of Reportable Conduct under this Policy should take steps to ensure that the report is factually accurate, is sufficiently detailed to ensure a fulsome investigation of the allegation and is made in good faith and based on a genuinely held belief.

Sufficient detail includes, but is not limited to:

- Full names of persons against whom the allegation is made;
- Dates, times and locations;
- Factual description of the alleged inappropriate behaviour; and
- Documented evidence, where available.

Details that may identify a Whistleblower will be maintained confidentially, unless criteria below are met.

It is not the role of the Whistleblower to investigate or prove the Reportable Conduct has occurred.

### **3. PROTECTIONS**

#### **3.1. Support and protections are available to Whistleblowers**

Medibank is committed to protecting and respecting the rights of Eligible Persons who make a disclosure of Reportable Conduct to Medibank Alert ('**Whistleblowers**'). Medibank will take ensure appropriate protections are in place to protect Whistleblowers from identification, victimisation or disadvantage as a response to making reports.

A Whistleblower must not be subjected to Detriment because they have disclosed a matter. '**Detriment**' includes dismissal, injury in employment, alteration of duties to disadvantage, discrimination, harassment, intimidation, harm or injury, damage to property, damage to reputation, damage to business or financial position, or any other damage to a person.

Any person engaged in, or who could reasonably be perceived to be engaged in, conduct causing Detriment may be subjected to disciplinary measures.

A person who believes they, or their family, has been subjected to Detriment as a result of disclosing any Reportable Conduct should immediately report the matter via Medibank Alert.

#### **3.2. Anonymity and confidentiality**

Where a Whistleblower reports an instance of Reportable Conduct under the Policy, their identity will not be disclosed unless it is:

- (a) consented to by the person making the report;
- (b) required by law;
- (c) necessary to prevent or lessen a serious threat to another person's health and safety;
- (d) necessary to protect or enforce Medibank's legal rights or interests, or to defend itself against any claims;
- (e) made to any government authority or agency or any regulator which Medibank reports to; or
- (f) made to a member of the police force.

Choosing to remain anonymous does not impact the ability of a Whistleblower to access updates or continue to communicate with Whistleblower investigation officers.

The identity, or information that may lead to the identification, of a Whistleblower will be held in the strictest confidence and not disclosed to parties unrelated to the investigation. However, it may be disclosed to the following parties or under the following circumstances:

- (a) ASIC;
- (b) APRA;
- (c) a member of the Australian Federal Police;
- (d) a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of this Part; or
- (e) where the discloser consents to their identification.

#### **3.3. Reports concerning employees responsible for reports or Senior Leaders**

Where a report of Reportable Conduct relates to a Whistleblower Protection Officer or a Senior Leader (such as a Senior or Group Executive) then the Whistleblower making the report is encouraged to use the Medibank Alert service. The report will be directed to the Group Executive, Legal Governance and Regulatory Affairs by the external service provider.

#### **3.4. Limited Immunity**

This Policy will not protect Whistleblowers from any consequences if they are also involved in or connected to the Reportable Conduct that is being reported or they act other than in good faith.

However, where appropriate, and in accordance with applicable laws, Whistleblowers may be provided with immunity from disciplinary action which might otherwise flow from making a disclosure of Reportable Conduct. This immunity will not apply to a Whistleblower's involvement in the Reportable Conduct or criminal or illegal activities.

#### **3.5. Automatic Right of Appeal**

If any Detriment is taken against a Whistleblower (or a claim that Detriment has occurred) and it cannot be resolved internally, a Whistleblower has an automatic right of appeal to an

independent person (the Group Executive Legal, Governance and Regulatory Affairs, as delegate for the Chief Executive Officer) who has direct access to the Risk Management Committees.

### **3.6. The law protects Whistleblowers**

Whistleblowers are protected by law. A Whistleblower is not subject to any penalty for disclosing information in good faith, is immune from defamation and is protected from Detriment.

Remedial and compensatory action may be taken by a court where Detriment has been taken against a Whistleblower, including orders against the person who engaged in the Detriment or a person who was otherwise involved.

## **4. INVESTIGATION OF REPORTS**

### **4.1. Investigations into Reportable Conduct**

Disclosures made under this Policy will be received and treated sensitively and seriously and will be dealt with fairly and objectively.

While making a disclosure does not guarantee that the disclosure will be formally investigated, all reports will be assessed and considered by Medibank and a decision made as to whether they should be investigated. Medibank's response to a disclosure of Reportable Conduct will vary depending on the nature of the disclosure (including the amount of information provided).

Any investigations commenced will be conducted in a timely manner and will be fair and independent from any persons to whom the disclosure relates. Any person mentioned in the disclosure or to whom the disclosure relates will be afforded fair treatment and procedural fairness in any investigation, including by being provided with an opportunity to respond to any allegations of Reportable Conduct made against them.

The Whistleblower Investigation Officer will investigate the substance of the disclosure to determine whether there is evidence to substantiate the allegation or, alternatively, to refute the disclosure made.

In certain circumstances and depending on the nature of the Reportable Conduct alleged, it may be necessary and/or appropriate for Medibank to engage an independent third party to conduct an investigation on its behalf.

The objective of the investigation is to locate and consider evidence that either substantiates or refutes the allegations made by the Whistleblower. All employees and contractors must cooperate fully with any investigations.

Proven Reportable Conduct will be assessed against the Medibank Code of Conduct, which also outlines the actions that may be taken if the Code is found to be breached.

### **4.2. Response to findings**

A response to any substantiated allegations of Reportable Conduct may include disciplinary action. For example, where an investigation identifies a breach of law, Medibank's Code of Conduct or internal policies or procedures, appropriate disciplinary action will be taken, up to and including terminating or suspending the employment or engagement of the person(s) involved in the misconduct. Additionally, a referral to an external body, including ASIC or a law enforcement authority may occur.

Any person who is found to have engaged in Reportable Conduct will be afforded an opportunity to provide a response before Medibank decides to take any disciplinary action against them.

Where allegations of unacceptable conduct made against another person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

### **4.3. Notification of outcome**

The results of any investigation may be recorded in writing in a formal internal report that will be confidential and is the property of Medibank.

Once an investigation is completed and the matter (including any subsequent disciplinary action) has been concluded, Medibank will take steps to notify the Whistleblower that the matter has been finalised.

Medibank may notify the Whistleblower of the investigation outcome, including whether some or all of the allegations are substantiated. However, it may not always be appropriate to provide Whistleblowers with this information, including where information disclosed by the outcome is

confidential, legally privileged and/or where Medibank is bound by a law or agreement that prevents such disclosure being made.

An anonymous Whistleblower should not expect to be notified of the outcome.

## **5. ROLES & RESPONSIBILITIES**

### **5.1. Whistleblower Protection Officer**

The role of the Whistleblower Protection Officer is to safeguard the interests of the Whistleblower as stated within this Policy and the applicable legislation, including ensuring the Whistleblower does not suffer detriment as a result of their disclosure. The Whistleblower Protection Officers have access to independent financial, legal and operational advisors, as required.

Medibank's Whistleblower Protection Officers are:

- (f) Senior Executive, Legal; and
- (g) Head of Workplace Relations.

### **5.2. Independence of the Whistleblower Protection Officer and Whistleblower Investigation Officer**

The responsibilities of the Whistleblower Protection Officer and Whistleblower Investigation Officer should not reside in the same person. The two appointees should operate and be seen to operate independently of each other and should act in a way that they discharge the two quite separate functions independently of each other.

## **6. MAINTENANCE & GOVERNANCE**

### **6.1. Education & Training**

Requirements of employees under the Policy, including Reportable Conduct and consequences will be embedded within Risk Management training and included within the Code of Conduct.

Employees, including managers and others who may receive whistleblower reports, will be provided with training about the policy and their rights and obligations under it.

### **6.2. Visibility & Communication**

This Policy will be communicated and made available to all relevant stakeholders through Medibank's intranet and external websites.

### **6.3. Review & Accountability**

This Policy will be reviewed by the Board on a periodic basis and is aligned with the Australian Standard AS 8004-2003 Corporate Governance – Whistleblower Protection Programs for Entities and applicable Commonwealth legislation.

Regular reporting to the Risk Management Committee on the operation of Medibank Alert and other disclosure channels will be presented by the Chief Risk Officer.

For the avoidance of doubt, this policy does not form part of any contract of employment or industrial instrument.