

## Advava HeartCare Whistleblower Policy

1.	Introduction and Purpose .....	2
2.	Terms and Definitions .....	2
3.	Scope .....	3
4.	Responsibilities .....	3
5.	Procedure .....	4
5.1.	Making a Protected Disclosure .....	4
5.2.	Whistleblower Protection Officer (WPO) .....	5
5.3.	Public Interest and Emergency Disclosures .....	6
5.4.	Assessment of Report .....	6
5.5.	Investigation of Reports .....	6
5.6.	Outcome of Reports .....	6
6.	Protections .....	7
6.1.	Confidentiality of Eligible Whistleblower's Identity and Whistleblowing Reports .....	7
6.2.	Protection of Eligible Whistleblowers .....	7
6.3.	Vexatious Claims .....	8
7.	Breach of this Policy .....	8
8.	Evaluation .....	8
9.	Appendices .....	8

## 1. Introduction and Purpose

Advara HeartCare is committed to maintaining the highest standards of legal, ethical and moral conduct, governance and accountability and a workplace that is free of improper behaviour and other wrongdoing.

To facilitate this Advara HeartCare encourages employees, officers and other eligible whistleblowers to report information that would qualify as a protected disclosure under the Corporations Act 2001 (Cth) (**Corporations Act**) without fear of reprisal.

Where a protected disclosure is made Advara HeartCare is committed to addressing and investigating the protected disclosure, providing protection to those who make a protected disclosure and rectifying wrongdoing where it is appropriate to do so.

The purpose of this Policy is to outline the procedure and process for making a protected disclosure, how the disclosure will be investigated by Advara HeartCare and the protection and support offered to those who make a protected disclosure so that they may do so without fear of reprisal.

## 2. Terms and Definitions

**Eligible recipients** - persons to whom a protected disclosure may be made. Eligible recipients include Advara HeartCare's Whistleblower Protection Officer (**WPO**), officers, senior managers of the Advara HeartCare Group, its auditors and tax agents, the Australian Securities and Investments Commission (**ASIC**), Australian Prudential Regulation Authority (**APRA**) and Australian Taxation Office (**ATO**). It also includes Stopline (see section 5 below). For the purposes of this Policy, a "senior manager" is a member of the Executive team.

**Eligible whistleblowers** - all current and former employees, officers, contractors (including their employees) and associates of Advara HeartCare and each of their respective relatives and dependants.

**Protected disclosure** - a disclosure that qualifies for protection under the Act. At the date of this policy, a protected disclosure is a disclosure of information that the eligible whistleblower has reasonable grounds to suspect:

1. concerns misconduct, or an improper state of affairs or circumstances, in relation to any member of the Advara HeartCare Group; or
2. indicates that any member of the Advara HeartCare Group, or an officer or employee of any member of the Advara HeartCare Group has engaged in conduct that:
  - a) constitutes an offence against, or a contravention of, a provision of any of the following legislation:
    - i. the TLA Act;
    - ii. the ASIC Act 2001;
    - iii. the Banking Act 1959;

- iv. the Financial Sector (Collection of Data) Act 2001;
  - v. the Insurance Act 1973;
  - vi. the Life Insurance Act 1995;
  - vii. the National Consumer Credit Protection Act 2009;
  - viii. the Superannuation Industry (Supervision) Act 1993;
  - ix. an instrument made under any legislation referred to in any of subparagraphs i to viii; or
- b) constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
  - c) represents a danger to the public or the financial system.

By way of example only it may include misconduct or serious wrong doing the Eligible Whistleblower reasonably believes:

- a) is dishonest, illegal, fraudulent, corrupt or unsafe;
- b) is unethical, including any conduct that would breach Advara HeartCare's Code of Conduct;
- c) involves irregular use of company funds or practices (including misleading accounting or financial reporting practices);
- d) involves misuse of Advara HeartCare's business information;
- e) is damaging to Advara HeartCare's business or reputation; or
- f) endangers the health and safety of any employee or member of the public.

**Whistleblower Protection Officer (WPO)** – Advara HeartCare personnel who are authorised to receive protected disclosures.

### 3. Scope

This Policy covers all employees, contractors and consultants of an entity within the Advara HeartCare group and other persons who are eligible whistleblowers in connection with those entities.

Accordingly, a reference to “Advara HeartCare” is a reference to all of Advara HeartCare Pty Ltd, Advara SleepCare Pty Ltd and their subsidiaries, including the CardioNexus group.

This Policy does not form part of any contract of employment or contract for service of any employee or contractor of Advara HeartCare. This Policy replaces all other whistleblower and reporting policies whether written or not and Advara HeartCare reserves the right to vary, replace or terminate this Policy from time to time.

### 4. Responsibilities

All staff must ensure that they familiarise themselves with this Policy as amended or replaced from time to time. A copy of the current Policy is available on the intranet or can be provided by the People and Culture team.

All staff and other eligible whistleblowers must comply with this Policy.

All managers who receive a protected disclosure have a responsibility to report the disclosure to a Whistleblower Protection Officer for assessment and/or investigation.

All WPOs and other eligible recipients of a protected disclosure must keep the identity, or any information that is likely to lead to the identification of the eligible whistleblower confidential unless the eligible whistleblower consents to the disclosure of their identity or disclosure is required or authorised by law.

Refer to the procedure below for other specific responsibilities in relation to this Policy.

## **5. Procedure**

### *5.1. Making a Protected Disclosure*

Any employee or other eligible whistleblower who wishes to make a protected disclosure should make the protected disclosure, in the first instance, to a WPO. If the nature of the information or matters being disclosed make disclosure to a WPO inappropriate, the eligible whistleblower may make the protected disclosure to any other eligible recipient (see above definition of eligible recipient).

A protected disclosure may be made anonymously. Protected disclosures should be made in writing to any WPO or other eligible recipient and contain enough information so that the disclosure may be adequately and properly investigated. Ideally, the eligible whistleblower should be able to provide information on all or most of the following:

1. The nature of the wrongdoing or misconduct and what has happened.
2. Identify at least some of the people involved in the alleged wrongdoing or misconduct.
3. Details of when the alleged wrongdoing or misconduct occurred.
4. Details of the implication of the alleged wrongdoing for Advara HeartCare, its employees or patients.

Alternatively, a protected disclosure may be made via Stopleveline, which is an independent, external hotline and reporting service. You can contact Stopleveline in the following ways:

Web: <https://advaraheartcare.stoplevelinereport.com>  
Telephone: 1300 30 45 50  
Email: [makeareport@stopleveline.com.au](mailto:makeareport@stopleveline.com.au)  
Post: Advara HeartCare  
c/o Stopleveline

PO Box 403,  
Diamond Creek, VIC 3089

Stoptline will provide the details of the report to Advara HeartCare. Where you provide details of your identity to Stoptline those details will only be provided by Stoptline to Advara HeartCare with your consent. A report may be submitted anonymously if you do not wish to disclose your identity to Stoptline.

This Policy does not apply to the reporting of any personal work-related grievances. Personal work-related grievances are grievances solely about matters in relation to the discloser's employment having implications for the discloser personally and which do not have significant implications for Advara HeartCare. For example, a decision about the engagement, transfer or promotion of the discloser.

Such matters do not qualify for protection under the Corporations Act and should be reported in accordance with other reporting structures such as those for bullying and harassment, dispute resolution and grievances.

This Policy must not be used for the reporting of any trivial or vexatious matters (being matters that the discloser knows, or ought to know are false or have no substance). Unsubstantiated reports that are trivial, vexatious, made maliciously or known to be false will be viewed seriously and may be subject to disciplinary action.

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

A WPO is a Advara HeartCare representative who is authorised to receive a protected disclosure and is responsible for ensuring protected disclosures are investigated and protecting and safeguarding eligible whistleblowers in accordance with this Policy.

The eligible whistleblower should, in the first instance, make a protected disclosure to their preferred WPO depending on their relationship and the circumstances.

WPOs are the following people in the Advara HeartCare Group:

1. General Counsel
2. Head of People & Culture, or any P&C Business Partner
3. Any member of the Advara HeartCare Executive Management Team

The contact details of the WPOs can be found on the Advara internet.

A protected disclosure may be made to a lawyer for the purposes of obtaining legal advice or representation.

If a disclosure is made to someone who is not an eligible recipient, the discloser may not be entitled to the protections under the Act.

### 5.3. *Public Interest and Emergency Disclosures*

In certain limited circumstances, a protected disclosure may be made to a member of parliament or a journalist.

Unless otherwise provided in the Corporations Act, if an eligible whistleblower has previously made an eligible disclosure to either ASIC or APRA and either:

- the eligible whistleblower has reasonable grounds to believe that the information they have reported concerns a substantial and imminent danger to the health and safety of one or more other persons or to the natural environment; or
- after a period of 90 days have elapsed, the eligible whistleblower does not have reasonable grounds to believe that action has been taken or is being taken to address the eligible disclosure and it is in the public interest to do so, the eligible whistleblower may be able to report the eligible disclosure to a Member of Parliament or a journalist.

### 5.4. *Assessment of Report*

All protected disclosures made under this Policy will be properly assessed to determine the appropriate course of action. Where Advara HeartCare considers it appropriate, it will conduct an investigation into the protected disclosure. As each disclosure is different, Advara HeartCare may apply alternative procedures if necessary, depending on the circumstances.

### 5.5. *Investigation of Reports*

The People & Culture team will be responsible for ensuring the proper conduct of the investigation, which may include appropriate instruction and oversight of a third party appointed to conduct an investigation. The investigation will not be conducted by a person who may be the subject of the investigation or has inappropriate links or connections (actual or perceived) to the person(s) or issue(s) under investigation.

If appropriate in the circumstances, the People & Culture team will:

1. Appoint an appropriate person to protect the identity of the eligible whistleblower and otherwise look after the welfare of the eligible whistleblower.
2. Appoint an appropriate person from either inside or outside of Advara HeartCare to investigate the matters the subject of the protected disclosure.
3. Ensure the investigation is conducted in a fair and timely manner and confidentiality is maintained.
4. Ensure there are no reprisals, harassment, discrimination, or victimisation of the eligible whistleblower.
5. Ensure that all reasonable steps are taken to protect the identity of the eligible whistleblower unless the whistleblower consents to the disclosure of their identity or the disclosure is authorised by law.
6. Involve and notify external parties, such as police or other agency, where appropriate

### 5.6. *Outcome of Reports*

Once the protected disclosure has been investigated, where appropriate, Advara HeartCare will take remedial action, which may include disciplinary action. Where practicable and subject to

privacy and confidentiality restrictions, the People & Culture team will provide the eligible whistleblower with information on the outcome of the investigation.

WPOs will (as appropriate) report to the CEO on the number and type of whistleblower reports, to enable the CEO to report to the Board as appropriate, and address any issues and trends.

In addition, serious and/or material reportable conduct will be considered by the WPOs for immediate referral to the CEO and Board.

## **6. Protections**

### *6.1. Confidentiality of Eligible Whistleblower's Identity and Whistleblowing Reports*

An eligible whistleblower may choose to remain anonymous, though this may preclude the ability to properly investigate the disclosure or to provide feedback to the discloser.

In circumstances where the whistleblower discloses their identity, Advara HeartCare will keep the whistleblower's identity confidential to the extent required by law. That said, where necessary, the whistleblower's identity may be disclosed to ASIC, APRA, ATO, the Australian Federal Police or to a lawyer for the purpose of obtaining legal advice or representation.

Information received from an eligible whistleblower will be held in the strictest of confidence and will only be disclosed if the disclosure of information (other than the identity of the whistleblower) is reasonably necessary for the purposes of investigating a matter to which the protected disclosure relates and all reasonable steps are taken to reduce the risk that the eligible whistleblower will be identified.

Unauthorised disclosure of information relating to a protected disclosure or the disclosure of the identity of an eligible whistleblower will be taken seriously and may result in disciplinary action up to and including termination.

### *6.2. Protection of Eligible Whistleblowers*

Advara HeartCare is committed to protecting and respecting the rights of an eligible whistleblower. Advara HeartCare will not tolerate any retaliatory action or threats of retaliatory action against any eligible whistleblower who has made or who is believed to have made a protected disclosure.

When an eligible whistleblower makes a disclosure which qualifies for protection under the Act, the following protections apply.

1. The eligible whistleblower will not be subject to disciplinary action by Advara HeartCare as a result of making a protected disclosure, including where we are unable to find any evidence to support the conduct disclosed.
2. The eligible whistleblower's position and duty within the business will not be altered to their disadvantage and will not otherwise be subjected to detriment as a result of making a protected disclosure. Advara HeartCare will take reasonable precautions to

ensure that the eligible whistleblower (and their colleagues and relatives) are not subject to victimisation or detrimental treatment as a result of the protected disclosure.

Detriment includes, without limitation, dismissal, injury, discrimination, harassment or intimidation by any of Advara HeartCare's employees, officers, contractors, consultants and directors.

3. To the extent reasonable and practicable to do so, Advara HeartCare will monitor and manage the behaviour of people who are involved in the protected disclosure. If the WPO determines that any reprisal or retaliation has occurred, a report of this may be made to appropriate management if the eligible whistleblower consents. Any eligible whistleblower who feels that they have been the subject of reprisal or retaliation because they have provided information should immediately notify the WPO.
4. In some circumstances, an eligible whistleblower can seek compensation and other remedies through the courts for loss, damage or injury because of a disclosure. Certain other protections may also apply at law to protect an eligible whistleblower against civil or criminal litigation or disciplinary proceedings. For more information, independent legal advice should be sought before making a protected disclosure.
5. Information that is disclosed by an eligible whistleblower in a protected disclosure is not admissible in evidence against the whistleblower in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.

Any such retaliatory action or victimisation in reprisal for a protected disclosure being made under this Policy will be treated seriously and may result in disciplinary action up to and including termination.

### **6.3. Vexatious Claims**

Where it is shown that a person purporting to be an eligible whistleblower has knowingly made a false report of wrongdoing, then that conduct itself will be considered a serious matter and that person may be subject to disciplinary action up to and including termination.

## **7. Breach of this Policy**

Breaches of this Policy may result in disciplinary action up to and including termination.

## **8. Evaluation**

This policy will be evaluated by exception by monitoring the number and detail of related reports and resolution of such reports.

## **9. Appendices**

Nil

## **Revision History**



<b>Version</b>	<b>Date Created</b>	<b>Created By</b>	<b>Description of change</b>
1.0	February 2023	Head of People & Culture	Initial version.
2.0	November 2023	Head of People & Culture	Updates for appointment of external reporting provider