

	<h1>Whistleblower Protection</h1>	Version No:	1.1
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## 1. Policy

- 1.1 Fullerton Health Australia (the “Company”) is committed to fostering a supportive and open environment for employees and stakeholders. As part of our commitment, we encourage individuals with concerns about any actual or suspected improper conduct or state of affairs or circumstances to come forward and make come a disclosure.
- 1.2 The purpose of this policy is to:
  - 1.2.1 Encourage more disclosures of wrongdoing without fear of reprisal, intimidation or disadvantage;
  - 1.2.2 Deter wrongdoing and instil a culture of compliance;
  - 1.2.3 Provide transparency around our framework for receiving, handling and investigating disclosures;
  - 1.2.4 Outline the measures in place to protect a whistleblower;
  - 1.2.5 Outline the special procedures and protections that apply to whistleblowers under the Corporations Act and Taxation Administration Act in relation to reporting of possible breaches of the Corporations Legislation or misconduct in relation to the Company’s tax affairs;
  - 1.2.6 Ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported.
- 1.3 This policy has been adopted to ensure that employees feel comfortable making a disclosure and that they are aware of the criteria for a discloser to qualify for protection as a whistleblower under the corporate whistleblower protections regime (the corporate whistleblower protections regime was established under the Corporations Act and the Tax Administration Act).
- 1.4 An effective whistleblower policy is crucial to good corporate governance and will help the Company maintain a high standard of lawful and ethical conduct in the workplace and business activities. The Company is committed to ensuring the protection of staff who in good faith disclose any wrongdoing in the workplace or business activities.
- 1.5 This policy is available via Flare in Organisation > Library > Policies & Procedures – All employees, and forms part of the Code of Conduct for all employees. A copy is also displayed on the Company website.
- 1.6 This policy applies to all Eligible Persons who wish to report a Disclosable Matter or other wrongful conduct regarding our activities. This policy does not deal with personal work-relation grievances which are not outlined in section 4.1 to 4.3 of this policy.

- 1.7 Eligible Persons include our employees, officers, suppliers of goods or services (whether paid or unpaid) (such as contractors, consultants and business partners) and relatives, dependants or spouses of those persons.

## 2 Definitions

**APRA** means the Australian Prudential Regulation Authority.

**ASIC** means the Australian Securities and Investments Commission.

**Associate** means:

- (a) in respect of a Disclosable Corporate Matter, an associate within the meaning of section 11 of the Corporations Act; and
- (a) in respect of a Disclosable Tax Matter, an 'associate' within the meaning of section 318 of the *Income Tax Assessment Act 1936* (Cth).

**Corporations Act** means the *Corporations Act 2001* (Cth).

**Corporations Legislation** means the Corporations Act, Australian Securities and Investments Commission Act, *Banking Act 1959*, *Financial Sector (Collection of Data) Act 2001*, *Insurance Act 1973*, *Life Insurance Act 1995*, *National Consumer Credit Protection Act 2009*, *Superannuation Industry (Supervision) Act 1993* and any instrument made under any of these acts.

**Disclosable Matter** means a Disclosable Corporate Matter and/or a Disclosable Tax Matter.

**Disclosable Corporate Matter** means information that the Eligible Person has reasonable grounds to suspect:

- (a) concerns misconduct, or an improper state of affairs or circumstances, in relation to the Company or a member of the Group; or
- (b) indicates that the Company or any of its officers or employees, or any members of the Group or any of its officers or employees has engaged in conduct that:
  - i. constitutes an offence against, or contravention of, a provision of any Corporations Legislation;
  - ii. constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of twelve (12) months or longer;
  - iii. represents a danger to the public or the financial system; or
  - iv. is prescribed by regulation.

**Disclosable Tax Matter** means:

- (a) where the information is to be disclosed to the Commissioner of Taxation, information which the Eligible Person considers may assist the Commissioner of Taxation to perform their functions or duties under taxation law in relation to the Company or any member of the Group;

- (b) where the information is to be disclosed to an Eligible Tax Recipient, information which the Eligible Person:
- i. has reasonable grounds to suspect indicates misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of the Company, any member of the Group or their respective Associates;
  - ii. considers may assist the Eligible Tax Recipient to perform his or her functions or duties under taxation law in relation to the Company, any member of the Group or their respective Associates.

**Eligible Person** means an individual who is, or has been, any of the following:

- (a) an officer of the Company;
- (b) an employee of the Company;
- (c) an individual who supplies services or goods to the Company (whether paid or unpaid);
- (d) an employee of a person that supplies services or goods to the Company (whether paid or unpaid);
- (e) an individual who is an Associate of the Company;
- (f) in relation to Disclosable Tax Matters only:
  - i. a spouse, child, dependent or dependent of a spouse of an individual referred to in any of paragraphs (a) to (e); or
  - ii. an individual whose role or relationship with the Company is prescribed by the *Taxation Administration Regulations 2017* (Cth) (from time to time) as being an 'eligible whistleblower';
- (g) in relation to Disclosable Corporate Matters only:
  - i. a relative, dependent or dependent of a spouse of an individual referred to in any of paragraphs (a) to (e); or
  - ii. an individual whose role or relationship with FHA is prescribed by the *Corporations Regulations 2001* (Cth) (from time to time) as being an 'eligible whistleblower'.

**Eligible Recipient** means:

- (a) an officer or Manager of the Group, the Whistleblower Protection Officer (see section 5.3.1) or the auditor of a member of the Group;
- (b) a legal practitioner, but only to the extent that the disclosure was made to that legal practitioner for the purpose of obtaining legal advice or legal representation in respect of the application of the whistleblower regime under the Corporations Act to the Protected Disclosure; and
- (c) in the case of an Emergency Disclosure or a Public Interest Disclosure only, a Journalist or a Parliamentary Member.

**Eligible Tax Recipient** means:

- (a) a registered tax agent or BAS agent (within the meaning of the *Tax Agent Services Act 2009* (Cth)) who provides tax agent services (within the meaning of that Act) or BAS services (within the meaning of that act) to the Company; and
- (b) any other employee or officer of the Company who has functions or duties that relate to the tax affairs of the Company.

**Emergency Disclosure** has the meaning given in section 5.7.

**Group** means the Company and any of its related bodies corporate (as that term is defined in the Corporations Act).

**Journalist** means a person who is working in a professional capacity as a journalist for any of the following:

- (a) a newspaper or magazine;
- (b) a radio or television broadcasting services; or
- (c) an electronic service (including a service provided through the internet) that is operated on a commercial basis and is similar to a newspaper, magazine or radio or television broadcast.

**Misconduct** includes fraud, negligence, default, breach of trust and breach of duty.

**Parliamentary Member** means a member of the Parliament of the Commonwealth, a State or a Territory.

**Protected Disclosure** means a disclosure of a Disclosable Matter made to the relevant Eligible Recipient by an Eligible Person in accordance with this policy.

**Public Interest Disclosure** has the meaning given in section 5.6.

**Taxation Administration Act** means the *Taxation Administration Act 1953* (Cth).

### 3 Protections Available to Whistleblowers

- 3.1 Eligible Persons who make a Protected Disclosure will be entitled to the protections under the corporate whistleblower protection regime. Protected Disclosures are disclosures about certain types of wrongdoing which are made to an Eligible Recipient, such as the Company's Whistleblower Protection Officer, ASIC or APRA.
- 3.2 If the disclosure is a Protected Disclosure, the employee will be entitled to the following protections:
  - 3.2.1 identity protection (i.e. confidentiality);
  - 3.2.2 protection from detrimental conduct;
  - 3.2.3 compensation and other remedies; and
  - 3.2.4 civil, criminal and administrative liability protection.

- 3.3 More information about:
- 3.3.1 what constitutes a Disclosable Matter is set out in section **Error! Reference source not found.** of this policy;
  - 3.3.2 who is an Eligible Recipient (i.e. who can employees make a disclosure to in order to qualify for protection) and other persons you can make a report to, is set out in section **Error! Reference source not found.** of this policy; and
  - 3.3.3 the protections available are set out in section **Error! Reference source not found.** of this policy.
- 3.4 It is important to note that this policy applies to all whistleblowers - even if the disclosure from an employee does not qualify for protection under the corporate whistleblower protection regime (in other words, the employee's report is not a Protected Disclosure), the employee may still be entitled to protections under other legislation, such as the *Fair Work Act 2009* (Cth).

## 4 Types of Wrongdoing to be Disclosed

### 4.1 Disclosures that will qualify for protection

- 4.1.1 The Company encourages employees to report any instances of actual or suspected Misconduct or wrongdoing where they have reasonable grounds to do so.
- 4.1.2 The types of wrongdoing which qualify for protection under the whistleblower protection regime ("Disclosable Matter") involve:
  - 4.1.2.1 information that employees have reasonable grounds to suspect concerns Misconduct or an improper state of affairs or circumstances in relation to the Group;
  - 4.1.2.2 information that indicates that the Group (or its officers and employees) have engaged in conduct that:
    - 4.2.1.2.1 constitutes an offence against or a contravention of a provision under the Corporations Legislation;
    - 4.2.1.2.2 constitutes an offence any Commonwealth law that is punishable by imprisonment for a period of twelve (12) months or more;
    - 4.2.1.2.3 represents a danger to the public or the financial system; or
    - 4.2.1.2.4 is prescribed by regulation; and
  - 4.1.2.3 any Disclosable Tax Matter.
- 4.1.3 Some examples conduct which is a Disclosable Matter includes:
  - 4.1.3.1 fraud or negligence by the Company or its Directors, Managers or employees;
  - 4.1.3.2 business practices which may cause harm to customers or conduct which represents a danger to the public, such as a violation of human rights;

- 4.1.3.3 unlawful activity such as bribery, money laundering, corruption, secret commissions or threatening behaviour;
- 4.1.3.4 improper use of confidential information, including improper use of the Company's customer database for commercial means and/or personal gain; or
- 4.1.3.5 engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or is planning to make, a disclosure.

#### **4.2 Does there need to be a breach of law?**

- 4.2.1 It is not necessary for the wrongful activity to be unlawful or involve contravention of any particular law in order to qualify for protection under the corporate whistleblower protection regime. Conduct which is lawful may still qualify for protection where it involves Misconduct or some sort of improper state of affairs or circumstances in relation to the Group.
- 4.2.2 If the disclosure turns out to be incorrect, employees can still qualify for disclosure under the whistleblower protection regime.

#### **4.3 Other types of wrongdoing that should be reported**

- 4.3.1 Other types of conduct which may not qualify for protection under the corporate whistleblower protection, but which should still be reported to the Manager or Human Resources include:
  - 4.3.1.1 favourable treatment of certain customers for personal benefit;
  - 4.3.1.2 using the Company customer database for personal gain; and
  - 4.3.1.3 sharing the Company's development specific information with competitors for personal gain.
  - 4.3.1.4 even if the disclosure does not qualify as a 'Disclosable Matter' the employee may still be entitled to protections under other legislation, such as the *Fair Work Act 2009* (Cth).

#### **4.4 Personal work-related grievances**

- 4.4.1 Disclosures that relate solely to a personal work-related grievance, and that do not relate to detriment or threat of detriment to the discloser, do not qualify for protection under the whistleblower protection regime.
- 4.4.2 A personal work-related grievance is one that relates to the discloser's current or former employment and has, or tends to have, implications for the discloser personally, but does not have any significant implication for the entity (or another entity) or relate to any conduct or suspected conduct about a Disclosable Matter.
- 4.4.3 Examples of personal work-related grievances might include:
  - 4.4.3.1 an interpersonal conflict between the discloser and another employee;
  - 4.4.3.2 a decision about the engagement, transfer or promotion of the discloser;

- 4.4.3.3 a decision about the terms and conditions of engagement of the discloser; or
  - 4.4.3.4 a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.
- 4.4.4 A disclosure about, or including, a personal work-related grievance may still qualify for protection if:
- 4.4.4.1 it includes information about Misconduct which is accompanied by a personal work-related grievance (mixed report);
  - 4.4.4.2 the Company has breached employment or other laws punishable by imprisonment for a period of twelve (12) months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggest Misconduct beyond the discloser's personal circumstances;
  - 4.4.4.3 the discloser suffers from or is threatened with detriment for making a disclosure; or
  - 4.4.4.4 the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the whistleblower protection regime.
- 4.4.5 The Company encourages staff to get legal advice about their rights under contract or employment law if they are experiencing a personal work-related grievance or are unsure about their legal rights.

#### **4.5 Deliberate false reporting**

- 4.5.1 Whilst the Company encourages employees to come forward if they suspect any wrongdoing, the Company strongly discourages any deliberate or false reporting. Employees must not knowingly make false or vexatious allegations that they know to be untrue.

## **5 How to make a Report**

- 5.1 In order to qualify for protection, employee disclosures must relate to a Disclosable Matter and must be made to an Eligible Recipient. Other instances of reportable conduct should be made to the Whistleblower Protection Officer.
- 5.2 The Company encourages Eligible Persons to make a disclosure internally in the first instance. However, if employees do not feel comfortable making a report or disclosure internally, then there are various external options available.

#### **5.3 Internal disclosures**

##### **5.3.1 Whistleblower Protection Officer**

- 5.3.1.1 If an employee becomes aware of any matter or have any concerns about wrongful behaviour then they have the option of reporting it internally to their Manager, Human Resources or our designated Whistleblower Protection Officer. Reports or disclosures can be made inside or outside business hours.

5.3.1.2 For clarification about this policy contact the designated Whistleblower Protection Officer:

Email: [richard.lequesne@fullertonhealth.com.au](mailto:richard.lequesne@fullertonhealth.com.au)  
Telephone: 08 8368 9103  
Post: Group Human Resources Manager  
Fullerton Health Australia  
Lower Ground Floor  
183 Melbourne Street  
North Adelaide SA 5006  
Australia

### **5.3.2 Anonymous Disclosures**

5.3.2.1 Protected Disclosures can be made anonymously by submitting a disclosure directly to the Whistleblower Protection Officer. While the Company will not investigate the identity of a whistleblower of an anonymous Protected Disclosure, it is the whistleblower's responsibility to manage their anonymity in submitting their disclosure by expressly stating that their disclosure is being submitted on an anonymous basis.

5.3.2.2 Identity of an employee should not be readily ascertainable. For example, the employee should not submit a disclosure from an email address which contains their name. If an employee wishes to make an anonymous disclosure, they can do so by adopting a pseudonym.

5.3.2.3 All disclosures will be treated confidentially by our Whistleblower Protection Officer. Choosing to make an anonymous disclosure will not disqualify employees from gaining protection under the whistleblower protection regime.

5.3.2.4 Employees can also choose to remain anonymous over the course of any investigation and after the investigation is finalised. In addition, they can refuse to answer questions if they feel that doing so could reveal the identity of the employee.

## **5.4 External disclosures**

### **5.4.1 Who to make a report to?**

5.4.1.1 If employees do not feel comfortable making a disclosure internally, then they also have the option of making a disclosure outside the normal business channels to either ASIC or APRA for matters that are Disclosable Corporate Matters.

5.4.1.2 For matters that are Disclosable Tax Matters, employees can make a report to an Eligible Tax Recipient, as outlined in section 2 above under Definitions.

5.4.1.3 In these circumstances disclosure by employees will still qualify as a Protected Disclosure, provided it relates to a Disclosable Matter.

5.4.1.4 There are also various external support services available who employees can make a report to where their disclosure does not relate to a protected Disclosable Matter. Contact details for various support services:



Organisation	Contact Details
Australian Human Rights Commission	Website <a href="http://www.humanrights.gov.au/">http://www.humanrights.gov.au/</a> Telephone 1300 656 419 Postal address GPO Box 5218, SYDNEY NSW 2001
Fair Work Commission	Telephone 1300 799 675 For further information and office locations, please see the website: <a href="https://www.fwc.gov.au/">https://www.fwc.gov.au/</a>
Safe Work Australia	Website <a href="http://www.safeworkaustralia.gov.au">http://www.safeworkaustralia.gov.au</a> Email <a href="mailto:info@swa.gov.au">info@swa.gov.au</a> Postal address Safe Work Australia, GPO Box 641, CANBERRA ACT 2601

## 5.5 More information

- 5.5.1 Information about how ASIC handles whistleblower reports can be found on its website and via the following ASIC [Information Sheet 239](#) 'How ASIC handles whistleblower reports'.

## 5.6 Public interest disclosures

- 5.6.1 In certain circumstances, a disclosure made to a Journalist or Parliamentary Member will qualify for protection under the whistleblower protection regime where it amounts to a 'public interest disclosure' or an 'emergency disclosure'.
- 5.6.2 A 'public interest disclosure' (**Public Interest Disclosure**) is the disclosure of information to a Journalist or Parliamentary Member where:
- 5.6.2.1 the discloser previously made a Protected Disclosure and at least ninety (90) days have passed since it was made;
  - 5.6.2.2 the discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure;
  - 5.6.2.3 the discloser has reasonable grounds to believe that making a further disclosure of that information is in the public interest; and
  - 5.6.2.4 before making the public interest disclosure, the discloser has given written notice to the recipient of the disclosure which identifies the previous disclosure and states that the discloser intends to make a general public interest disclosure.

## 5.7 Emergency disclosures

- 5.7.1 An 'emergency disclosure' (**Emergency Disclosure**) is the disclosure of information to a Journalist or Parliamentary Member where:
- 5.7.1.1 the discloser made a previous Protected Disclosure;

- 5.7.1.2 the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health and safety of one or more persons or to the natural environment;
  - 5.7.1.3 before making the public interest disclosure, the discloser has given written notice to the recipient of the disclosure which identifies the previous disclosure and states that the discloser intends to make an emergency disclosure;
  - 5.7.1.4 the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the Journalist or Parliamentary Member of the substantial and imminent danger.
- 5.7.2 If employees are unsure about whether their disclosure qualifies as a public interest disclosure or an emergency disclosure, the Company encourages that legal advice is sought. Note: that in addition to any client legal privilege, employees will receive protections under the whistleblower protection regime for the purpose of seeking legal advice about the operation of the regime.

## 6 How the Company handles disclosures

### 6.1 How the Company handles disclosures

#### 6.1.1 Role of the Whistleblower Protection Officer

- 6.1.1.1 The Whistleblower Protection Officer is responsible for:
  - 6.1.1.1.1 coordinating the investigation into any report received from a whistleblower;
  - 6.1.1.1.2 documenting and handling all matters in relation to the report and investigation; and
  - 6.1.1.1.3 finalising all investigations.
- 6.1.1.2 The Whistleblower Protection Officer will, at all times, have direct and unrestricted access to reasonable financial, legal and operational assistance when this is required for any investigation.
- 6.1.1.3 All whistleblower notices will also be reported to the Audit & Risk Committee at each meeting and between meetings as necessary to ensure if any are directed against the Whistleblower Protection Officer, investigative resources are reallocated and the investigation will be undertaken by the Audit & Risk Committee.

#### 6.1.2 Timely review of reported conduct

- 6.1.2.1 All reports (including Protected Disclosures) will be reviewed to determine whether the report qualifies for protection and whether a formal investigation is required. While the timeframe may vary depending on the nature of the report, the Company will aim to finalise its decision on whether there will be an investigation within two (2) weeks.

### **6.1.3 Investigation**

- 6.1.3.1 If it is decided that an investigation is warranted, the Whistleblower Protection Officer may ask for the consent of the employee to a limited disclosure (such as to a Manager of the Company who will assist in coordinating the investigation). In the event of an anonymous disclosure, the Company may investigate the report, even if it cannot contact the discloser (provided the Company has received sufficient information in the disclosure).
- 6.1.3.2 Again, while the timeframe may vary depending on the nature and complexity of the disclosure, the Company will aim to finalise the investigation within ninety (90) days of receiving the disclosure.
- 6.1.3.3 If the Company is able to contact the employee, it will provide regular updates during the key stages of the investigation, such as when the investigation has begun, its progress, and after the investigation has been finalised. In doing so, the Company will ensure that the employee's anonymity is not compromised where they have chosen to remain anonymous. Frequency of updates will vary depending on the nature of the disclosure.
- 6.1.3.4 While the method for documenting and reporting the findings of an investigation will depend upon the nature of the disclosure, once the investigation is complete, a report will be prepared which will document the findings from the investigation.

## **6.2 Confidentiality**

- 6.2.1 The Company is under a legal obligation to protect the confidentiality of the identity of employees.
- 6.2.2 It is unlawful for the Company to reveal the identity of an employee or any information that is likely to lead to their identification without their consent where the Company has obtained it directly or indirectly because the employee made a Protected Disclosure. Unauthorised release of information to someone not involved in the investigation (other than Managers or Directors who need to know to take appropriate action, or for corporate governance reasons) without the employee's consent as a whistleblower will be a breach of this policy.
- 6.2.3 The Company takes its obligations seriously, and in doing so will take the following measures to protect the confidentiality of the identity of the employee:
  - 6.2.3.1 enabling reports to be made confidentially to the Whistleblower Protection Officer via the above details;
  - 6.2.3.2 ensuring that documents (including electronic documents) are kept secure, and access to information relating to a disclosure is restricted to those persons directly involved in the investigation; and
  - 6.2.3.3 ensuring that only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of the identity of the employee (subject to their consent) or information that is likely to lead to their identification.

- 6.2.4 Whistleblowers are assured that a release of information in breach of this policy will be regarded as a serious matter and will be dealt with under the Company's disciplinary procedures. However, there are circumstances where the Company can lawfully disclose the identity of an employee or information that is likely to lead to their identification without their consent.
- 6.2.5 The Company may lawfully reveal their identity or information likely to lead to their identification to ASIC, APRA or a member of the Australian Federal Police (within the meaning of the Australian Federal Police Act 1979).
- 6.2.6 The Company may also disclose the identity of an employee to a legal practitioner for the purpose of obtaining legal advice about the whistleblower protections regime, or to a person or body prescribed by the regulations.

### **6.3 Disclosure of information contained in a report**

- 6.3.1 The Company can disclose the information contained in a Protected Disclosure without the consent of the employee if:
  - 6.3.1.1 the information does not include the identity of staff, or the Company has taken reasonable steps to reduce the risk that the identity of the employee will be revealed from the information in the disclosure; or
  - 6.3.1.2 it is reasonably necessary for investigating the issues raised in the disclosure.
- 6.3.2 If an employee is concerned about a breach of confidentiality, they can make a complaint to our Whistleblower Protection Officer. The employee can also make a complaint to ASIC, APRA or the Australian Taxation Office (**ATO**).

### **6.4 Detrimental conduct**

- 6.4.1 A person cannot engage in conduct that causes detriment to an employee (or another person), in relation to a disclosure, if:
  - 6.4.1.1 the person believes or suspects that the disclosure the employee (or another person) made, proposes to make or could make is a Protected Disclosure; and
  - 6.4.1.2 where the belief or suspicion is the reason, or part of the reason, for the detrimental conduct.
- 6.4.2 In these circumstances, the Company has an obligation to protect the employee from threats to cause detriment to the employee or another person in relation to the disclosure. Some examples of detrimental conduct that is prohibited include:
  - 6.4.2.1 dismissal of an employee;
  - 6.4.2.2 injury of an employee in their employment;
  - 6.4.2.3 alteration of the employee's position or duties to their disadvantage;
  - 6.4.2.4 damage to a person's reputation; and
  - 6.4.2.5 harassment or intimidation.

- 6.4.3 Examples of conduct which are not detrimental conduct include reprimand for misconduct by a discloser which is revealed in a disclosure, or managing a discloser's unsatisfactory work performance if the action is in line with the performance management framework.
- 6.4.4 The Company will take steps to prevent detrimental conduct against a discloser, including:
  - 6.4.4.1 treating all disclosures confidentially and impartially;
  - 6.4.4.2 where a disclosure is not made anonymously, connecting the discloser with the Employee Assistance Program (on Flare in Organisation > Library > Policies & Procedures – All employees);
  - 6.4.4.3 appointing an independent person unconnected with the investigation within the Company to deal with any ongoing concerns.

## **6.5 Fair treatment**

- 6.5.1 The Company will ensure fair and objective treatment of those mentioned in any disclosure, and to whom such disclosures relate. While the processes and form of investigation to be adopted by the Whistleblower Protection Officer will depend on the substance and nature of each Protected Disclosure, the Whistleblower Protection Officer will take all reasonable steps to initially conduct the investigation independently of the subject of the allegations. To the extent that a Protected Disclosure is not anonymous, the Whistleblower Protection Officer will endeavour to discuss the investigation process with the discloser.
- 6.5.2 The Company will ensure the fair treatment of its employees named in a disclosure by:
  - 6.5.2.1 ensuring that no action will be taken against employees or officers who are implicated in a report under this policy until an investigation has determined whether any allegations in a disclosure which implicate them are substantiated. However, employees who are implicated may be temporarily stood down on full pay whilst an investigation is in process or may be temporarily transferred to other duties or another department if available or suitable in the circumstances;
  - 6.5.2.2 if an employee is temporarily stood down, any such stand-downing or temporary relocation may only continue for the duration of the investigation. If the investigation determines that the allegations in a disclosure are not substantiated, the employee must be immediately reinstated to full duties;
  - 6.5.2.3 any disclosures that implicate an employee will be kept confidential, even if the discloser has consented to the disclosure of their identity, and will only be disclosed to those persons who have a need to know the information for the proper performance of their functions under this policy, or for the proper investigation of the disclosure; and
  - 6.5.2.4 ensuring that an employee who is implicated in a disclosure has a right to be informed of the allegations against them, and will be given an opportunity to respond to those allegations and provide additional information, if relevant, in the course of an investigation into those allegations in a disclosure (subject to the discloser's right to remain anonymous).

- 6.5.3 In some circumstances a discloser may have a legal obligation to make a report to a statutory body or government department. The discloser should ensure they comply with all such reporting requirements and the Whistleblower Protection Officer can advise disclosers on these reporting requirements.

## **6.6 Compensation and other remedies**

- 6.6.1 If an employee suffers loss, damage or injury because of a disclosure, or the Company failed to take reasonable precautions to prevent the detrimental conduct, the employee can seek compensation and remedies through the courts.
- 6.6.2 The Company encourages employees to seek independent legal advice about their entitlement to seek compensation or other remedies.

## **6.7 Civil, criminal and administrative liability protection**

- 6.7.1 If employees make a Protected Disclosure, they will be immune from the following adverse actions in relation to the disclosure:
- 6.7.1.1 civil liability (e.g. any legal action against the discloser for breach of an employment contract, duty of confidentiality or another contractual obligation);
  - 6.7.1.2 criminal liability (e.g. attempted prosecution of the discloser for unlawfully releasing information, or other use of the disclosure against the discloser in a prosecution (other than for making a false disclosure)); and
  - 6.7.1.3 administrative liability (e.g. disciplinary action for making the disclosure).
- 6.7.2 However, the protections do not grant immunity for any Misconduct a discloser has engaged in that is revealed in their disclosure.