

Whistleblower Policy

Overview

This policy explains how we will manage reports about misconduct and meet our legal duties.

Scope

This policy applies to Cawarra Residential.

Our people (including employees, contractors, volunteers and officers) must comply with this policy. Generally, this policy does not apply to Personal Work-Related Grievances. Complaints about terms and conditions of employment are managed under our Staff Grievance policy. Concerns about workplace behaviour such as bullying, discrimination, and harassment are managed under our Workplace Behaviour policy.

Purpose

This policy gives guidance to people who want to raise concerns about behaviour within our companies. The purpose of this policy is to:

- ☐ Encourage people to report actual or suspected Reportable Conduct within our companies.
- ☐ Support our values, vital behaviours, and our Code of Conduct policy.
- ☐ Help to deter Reportable Conduct within our companies.
- ☐ Ensure individuals who disclose Reportable Conduct can do so safely, securely and with confidence that they will be protected and supported.
- ☐ Provide ways for people to report concerns.
- ☐ Ensure that Reports are managed appropriately and on a timely basis.
- ☐ Provide transparency and outline what actions we will take when we receive a Report.
- ☐ Meet our legal and regulatory obligations.
- ☐ Align with best practice in corporate governance.

Definitions

APRA: APRA is the Australian Prudential Regulation Authority.

ASIC: ASIC is the Australian Securities and Investments Commission.

Detriment: Detriment includes, but is not necessarily limited to:

- ☐ dismissal of an employee;
- ☐ alteration or injury to an employee's employment, position or duties to their disadvantage;
- ☐ discrimination between an employee and other employees of the company;
- ☐ harassment or intimidation of a person;
- ☐ harm or injury to a person (including psychological harm);
- ☐ damage to a person's property, reputation, business or financial position;
- ☐ any other retaliatory or adverse action or damage to a person.

The following actions are not considered Detriment:

- ☐ Administrative action that is reasonable for the purpose of protecting a Discloser from Detriment (e.g. relocating them to another office to prevent Detriment).

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- ❓ Managing a Discloser's unsatisfactory work performance (as per our Performance Management Framework).

Discloser: A Discloser is a person who makes an eligible Report under this policy.

Eligible Whistleblower: An Eligible Whistleblower is defined by the Corporations Act 2001 (Cth) (the Act) to include any of the following people who, anonymously or not, makes or attempts to make a Protected Disclosure in accordance with this policy:

- ❓ a current or former officer of our company e.g. current and former directors or company secretaries
- ❓ a current or former employee of our company (e.g. current and former employees who are/were permanent, part-time, fixed term or temporary team members);
- ❓ an individual who supplies, or formerly supplied services or goods to us (whether paid or unpaid) (e.g. current and former contractors, consultants, service providers and business partners);
- ❓ an employee of a person that supplies services or goods to us (whether paid or unpaid) (e.g. employees of current and former contractors, consultants, service providers and business partners);
- ❓ an individual who is an associate of our company; and
- ❓ a relative or a dependant of any of the above people, or a dependant of their spouse (e.g. relatives, dependants or a spouse of current and former employees, directors, contractors, consultants, service providers, suppliers and business partners).

Eligible Recipient: An Eligible Recipient is defined by the Act to include:

- ❓ an officer (e.g. a Director or Company Secretary) or senior manager (e.g. General Manager, CEO) of our companies; and
- ❓ a person authorised by our company, such as our Whistleblower Protection Officer
- ❓ an auditor, or any other person authorised by the Act With whom the Eligible Whistleblower can discuss Protected Disclosures and to whom a Protected Disclosure can be submitted. An Eligible Recipient also includes ASIC and APRA.

Independent Person: An Independent Person is someone who doesn't have an actual, potential or perceived conflict of interest. This may be a person external to our companies.

Personal Work-Related Grievance: A Personal Work-Related Grievance is any grievance about any matter in relation to the Discloser's employment or engagement, or former employment or engagement, having (or tending to have) implications for the Discloser personally.

Personal Work Related Grievances are not related to any Reportable Conduct. Examples of these kind of grievances include, but are not limited to:

- an interpersonal conflict between the Discloser and another employee;
- a decision that does not involve a breach of workplace laws;
- a decision relating to the terms and
- conditions of engagement of the Discloser;
- a decision about the engagement, transfer or promotion of the discloser; or

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- a decision to suspend or terminate the engagement of the Discloser, or otherwise to discipline the Discloser.

Generally, a Report that solely relates to a Personal Work-Related Grievance does not qualify for protection. However, a Report relating to a Personal Work-Related Grievance may qualify for protection if the Discloser makes the Report to a legal practitioner for legal advice or legal representation about the operation of the whistleblower protections under the Act; if the Report includes information about Reportable Conduct; or if the Discloser suffers from, or is threatened with Detriment for making a Report.

Protected Disclosure: A Protected Disclosure includes:

- ☐ A disclosure of known or suspected Reportable Conduct made by an Eligible Whistleblower to an Eligible Recipient, provided that the disclosure is based on reasonable grounds and is made in accordance with this policy.
- ☐ A disclosure to a legal practitioner for the purpose of obtaining legal advice or representation about the operation of the whistleblower provisions of the Act.
- ☐ A 'public interest disclosure' or an 'emergency disclosure' as defined by the Act. A disclosure to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions of the Act is protected, even if the legal practitioner concludes that a disclosure does not concern Reportable Conduct.

Report: A Report is when a person makes a report (or a disclosure of information) of Reportable Conduct under this policy.

Reportable Conduct: Reportable Conduct is conduct by a person or persons connected with our companies that constitutes:

- (a) an offence against, or a contravention of, a provision of any of the following:
 - i. the Act;
 - ii. the ASIC Act 2001 (Cth);
 - iii. the Banking Act 1959 (Cth);
 - iv. the Financial Sector (Collection of Data) Act 2001 (Cth);
 - v. the Insurance Act 1973 (Cth);
 - vi. the Life Insurance Act 1995 (Cth);
 - vii. the National Consumer Credit Protection Act 2009 (Cth);
 - viii. the Superannuation Industry (Supervision) Act 1993 (Cth);
 - ix. an instrument made under an Act referred to in any of subparagraphs (i) to (viii); or
- (b) an offence against any other law of the Commonwealth that is punishable by imprisonment, for a period of 12 or more months;

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- (c) misconduct, or an improper state of affairs or circumstances in relation to our companies; or
- (d) a danger to the public or the financial system. Examples of Reportable Conduct may include, but are not necessarily limited to:
 - ? Financial irregularities;
 - ? Fraud or misappropriation of funds;
 - ? Negligence;
 - ? Default;
 - ? Breach of duty;
 - ? Offering or accepting a bribe;
 - ? Corrupt conduct
 - ? Criminal or illegal conduct;
 - ? Failure to comply with any legal or regulatory obligation;
 - ? Unethical or other serious improper conduct, including breaches of company policies and procedures; and
 - ? Engaging in or threatening to engage in conduct that would cause Detriment to a person who has made a Disclosure or is believed or suspected to have made, or be planning to make, a Disclosure.

Respondent: The Respondent is the person who a Report is about.

Whistleblower Protection Officer: The Whistleblower Protection Officer (WPO) is a person that we have nominated to receive Reports for our companies. Our WPO is the

Responsibilities

Our people; - We encourage people to report actual or suspected Reportable Conduct as soon as they become aware of it.

Disclosers and Respondents –

Disclosers who make a Report under this policy, and Respondents who are the subject of a Report under this policy, must:

- Not discuss the Report with any other person except the person(s) approved and nominated by us and notified to you in writing.
- Not interfere with the investigation process.
- Co-operate and follow any reasonable direction or request of the person investigating the Report.
- Provide any information and documentation about the Report that they have or can access to assist in the investigation.

Eligible Recipients

Eligible Recipients are responsible for receiving Reports and maintaining confidentiality as required under the terms of this policy.

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We view the rights and responsibilities set out in this policy extremely seriously. Any breach of this policy may result in disciplinary action up to and including termination of engagement with our companies.

Reporting Concerns

We encourage people to report suspected or actual Reportable Conduct as soon as they become aware of it. People who make Reports will not be subjected to Detriment, penalised or victimised for making a Report if they have reasonable grounds to suspect that the information concerns Reportable Conduct.

All Reports are subject to the confidentiality provisions set out in this policy. If you have concerns about Reportable Conduct, you should report it to our WPO. Reports can be made verbally or in writing and can be anonymous. However, Disclosers are encouraged to make such Reports in writing. Anonymous reports can be made by telephone, by post or by email using an anonymised email address. If the Reportable Conduct involves someone from the WPO's team or you do not feel comfortable reporting the issue to the WPO, you can also report the matter to another Eligible Recipient. You should not make a Report to a person who you suspect may be involved in the conduct or may have a conflict of interest.

When making a report, you should clearly outline the following to ensure that the WPO/Eligible Recipient has sufficient information to take appropriate action without delay:

- ❑ The issue or concern
- ❑ The individual(s) involved
- ❑ Your reasons for believing that the Reportable Conduct has occurred and
- ❑ The nature and whereabouts of any further evidence that would substantiate your allegation, if known.

You should ensure that your report is:

- ❑ factually accurate
- ❑ based on first-hand knowledge
- ❑ objectively based on reasonable grounds
- ❑ complete and doesn't leave out any important information

False Reports

Making false or vexatious Reports undermines the effectiveness of this policy. Where it is found that a Discloser has made a false report (including where the Report has been made maliciously, vexatiously or without basis), we may take disciplinary action against the Discloser up to and including termination of their engagement with us.

Anonymous Reporting

Anonymous Reports of Reportable Conduct are accepted under this policy and are still protected under the Act provided the Report meets the requirements of a Protected Disclosure. However, anonymous Reports have significant limitations that impact our ability to conduct a proper and appropriate investigation. For example, anonymous Reports limit our ability to gather further information to assist the investigation. As a result, any Discloser who

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chooses to make a Report anonymously needs to be aware that it may make it less likely that the alleged Reportable Conduct can be substantiated in any subsequent investigation.

If a Discloser chooses to make an anonymous Report, they should note that we have the discretion as to whether the matter progresses with a full investigation given our limited ability to seek further information from the Discloser. This decision will be made by the Eligible Recipient after an internal preliminary investigation has been conducted in accordance with this policy. In addition, we will not be able to provide feedback on the outcome of any investigations.

If a Discloser chooses to remain anonymous, by telephone, post or an anonymised email address, it is recommended that the Discloser maintains ongoing communication with us, to enable us to investigate Reports, ask follow up questions and provide updates.

If a Discloser wishes to make their Report anonymously, their request will be honoured except where otherwise required by law. However, specific protection mechanisms available to Eligible Whistleblowers under this policy may not be able to be provided if the Discloser remains anonymous.

Where anonymity has been requested, the Discloser is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.

Confidentiality

If a Discloser makes a Protected Disclosure to an Eligible Recipient under this policy, their identity will be kept confidential unless the Discloser consents to their identity being released or we are permitted or required by law to disclose their identity.

However, during an investigation, it will be necessary to disclose the facts and substance of the Reportable Conduct as reported by the Discloser to the Respondent(s). This is essential for a fair investigation to be undertaken and for procedural fairness to prevail. Such information may ultimately lead to the identification of the Discloser. In these circumstances, we will take all reasonable steps to reduce the risk of the Discloser being identified and comply with legal requirements.

In order to protect the identity of Disclosers, we will:

- ❑ Redact personal information of the Discloser or other details that may identify them.
- ❑ Refer to the Discloser in gender-neutral terms.
- ❑ Where possible, contact the Discloser to help to identify details that may identify them.
- ❑ Ensure that any records relating to Reports of Reportable Conduct are stored securely and can only be accessed by people who are involved in managing or investigating the Report.
- ❑ Make people who are involved in managing or investigating Reports aware of legal obligations and protections (including that unauthorised disclosure of a Discloser's identity may be a criminal offence) and inform them of any changes to Whistleblower laws.

We will handle personal information in accordance with privacy laws, our Privacy policy and our Employee Records policy (where relevant). Where an investigation does not substantiate

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Reportable Conduct, the fact that the investigation has been carried out, the results of the investigation and the identity of the Respondent must be handled confidentially.

If a Discloser believes that a breach of confidentiality has occurred, they should immediately report their concerns to the WPO or, if they consider this inappropriate, to the CEO or an Eligible Recipient. A Discloser may also lodge a complaint with a regulator such as ASIC, APRA or the ATO, for investigation.

Protections for Whistleblowers

The Act provides certain protections for an Eligible Whistleblower who makes a Protected Disclosure, including:

- ❓ Confidentiality (as outlined above)
- ❓ Protection from Detriment
- ❓ Protection from any civil, criminal or administrative liability (including disciplinary action) for making the Report.
- ❓ Compensation and remedies for Disclosers who are victimised for making a Report

These protections do not prevent the Discloser from being liable for their own conduct.

We are committed to protecting the rights of Disclosers who make a Protected Disclosure and will not tolerate any Detriment or threats of Detriment against them or any other person. Any Detriment against a Discloser (or any other person) for a Protected Disclosure or suspicion that they made, or could make, a Protected Disclosure will be treated as serious misconduct and may result in disciplinary action up to and including termination of engagement.

An Eligible Whistleblower qualifies for protection, even if their Protected Disclosure turns out to be incorrect, if they had reasonable grounds to suspect that the information concerned Reportable Conduct and that the Report was not a false or vexatious report.

Any Eligible Whistleblower who believes that they have been subject to Detriment because of making a Protected Disclosure should immediately report such Detriment to the WPO or, if the Eligible Whistleblower considers this inappropriate, to the CEO.

Any Eligible Whistleblower requiring additional support throughout the whistleblowing process should contact the Eligible Recipient to whom they originally made their report. Our employees can also access our Employee Assistance Program (EAP) for support.

A Discloser (or any person) can seek compensation or other remedies through the courts if they suffer loss, damage or injury because of a Disclosure and if we failed to take reasonable precautions and exercise due diligence to prevent the Detriment. Disclosers are encouraged to seek independent legal advice in relation to possible legal remedies.

When is Protection not Available?

Not all Reports are protected at law. Protection is not available where the Report involves:

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- ❓ A Personal Work-Related Grievance and/or does not relate to or include information about Reportable Conduct (unless the disclosure is made to a legal practitioner by a Discloser seeking legal advice or legal representation about the operation of the whistleblower protections under the Act);
- ❓ Behaviour or conduct that is not Reportable Conduct;
- ❓ Information that is trivial or vexatious in nature with no substance. This will be treated in the same manner as a false report and may itself constitute misconduct; and/or
- ❓ An unsubstantiated allegation which is found to have been maliciously, or knowingly false. These will be viewed seriously and may be subject to disciplinary action up to and including termination of engagement.

If you are unsure about whether your suspicions or concerns relate to Reportable Conduct covered by this policy, or you have concerns in relation to other misconduct or inappropriate workplace behaviours which are not considered Reportable Conduct, you should report your concerns to the WPO, who will advise you on appropriate next steps.

Reporting Reportable Conduct does not excuse the Eligible Whistleblower from the consequences of any of their own involvement in the misconduct. This may include criminal proceedings or disciplinary action. However, the Eligible Whistleblower's conduct in making the Protected Disclosure may be taken into consideration in determining what disciplinary action (if any) is appropriate.

Investigating Reports

When a Report is received

After receiving a Report we will:

- ❓ Assess whether the Report relates to Reportable Conduct (the Discloser will be considered an Eligible Whistleblower provided it was reported to an Eligible Recipient);
- ❓ Assess how the Eligible Whistleblower should be supported and protected, including assessing the risk of Detriment against a Discloser or other persons (such as those who may be suspected of making a Report);
- ❓ Co-ordinate an investigation into any Protected Disclosure received (provided the WPO has determined it is appropriate to do so);
- ❓ Keep the Eligible Whistleblower properly informed (verbally or in writing) as we determine appropriate, of the progress and final outcome of the investigation, and the actions taken or to be taken in response, subject to considerations of the privacy of the Respondent;
- ❓ Keeping appropriate records and documentation for each step in the process, even if they ultimately determine that a formal investigation is not required;
- ❓ Determine when the most appropriate time to inform the Respondent about the Report is. The Eligible Recipient may determine that informing the Respondent at an early stage of the investigation may not be appropriate where there are concerns that they may destroy information or that the Report needs to be referred to ASIC, APRA, the ATO or Police;
- ❓ Provide support to the Eligible Whistleblower and the Respondent as necessary; and
- ❓ Protect the Eligible Whistleblower from Detriment. This may include taking actions such as modifying the location where they work, reassigning them to another role at

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the same level, making other modifications to their workplace or the way they work, or reassigning or relocating other staff involved in the Report.

If a Report does not relate to Reportable Conduct the matter will be dealt with in accordance with our Staff Grievance policy or other relevant policies.

Responsibility for Investigations

If an investigation is deemed warranted by the WPO or Eligible Recipient, an Independent Person may be appointed to investigate. The appointed investigator will be required to:

- ❑ Take all reasonable steps to ensure that the investigation is fair, objective, timely and that procedural fairness is applied.
- ❑ Provide regular and timely feedback on the status of an investigation and the outcome of the investigation to the parties involved.
- ❑ Keep appropriate records and documentation.
- ❑ Report the findings of the investigation to the WPO or Eligible Recipient who will make recommendations to the CEO/Chair (as appropriate) as to the suitable responses and actions, including disciplinary action up to and including termination of engagement, if Reportable Conduct is substantiated.

Generally, a Report will be investigated within 28 working days from the date we receive it. However, there may be reasons why an investigation may take longer. If we think there might be a delay with the investigation, we will tell the person who made the Report (where possible).

Responsibilities towards Respondents

We will take all reasonable steps to treat any Respondent who is the subject of a Report fairly. Generally, where an investigation is conducted, the Respondent will be:

- ❑ Informed of the substance of the allegations.
- ❑ Given a fair and reasonable opportunity to respond to the allegations before the investigation is finalised.
- ❑ Informed about the substance of any adverse conclusions in the investigator's findings that affects them.

Where a Respondent is identified as being suspected of Reportable Conduct but preliminary inquiries determine that the suspicion is unfounded and that no formal investigation is warranted, the Eligible Whistleblower will be informed of this outcome. Whether the Respondent is informed of an allegation found to be baseless upon preliminary review is a matter for the WPO's discretion.

When adverse conclusions are made in the investigator's report about a Respondent, the Respondent will be given the opportunity to respond to those conclusions prior to any action being taken against them.

Disciplinary action after an investigation

Once an investigation is complete, we will decide what action will be taken. The action taken will depend on the findings of the investigation. The CEO or Board will approve any disciplinary

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action before it happens. If the CEO approves disciplinary action, they may tell the Board if they deem it appropriate to do so.

Reviews

A Discloser or a Respondent may request an internal review of our decision if they are not satisfied with the outcome of an investigation. Reviews will be conducted by a person who was not involved in the handling, or investigation, of the original Report. Internal reviews of our decisions will be conducted at our discretion.

We may decline to conduct an internal review if no new information is available or if the new information would not alter the outcome of the investigation. In addition, a Discloser may lodge a Report or complaint with a regulator such as ASIC, or the ATO.

Reports made under this Policy

The WPO/CEO will provide details about the number and type of Reports received, as well as a general summary of each Report, the results of any investigation and the findings of any reviews to the:

- ☐ CEO on a regular basis (the frequency to be determined by the CEO); and
- ☐ Board Corporate Governance & Risk Committee biannually, except where a report involves the CEO in which case the report must be provided to the Board once it is received by the Chairman.

Policy Administration

This policy will be available on our intranet and company website.

A copy of the policy will also be provided to our people as part of our on boarding process. Any questions in relation to this policy should be directed to the WPO.

Relevant Laws, Regulations or Standards

[Corporations Act 2001 \(Cth\)](#)