

# Whistleblower Policy

27 November 2019

**Community Options Australia Limited**  
ACN 168 547 028

Reference No: HR 1.10	Date of issue: 27/11/2019	Date of Review: 2022	Version: 2
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## 1. Purpose

Community Options Australia (“COA”) is committed to fostering a culture of honest and ethical behaviour and the highest standards of conduct in all of our business activities.

COA encourages the reporting of any instances of misconduct (including but not limited to) any instances of suspected unethical, illegal, fraudulent conduct or wrongdoing involving COA.

This policy will outline how COA will address whistleblowing reports, set out the avenues available to Disclosers to report misconduct or wrongdoing and outline the protections and measures available to those persons who make a report.

## 2. Scope

This Policy applies to ‘Disclosers’ which includes current and former employees, directors, officers, suppliers of goods or services (and the employees of such suppliers) and associates of COA.

Disclosers also include relatives, dependents, spouses, or dependents of any of the above.

## 3. Objectives

This policy aims to:

- Encourage eligible whistleblowers to report an issue if they have reasonable grounds to believe someone has engaged in misconduct or wrongdoing within COA;
- Ensure any reports of Reportable Conduct are dealt with appropriately;
- Provide whistleblowers with a clear framework of how investigations into a disclosure will be conducted;
- Outline how COA will support and protect whistleblowers, including protection from victimisation and retaliation; and
- Outline how COA will ensure fair treatment of anyone who is the subject of an allegation of Reportable Conduct.

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## 4. Reportable Conduct

This Policy encourages the reporting of any reasonable concerns (actual or suspected) of misconduct or serious wrongdoing ('**Reportable Conduct**') by COA. Reportable Conduct includes the following conduct, or the deliberate concealment of such conduct:

- Dishonesty;
- Fraudulent activity;
- Unlawful, corrupt or irregular use of company funds;
- Illegal activities (including theft, drug-use, violence and criminal damage against property)
- Failure to comply with legal or regulatory obligations;
- Unethical behavior (including breach of COA's Code of Conduct);
- An offence against any law of the Commonwealth that is punishable by imprisonment of 12 months or more;
- Any danger to the public or the financial system; or
- Any other conduct which may cause loss to COA or be otherwise detrimental to the interests of COA.

Reportable conduct does not include **personal work-related grievances** of the Discloser. These are grievances which have implications for the Discloser personally but do not have significant implications for the organisation broadly and do not qualify for protection. Examples of personal work-related grievances include interpersonal conflicts between the Discloser and another employee or a decision relating to the engagement, transfer, promotion, suspension or termination of the Discloser.

## 5. Emergency and Public Interest Disclosures

In certain circumstances, 'emergency disclosures' or 'public interest disclosures' may be made to a member of Parliament or a journalist.

An 'emergency disclosure' will only be protected if the following applies:

- (a) The discloser has previously made a disclosure of that information to ASIC, APRA or a Commonwealth authority ; and
- (b) If the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment; and

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- (c) The discloser has given the original recipient written notice of their intention to make an emergency or public interest disclosure.

A 'public interest disclosure' may be made in the following circumstances:

- (a) The discloser has previously made a disclosure of that information to ASIC, APRA or a Commonwealth authority ; and
- (b) At least 90 days have passed since the previous disclosure was made; and
- (c) The Discloser believes, on reasonable grounds, that further disclosure would be in the public interest; and
- (d) The discloser has given the original recipient written notice of their intention to make a public interest disclosure.

A '**journalist**' is a person who works in a professional capacity of a newspaper or magazine, a radio or television broadcasting service or an electronic service that is operated on a commercial basis by a body that provides a national broadcasting service and is similar to a newspaper, magazine or radio or television broadcast.

## 6. Making a Report

If you become aware of information that you consider is reportable, you can make a report in writing, by email or telephone to via the following channels:

- Your immediate supervisor;
- The Chief Executive Officer (CEO);
- The Chairperson or another member of the Board of Directors;
- Senior Manager

Once you make a report via any of the above channels, the person you make the report to will become the Protected Disclosure Officer.

Who you report to may depend on the matter and the person who is the subject of the disclosure.

Reports may also be posted to PO Box 190 Artarmon NSW 1570 marked to the attention of one of the abovementioned protected disclosure officers. Reports may also be made to any of COA's auditors or actuaries.

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A report may also be made to certain government bodies such as the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA) or a prescribed Commonwealth authority. A disclosure can also be made to a legal practitioner for the purpose of obtaining legal advice in relation to the disclosure.

## 7. Investigation

COA will investigate all Reportable Conduct under this Policy as soon as practicable after the matter has been reported. The investigation will be conducted in an objective and fair manner, and otherwise as is reasonable and appropriate having regard to the nature of the Reportable Conduct and the circumstances.

Once a report has been made, the Protected Disclosure Officer or Investigator may appoint a person to assist in the investigation of a report.

While the particular investigation process and enquiries adopted will be determined by the nature and substance of the report, in general, as soon as practicable upon receipt of the report, if the report is not anonymous, a Protected Disclosure Officer or investigator will contact you to discuss the investigation process including who may be contacted and such other matters as are relevant to the investigation, including the expected timeframes of the investigation.

Where appropriate, COA will provide feedback to you regarding the progress of the investigation and/or outcome.

Where a report is submitted anonymously, COA will conduct the investigation and its enquiries based on the information provided to it.

### *Investigation findings*

The investigation may conclude with a report from the Protected Disclosure Officer or investigator, which will outline the allegations, whether or not they have been substantiated and provide a summary of evidence upon which the findings are based.

Subject to applicable laws, the Protected Disclosure Officer or investigator may inform you and/or the person whom allegations have been made by you of the findings. This report will remain the property of COA and will generally not be shared with you or any person against whom a disclosure has been made.

## 8. What Protections are provided to Whistleblowers?

COA will support whistleblowers by providing the following protections to anyone who makes any disclosures in accordance with this policy:

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### *Protection of the Discloser's identity and information*

Anyone who has directly or indirectly received information in relation to a protected disclosure must not reveal the identity of the person who made the disclosure (the Discloser) or any information that would likely lead to the identification of the person who made the disclosure unless one of the following applies:

- You consent to the release of such information; or
- The disclosure is required or permissible by law.

However, a disclosure of identifying information (but not the actual identity) of the discloser is permissible if it is for the purpose of investigating the disclosed matter and all reasonable steps were taken by the person/s releasing the information to reduce the risk that the Discloser would be identified.

Failure to comply with the above may result in disciplinary action being taken against the person/s who disclosed the identifying information in addition to penalties applicable under law.

Please note, disclosures can be made anonymously and still qualify for protections under this policy.

### *Protection against legal action*

A Discloser will not be subject to any civil, criminal or administrative liability for making a protected disclosure covered by this Policy. Nor can any contractual or other remedy be enforced or exercised against the Discloser for making a disclosure.

As a Discloser, if you are acting in good faith and have not yourself engaged in serious misconduct or illegal conduct, to the extent reasonably possible, you will not be subject to disciplinary action by COA in relation to the matters that you report.

If a report is not made in good faith, or is found to be malicious, deliberately misleading or frivolous you may be subject to disciplinary action.

### *Protection against Victimisation*

COA is committed to ensuring any person who makes a report of Reportable Conduct will be protected from any detrimental action (actual or threatened) and is not victimised.

Detrimental action includes: dismissal, injuring an employee's employment, altering an employee's duties to their disadvantage, discrimination, harassment or intimidation, causing physical or mental harm, damaging property or reputation or to their business or financial position or any other damage.

Any reports of victimisation will be thoroughly investigated by COA. If allegations pertaining to the victimisation of a Discloser are substantiated, then the persons involved in the detrimental action may be subject to disciplinary action.

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## 9. Fair Treatment of Employees subject to Whistleblower Disclosures

If you are an employee who is the subject of an allegation of Reportable Conduct, COA will ensure you are provided with information about the allegations necessary in order for you to respond and provide you with an opportunity to respond as soon as practicable.

If necessary, COA may stand you down from your employment, pending an outcome of an investigation into the alleged misconduct or wrongdoing. Where this occurs, COA will keep you up to date with the progress of the investigation and no disciplinary action will be taken against you until such time where the investigation is completed and allegations of misconduct or wrongdoing have been substantiated.

## 10. Availability of this Policy

This Policy is available to all officers and employees of COA through the appropriate Induction process and manuals, OurCatHerder portal, internal soft copy backed up on One Drive and hardcopy

## 11. Amendment of this Policy

COA may review and, where necessary, make amendments to this Policy from time to time in order to ensure it remains compliant with the law and meets the organisation's needs and standards.

William (Bill) Campos  
Chief Executive Officer

  
Signature

27/11/19.  
Date

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