

Whistleblower Policy

August 2024

Community Options Australia Limited
ACN 168 547 028

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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 business activities.

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

This policy will outline how COA will address whistleblowing reports, the avenues available to Disclosers to report misconduct or wrongdoing, and the protections and measures available to those 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 include relatives, dependants, spouses, or dependents 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

4. Reportable Conduct

This Policy encourages the reporting of any reasonable concerns (actual or suspected) of misconduct or serious wrongdoing (‘**Reportable Conduct**’) by COA.

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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 behaviour (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 that 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 grievances 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. Responsibility

COA’s Board is responsible for the whistle-blower policy. The COA Board (either directly or through its committees) will ensure that any issues that arise from disclosures made under this policy are addressed and mitigated by the COA Board.

6. 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 disclosed 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 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 disclosed 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 in 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 like a newspaper, magazine or radio or television broadcast.

7. Making a Report

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

- Your immediate supervisor
- The Managing Director (MD)
- The Chairperson or another member of the Board of Directors
- Senior Managers

Once you make a report via any of the above channels, the person you make the report 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 above-mentioned Protected Disclosure Officers. Reports may also be made to any of COA's auditors or actuaries.

A report may also be made to certain government bodies, such as the Australian Securities and Investments Commission (ASIC) (<https://asic.gov.au/report-misconduct>), the Australian Prudential Regulation Authority (APRA) (<https://www.apra.gov.au/>), or a prescribed Commonwealth authority. A disclosure can also be made to a legal practitioner to obtain legal advice.

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8. 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 investigate 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.

Investigation findings

The investigation may conclude with a report from the Protected Disclosure Officer or investigator, which will outline the allegations, whether 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 the person to whom you have made allegations 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.

9. What Protections are provided to Whistleblowers?

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

Protection of the Discloser's identity and information

Anyone who has directly or indirectly received information concerning 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 disclosed unless one of the following applies:

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

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

Failure to comply with the above may result in disciplinary action against the persons who disclosed the identifying information, in addition to penalties applicable under the law.

Please note that disclosures can be made anonymously and still qualify for protection 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 engaged in serious misconduct or illegal conduct to the extent reasonably possible, you will not be subject to disciplinary action by COA concerning the matters you report.

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

Protection against Victimisation

COA is committed to ensuring that any person who reports Reportable Conduct is protected from any detrimental action (actual or threatened) and is not victimised.

Detrimental action includes dismissal, injury to an employee's employment, altering their 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 of the victimisation of a Discloser are substantiated, then the persons involved in the detrimental action may be subject to disciplinary action.

10. 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 for you to respond and an opportunity to respond as soon as practicable.

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If necessary, COA may terminate your employment pending the 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 the investigation is completed and the allegations of misconduct or wrongdoing have been substantiated.

11. Availability of this Policy

This Policy is available to all COA officers and Employees through the appropriate Induction process and manuals, the SharePoint portal, the COA website, and hardcopy on request.

12. Amendment of this Policy

COA may occasionally review and, where necessary, amend this Policy to ensure it remains compliant with the law and meets the organisation’s needs and standards. Any amendments to the Policy must be approved by the COA Board.

<p>Sara Haslinger</p> <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> <p><i>Name – Board Chairperson</i></p>	 <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> <p><i>Signature</i></p>	<p>09/08/2024</p> <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> <p><i>Date</i></p>
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