POL1.03 - Whistleblower (Speak Up) Policy

Applies to: Coast and Country Community Service Ltd (CCCS)	Version: 2
Specific responsibility: **Adherence to the policy** – All Workers (including contractors) **Position Responsible** – CEO	**Date approved: 10/1/26** Next review date: 1/11/28

1. POLICY STATEMENT

Coast and Country Community Service (CCCS) recognises that effective governance requires safe, confidential mechanisms for employees and others to report concerns about wrongdoing without fear of reprisal.

CCCS is committed to fostering a culture of honest and ethical behaviour and encourages the disclosure of wrongdoing. All disclosures will be taken seriously, handled appropriately, and addressed promptly. Individuals who make disclosures will be supported and protected in accordance with this policy and applicable legislation.

The purpose of this policy is to:

- encourage the disclosure of wrongdoing.
- deter misconduct in line with CCCS's risk management and governance framework.
- ensure disclosers can report concerns safely, securely and with confidence.
- ensure disclosures are handled appropriately and in a timely manner.
- provide transparency in receiving, handling and investigating disclosures.
- support CCCS's long-term sustainability and reputation; and
- meet CCCS's legal and regulatory obligations.

2. WHO CAN SPEAK UP

Anyone with information about actual or suspected misconduct is encouraged to speak up.
This policy applies to individuals who are, or have been, in relation to CCCS:

- employees (permanent, part-time, fixed-term or temporary);
- interns, secondees, managers and directors.
- suppliers of goods or services (paid or unpaid), including their employees.

- associates, including directors or company secretaries; and
- relatives, dependants or spouses of the above.

Individuals within these categories are referred to as **eligible whistleblowers**.

Eligible whistleblowers are protected under the **Corporations Act 2001 (Cth)** and **Taxation Administration Act 1953 (Cth)** where:

- a disclosure relates to a disclosable matter (see section 2.02); and
- the disclosure is made to an eligible recipient (see section 2.04), a regulator, or a legal practitioner.

Emergency or public interest disclosures may be made to a journalist or parliamentarian where legislative conditions are met. Independent legal advice should be obtained before making such disclosures.

3. DISCLOSABLE MATTERS

A **disclosable matter** is information where an individual has reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, in relation to CCCS.

This includes conduct that:

- breaches the Corporations Act or other Commonwealth legislation.
- constitutes a criminal offence punishable by 12 months' imprisonment or more.
- represents a danger to the public or the financial system; or
- is prescribed by regulation.

Disclosable matters may include conduct that is:

- dishonest, corrupt or fraudulent.
- illegal or criminal.
- in breach of internal policy or the Code of Conduct.
- a serious impropriety or maladministration.
- a danger to health, safety or the environment;
- a serious mismanagement of CCCS resources.
- damaging to CCCS's financial position or reputation.
- concealment of misconduct; or
- retaliation against a person who has made, or is suspected of making, a disclosure.

A disclosure may still qualify for protection even if it is later found to be incorrect.

4. PERSONAL WORK-RELATED GRIEVANCES

Disclosures that relate solely to personal work-related grievances do not qualify for protection under this policy unless:

- they involve misconduct beyond personal circumstances.
- the individual suffers or is threatened with detriment; or
- legal advice is sought regarding whistleblower protections.

Examples of personal work-related grievances include:

- interpersonal conflict.
- decisions about engagement, promotion, transfer or termination.
- disciplinary or performance management decisions that do not involve misconduct.

Please refer to CCCS Grievance Policy and Procedures.

5. PROCEDURES

5.01 Who to Report To

Individuals wishing to report a disclosable matter are encouraged to raise the matter in the first instance with the CEO or the Chair of CCCS's Board, or such other director of CCCS as the Chair may nominate from time to time as an eligible recipient (including those on any risk committee), or any whistleblower protection officer (**WPO**) appointed by CCCS.

CCCSL is concerned to identify and address wrongdoing as soon as possible. If any recipient of a disclosure considers that the disclosure relates or gives rise to a Conflict of Interest on that recipient's part, that recipient will immediately refer the disclosure to another of the eligible recipients abovementioned and thereafter cease to have any involvement in the matter.

If a recipient has a Conflict of Interest, they must immediately refer the disclosure to another eligible recipient and take no further part in the matter.

Disclosure to any of the abovenamed is required if the discloser wishes to qualify for the whistleblower protections provided by legislation.

If a discloser does not feel comfortable reporting to any of the abovenamed, a report can be made to:

- the Australian Securities and Investments Commission (ASIC);
- the Australian Prudential Regulation Authority (APRA);
- any other Commonwealth regulatory body prescribed by legislation.

An authorised recipient of a disclosure may also be contacted if a discloser wishes to obtain further information before making a disclosure.

5.02 Reporting Format

Useful information includes:

- dates, times and locations.
- names and roles of individuals involved.
- the nature of the concern.
- how the issue was identified; and
- any supporting material.

6. PROTECTION FOR WHISTLEBLOWERS

6.01 Anonymous Disclosure

Disclosures can be made anonymously and remain protected under the relevant legislation. Anonymity can be maintained while making a disclosure, over the course of the investigation and after it has been finalised. A discloser can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations. It is suggested that a discloser who wishes to preserve their identity should maintain on-going two-way communication with the person to whom disclosure was made so that they can ask follow-up questions or provide feedback. A pseudonym may be used for the purpose of disclosure.

CCCSL nevertheless encourages individuals to disclose their identity when raising a concern as it assists in gathering further information. Also, requiring complete anonymity may make it more difficult for the issue to be investigated.

6.02 Confidentiality

A discloser's details will be fully treated confidentially possible in connection with the investigation. Indeed, CCCSL's legal obligation is to not disclose the identity of a person reporting a disclosable matter or information that is likely to lead to the identification of the discloser. The exceptions are as follows:

a) if the discloser consents to the disclosure.

b) the disclosure is made to ASIC, APRA or the Australian Federal Police.

c) the disclosure is made to a legal practitioner for the purpose of obtaining advice or representation about the whistleblower provisions in the Corporations Act; or

d) the disclosure is authorised under the *Corporations Act 2001* (Cth).

A person can disclose the information contained in a disclosure with or without the discloser's consent if:

- the information does not disclose the discloser's identity.
- CCCSL has taken all reasonable steps to reduce the risk that the discloser will be identified from the information, including removing information about the discloser's identity or other information likely to lead to the identification of the discloser; and
- it is reasonably necessary for investigating the issues raised in the disclosure.

It is illegal for a person to identify a whistleblower or disclose information that is likely to lead to the identification of a whistleblower unless an exception above applies. If a discloser feels that their confidentiality has been breached, a complaint can be lodged with a regulator, such as ASIC, APRA or the ATO, for investigation. CCCSL may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

The following measures may be implemented to protect the confidentiality of a discloser's identity:

- all personal information or reference to the discloser witnessing an event may be redacted.
- the discloser may be referred to in a gender-neutral context.
- where possible, the discloser will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them;
- all paper and electronic documents relating to disclosures will be stored securely; and
- information relating to a disclosure will not be sent to an email address that can be accessed by other staff.

6.03 Protection from detrimental acts or omissions

It is unlawful for a person to engage in conduct that causes detriment to a discloser (or another person), in relation to a disclosure, if:

- the person believes or suspects that the discloser (or another person) made, may have made, proposes to make or could make a disclosure that qualifies for protection; and
- the belief or the suspicion is the reason, or part of the reason, for the conduct.

In addition, a person cannot make a threat to cause detriment to a discloser (or another person) in relation to a disclosure. A threat may be express or implied, or conditional or unconditional.

Detrimental conduct includes the following:

- dismissal of an employee.
- injury of an employee in his or her employment.
- alteration of an employee's position or duties to his or her disadvantage.
- discrimination between an employee and other employees.
- harassment or intimidation of a person.
- harm or injury to a person, including psychological harm; or
- damage to a person's property, reputation, business or financial position.

Detrimental conduct does not include:

- administrative action that is reasonable for the purpose of protecting a discloser from detriment; and
- managing a discloser's unsatisfactory work performance if the action is in line with CCCSL's performance management framework.

A discloser may seek independent legal advice or contact regulatory bodies such as ASIC, APRA or the ATO if they believe they have suffered detriment.

6.03 Compensation and other remedies

A discloser (or any other employee or person) can seek compensation and other remedies through the courts if:

- they suffer loss, damage or injury because of a disclosure; and
- CCCS failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

Disclosers should seek independent legal advice in relation to any such claim.

6.04 Civil, criminal and administrative liability protection

A discloser is protected from any of the following in relation to their disclosure:

- civil liability (eg any legal action against the discloser for breach of an employment contract, duty of confidentiality or another contractual obligation.
- criminal liability (eg attempted prosecution of the discloser for unlawfully releasing information); and
- administrative liability (eg disciplinary action for making the disclosure).

The above protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.

6.05 False Reporting

Knowingly making a false disclosure may result in disciplinary action. Disclosures must be made on reasonable grounds.

6.06 Handling and Investigation

The individual to whom notice of an intended disclosure is given must determine whether any proposed location and time for making the disclosure are appropriate:

- for the discloser to make their disclosure comfortably; and
- for ensuring that the discloser is protected.

After receiving a disclosure from a discloser, the recipient will (assuming that the discloser can be contacted) acknowledge receipt as soon as reasonably practical. Thereafter, CCCSL will assess the disclosure to determine whether:

- it qualifies for protection as provided for in the relevant legislation; and
- a formal, in-depth investigation is required.

CCCSL will also appoint (if a WPO has not already been appointed) a WPO (who may be the recipient of the disclosure or other suitably qualified person) whose role will be to protect or safeguard disclosers and ensure the integrity of the reporting mechanism. A WPO's role also includes:

- ensuring any disclosures involving a director or the CEO are reported to the Chair (or if they involve the Chair, to the deputy chair);
- updating disclosers on progress and details of outcomes to the fullest extent reasonably possible;
- maintaining to the fullest extent possible confidentiality of the identity of and disclosures received from disclosers;

- immediately reporting concerns in relation to any detrimental conduct to the CEO or the Chair (provided that the concerns do not relate to them); and
- providing periodic reports to the Board or any risk committee as contemplated by section 1.03-15.

CCCS's response to a disclosure will vary depending on the nature of the disclosure and the amount of information provided. A disclosure may be addressed and resolved informally or through formal investigation.

If an investigation is required, CCCS will determine:

- the nature and scope of the investigation.
- who should lead the investigation as the whistleblower investigation officer **(WIO),** including whether an external investigation is appropriate.
- the nature of any technical, financial or legal advice that may be required to support the investigation; and
- the timeframe for the investigation.

If an investigation is required, the WPO will brief the WIO to undertake an investigation. The brief will include a copy of this policy. A WIO is responsible for:

- gathering evidence and taking steps to protect or preserve evidence.
- making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report to the WPO with any relevant recommendations; and
- keeping comprehensive records about the investigation in a secure and protected manner.

All investigations must be objective, fair and independent of the discloser, the individuals who are the subject of the disclosure and the business section or unit involved. Investigations may be undertaken jointly with an external investigation organisation. They must also be undertaken in a timely manner and determine whether there is enough evidence to substantiate the disclosed matter. The WPO will monitor the WIO's investigation to ensure that the confidentiality of the investigation is maintained.

6.07 Investigation Outcomes

At the conclusion of an investigation, a report will outline:

- findings of fact;
- whether allegations were substantiated; and
- recommended actions, including disciplinary measures.

6.08 Communication with Discloser

Where appropriate, disclosers will be informed when:

- an investigation commences.
- it is ongoing; and
- it is finalised.

Details will be limited by confidentiality and legal obligations.

6.09 Reporting to the Board

The WPO will report investigation outcomes to the Chair. Any conflicted Board member or executive will be excluded from the process.

6.10 Fair Treatment

Individuals named in disclosures will be treated fairly and given the opportunity to respond before adverse findings are made.

6.11 Accessibility

This policy will be made available to CCCSL's employees and officers via:

- CCCSL's internal communication platform.
- staff briefing sessions.
- staff training sessions; and
- new employee induction information packs.

This policy will also be available on CCCSL's external website. In doing so, CCCSL may exclude information that would not be useful or relevant to external disclosers or that would not be suitable for external publication (eg the names and contact phone numbers of eligible recipients of disclosures).

6.12 Policy Review

This policy will be reviewed every **3–5 years**, or earlier if required.

6.13 Board Reporting

A WPO may provide periodic reports to the Board or any risk committee, provided that it is not likely to lead to the identification of any discloser, which includes information of the following type:

- the subject matter of each disclosure.
- the status of each disclosure.
- the category of person who made the disclosure (eg employee or supplier) and their status (eg still employed or contracted);
- the action taken for each disclosure.
- how each disclosure was finalised.
- the timeframe for finalising each disclosure; and
- the outcome of each disclosure.