

<b>Title:</b>	<b>WHISTLBLOWER POLICY AND PROCEDURE</b>	<b>REF NO: BHCC GOV 08</b>  Page 1 of 8 Page/s
<b>Area:</b>	Bridges Health and Community Care Ltd	<b>Distribution:</b> All Facilities
<b>Approved by:</b>	<b>Sharon Sarah</b> Chief Executive Officer	<b>Responsible for Review:</b> Chief Executive Officer

#### VERSION CONTROL

Original Date	Version Number	Description of Changes Made	Who By	Date	Next Planned Revision Date
11/2019	1.0	New Policy and Procedure	Contracts and Compliance Manager	11/2019	11/2023

### 1.00 Purpose

The purpose of this Policy and Procedure is to assist BHCC Ltd to:

- Uphold an appropriate standard of conduct through deterring wrongdoing and encouraging Disclosure of wrongdoing through safe and secure means; and
- Provide transparency around Disclosure handling and investigation, including protection and support measures.

### 2.00 Scope

This Policy and Procedures applies to all employees and vocational placements of BHCC Ltd.

- All Disclosures made, and protections afforded, in connection with Corporations Act 2001 (Cth) and Tax Administration Act 1953 (Cth) concerning BHCC Ltd activities, operations and management.
- Any other disclosure and protections afforded under other legislation e.g. Fair Work 2009 (Cth) is out of scope.

### 3.00 Definitions

Term	Definition
Discloser	An individual Disclosing wrongdoing in connection with BHCC Ltd.
Eligible Whistleblower	A Discloser eligible to make a Disclosure about Disclosable Matter(s) to an Eligible Recipient, thereby qualifying for legislative protection.
Disclosable Matters	A range of matters where the Eligible Whistleblower has reasonable grounds to suspect concerns misconduct, improper state of affairs or circumstances concerning BHCC Ltd.
Disclosure	The act of making a report concerning Disclosable Matters by an Eligible Whistleblower to an Eligible Recipient.
Eligible Recipient	An individual or other party eligible to receive a Disclosure about Disclosable Matters from an Eligible Whistleblower.
Senior Manager	A Senior Manager is an individual that makes or participates in making decisions that affect the whole or substantial part of BHCC Ltd or has capacity to significantly affect BHCC Ltd financial standing.
Officer	A Director and/or Company Secretary of BHCC Ltd.
Personal Work-Related Grievance	A disclosure by an individual in connection with current or former employment with, or tending to have, personal implications, but no implication for BHCC Ltd or relation to a Disclosable Matter. Examples include:

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	<ul style="list-style-type: none"> <li>• Interpersonal conflict between employees;</li> <li>• Decision that does not breach workplace laws;</li> <li>• Engagement, promotion or transfer of employee of the discloser;</li> <li>• Terms and conditions of engagement of discloser;</li> <li>• Decision to suspend or terminate engagement of disclosure or otherwise discipline the discloser.</li> </ul> <p>Legislative protection does not apply, though exceptions exist.</p>
Public interest disclosure	<p>A public interest disclosure to a journalist or parliamentarian occurs where:</p> <ul style="list-style-type: none"> <li>• 90 days have passed since making a Disclosure to Australian Securities and Investment Commission, Australian Prudential Regulation Authority or other Commonwealth body prescribed by regulation;</li> <li>• Eligible Whistleblower has reasonable grounds to suspect no action has been or is being taken;</li> <li>• Eligible Whistleblower has reasonable grounds to believe that making a further disclosure is in public interest; and</li> </ul> <p>Eligible Whistleblower provides written notice to the previous eligible recipient that identifies the original disclosure and that they intend to make a public interest disclosure.</p>
Emergency disclosure	<p>A emergency disclosure to a journalist or parliamentarian occurs where:</p> <ul style="list-style-type: none"> <li>• The Eligible Whistleblower makes a disclosure to Australian Securities and Investment Commission, Australian Prudential Regulation Authority or other Commonwealth body prescribed by regulation;</li> <li>• Eligible Whistleblower has reasonable grounds to believe the information concerns substantial and imminent danger to health or safety of one or more persons or the natural environment;</li> <li>• Eligible Whistleblower provides written notice to the previous eligible recipient that identifies the original disclosure and that they intend to make an emergency disclosure and</li> </ul> <p>The Eligible Whistleblower discloses information that is no greater than necessary to inform the journalist or parliamentarian.</p>
ATO	Australian Taxation Office
APRA	Australian Prudential Regulation Authority
ASIC	Australian Securities and Investment Commission

### 4.00 Roles and Responsibilities

Role	Responsibility
Whistleblower Protection Officer	<ul style="list-style-type: none"> <li>• Receiving Disclosures and determining of application of policy on Disclosures i.e. whether out of scope;</li> <li>• Determining requirement for investigation, activation of Whistleblower Investigation Officer and ensuring application of policy to investigation;</li> <li>• Maintaining of protections and relevant support arrangements;</li> <li>• Notification to Regulators or Law Enforcement;</li> <li>• Act as communication intermediary between Senior Manager and/or Company Secretary for Board of Director appraisal including where breach of protections occurs; and</li> <li>• Recordkeeping of all evidence associated with a matter including post-matter recommendations for continuous improvement.</li> </ul>
Whistleblower Investigation Officer	<ul style="list-style-type: none"> <li>• Investigating matters once referred from Whistleblower Protection Officer or another Eligible Recipient;</li> </ul>

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	<ul style="list-style-type: none"> <li>• Undertaking an investigation that is object, fair and affords procedural fairness;</li> <li>• Preparation of report of investigation including outcome;</li> <li>• Provision of updates to the Whistleblower Protection Officer throughout lifecycle of investigation;</li> <li>• Maintaining of protections and relevant support arrangements; and</li> <li>• Preparation and compilation of records and evidence associated with investigation.</li> </ul>
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### 5.00 Policy/Procedure

#### Policy

Bridges Health & Community Care Ltd (BHCC Ltd) is committed to maintaining a high standard of corporate governance, moral, ethical and legal conduct including compliance with the Corporations Act 2001 (Cth) and Tax Administration Act 1953 (Cth).

#### Eligible Whistleblowers

Eligible Whistleblowers that can make a Disclosure about a Disclosable Matter include individuals that are:

1. All current and former directors, officers, employees, volunteers, contractors, suppliers and associates of BHCC Ltd; and
2. Relatives, dependents or spouses outlined in (1).

#### Disclosable Matters

A Disclosable Matter includes various wrongdoings. The following list is not exhaustive:

- Fraud, theft, system harassment, negligence, default, breach of trust, breach of duty e.g. misappropriation of funds;
- Other conduct, behaviour or similar that isn't necessarily unlawful but may indicate systemic issue that should be made known to a relevant regulator e.g. system failure to comply with regulatory requirements;
- Contravention of Corporations Act 2001 (Cth), Australian Securities and Investment Commission Act 2001 (Cth);
- Tax matters and affairs e.g. financial irregularities;
- Offence against any other Commonwealth law punishable by 12 months' imprisonment or more;
- Represents a danger to the public or the financial system; and/or
- Engaging in threatening or detrimental conduct against an Eligible Whistleblower.

Personal Work-related Grievances are not ordinarily Disclosable Matters and therefore do not qualify for protections. However, where there is a mixed Disclosure, breach of employment or other laws punishable by 12 months' imprisonment or more, conduct representing danger to public or information concerns misconduct beyond personal circumstances, or legal advice is sought, legislative protections may still apply.

#### Eligible Recipient

Eligible Whistleblowers can make a Disclosure of a Disclosable Matter to the following Eligible Recipients and other parties. BHCC Ltd encourages Eligible Whistleblowers to make Disclosures to BHCC Ltd in the first instance.

1. Whistleblower Protection Officer;
2. Officer or Senior Manager;
3. ASIC;

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4. APRA;
5. A legal practitioner for the purposes of obtaining legal advice or representation about the operation of the legislation;
6. ATO;
7. An internal or external auditor, including audit team members or Actuary connected with BHCC Ltd; and
8. Journalist or parliamentarian.

Disclosures to journalists or parliamentarians must be public interest or emergency disclosures. BHCC Ltd recommends seeking independent legal advice before seeking to make a public interest or emergency disclosure.

### Criteria for making a Disclosure

To qualify for protection under legislation as an Eligible Whistleblower the following criteria must be met:

1. Be an Eligible Whistleblower;
2. The matter must be a Disclosable Matter and must have a basis of reasonable suspicion; and
3. The Disclosure must be made to an Eligible Recipient.

BHCC Ltd encourages Eligible Whistleblowers to provide their identity. However, a Disclosure can be made anonymously, including use of pseudonym, and will qualify for legal protection and be assessed regardless. Where anonymity is required, BHCC Ltd will utilise measures such as communication via anonymised email address to communicate. However, practical limitations may apply with respect to the investigation, including being able to investigate the matter fully or advise of the outcome. BHCC Ltd encourages those reporting anonymously to use a method to enable two-way communication.

Prior to making a Disclosure, an Eligible Whistleblower may contact BHCC Ltd Whistleblower Protection Officer for information about the policy and procedure, or they may seek independent legal advice.

### False, misleading and mistake of fact Disclosures

A Disclosure found to be false or misleading may result in disciplinary action including termination of employment and other legal consequences. Disclosures found to be a mistake of fact will not be subject to disciplinary action or legal consequences.

### Protections and Support

Support and protection will be offered to Eligible Whistleblowers throughout the investigation, regardless of whether the Disclosable Matter is proven to be a mistake of fact.

### *Identity Protection (Confidentiality)*

It is illegal for BHCC Ltd to identify an Eligible Whistleblower or disclose information that is likely to lead to the identification of an Eligible Whistleblower. Exceptions include:

- Disclosure to ASIC, APRA and/or Australian Federal Police;
- Legal Practitioner for purpose of obtaining advice or representation;
- With written consent of the Eligible Whistleblower;
- To a person or body prescribed by Regulation;
- Commissioner of Taxation; and/or
- Where necessary to prevent or lessen a threat to a person's health, safety or welfare.

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Additionally, information contained within a Disclosure can be disclosed with or without the Eligible Whistleblowers consent where the identity is not included, risk of identity has been reduced and it is reasonably necessary for investigating the matter. Other measures such as redaction, gender-neutral terminology, investigation by senior qualified staff only will be utilised.

### ***Protection from detrimental acts or omissions***

BHCC Ltd is obligated to protect Eligible Whistleblowers from detriment and will take disciplinary action where required. This includes ensuring that an Eligible Whistleblower is not subject to conduct that causes detriment based on:

- an individual believing or having a suspicion that an Eligible Whistleblower has made, may have made, proposes to or could make a Disclosure; and
- the belief or suspicion is the part or whole reason for the conduct.

Where a threat of detriment is made, implication or expression is irrelevant, including it being conditional or unconditional. The Eligible Whistleblower does not have to actually fear the threat.

Detrimental conduct may include dismissal or injury of the employee, harassment or intimidation, damage to reputation or personal property. However, administrative or management action is not considered detrimental which may include relocation of an Eligible Whistleblower from a particular section or office to prevent detriment.

### ***Compensation and other remedies***

Where an Eligible Whistleblower suffers loss, damage, or injury due to Disclosure or BHCC Ltd fails to take reasonable precautions including exercising due diligence to prevent detriment the Eligible Whistleblower can seek court ordered compensation and remedies.

BHCC Ltd encourages Eligible Whistleblowers to seek consultation with a Legal Practitioner regarding the matter and where appropriate in relation seeking court ordered compensation and remedies.

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

Where an Eligible Whistleblower makes a Disclosure, they may be able to seek protection from civil, criminal and administrative liability. This may include contractual obligations, unlawful release of information or disciplinary action.

Immunity is not granted to an Eligible Whistleblower where their own misconduct is revealed as part of the investigation.

### ***Support***

Eligible Whistleblowers will be provided with access to Employee Assistance Program. Other support options may be provided on a case-by-case basis.

### ***Grievance***

Where an Eligible Whistleblower believes a breach of confidentiality or suffered detriment, they make a complaint using the staff grievance policy to enable a separate investigation to occur. The Eligible Whistleblower may also make a complaint to ASIC, APRA or the ATO.

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### Handling and Investigation

Upon receipt of a Disclosure BHCC Ltd will determine if the Disclosure has been made by an Eligible Whistleblower and what, if any, investigation is required. Where required, the investigation will be handled in accordance with the Procedure.

Any investigation will be handled with regard to procedural fairness and including providing the Respondent with an opportunity to respond to the matter. All documentation in connection with a disclosure will be stored securely and access limited only to those managing or investigating the matter.

The Eligible Whistleblower will be provided with regular updates as to the status of the matter, including the outcome, where contact details are provided. Status updates may occur at the following stages:

- upon receipt of Disclosure;
- whether the matter is captured by the Policy;
- where an investigation is required, throughout the investigation lifecycle, including seeking additional information from the Eligible Whistleblower where possible; and
- where an outcome is determined, if appropriate.

### Fair treatment

BHCC Ltd is committed to ensuring any individual mentioned or the subject of the Disclosure is treated fairly. All investigations will be object, fair and independent including having regard to procedural fairness.

Those mentioned or the subject of the Disclosure will be advised a point in time where the investigation will not be compromised. This will include providing an opportunity to respond.

Employee Assistance Program will be made available to individuals mentioned or the subject of the Disclosure.

### Access, Reporting and Review

Summary data will be provided to the Board of Directors or their delegated sub-committee, through the Chief Executive Officer, on a quarterly basis. All disclosures will be de-identified.

The policy and procedure will be reviewed in accordance with scheduled review cycle.

The Policy & Procedure will be made available in BHCC Ltd quality management system and public website

### How to make a Disclosure

Disclosures, including those made anonymously, must be made on a reasonable basis of suspicion concerning a Disclosable Matter. As much information as possible must be provided to enable an investigation to be conducted and should include the following about the underlying matter:

1. Date, time and location;
2. Name and role of person involved including name and role of any witnesses;
3. Evidence of the matter e.g. emails or documents; and
4. Any information about a Disclosure made to another party, irrespective of whether they are an Eligible Recipient.

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Disclosures can be made to any Eligible Recipients regardless of whether they are internal or external. These include:

Eligible Recipients	Contact Details
BHCC Ltd Whistleblower Protection Officer (Currently Compliance & Contracts Manager)	Email: <a href="mailto:danw@bas.org.au">danw@bas.org.au</a> Telephone: 1300 707 655 Post: PO Box 4, Bundaberg Qld 4670
ASIC	Telephone: 1300 300 630 Post: GPO Box 9827, Brisbane Qld 4001
APRA	Telephone: 1300 558 849 Post: GPO Box 9836, Sydney NSW 2001
ATO	Telephone: 1800 060 062 Post: Australian Taxation Office, Tax Integrity Centre, Locked Bag 6050 Dandenong Vic 3175
BHCC Ltd Auditor	SRJ Walker Wayland Email: <a href="mailto:contact@srjww.com.au">contact@srjww.com.au</a> Telephone: 07 3490 9988 Post: PO Box 418 Strathpine Qld 4500
Other parties	Lawyer: for obtaining advice or representation; or Journalist or Parliamentarian: for public interest or emergency disclosure.

### How will the matter be handled and investigated?

Following receipt of a Disclosure, the Eligible Recipient will advise the Whistleblower Protection Officer of the Disclosure. The Whistleblower Protection Officer will:

- Acknowledge the Disclosure within 2 business days;
- Undertake a desktop assessment to determine if the disclosure is captured by the policy and provide the outcome within 5 business days;
- Where captured, the Whistleblower Protection Officer will ensure relevant protections and support arrangements are implemented;
- Determine whether an investigation is required, and if required, activate the Whistleblower Investigation Officer;
- Notify any Authorities or Law Enforcement as required; and
- Seek status updates from the Whistleblower Investigation Officer and provide updates to the Eligible Whistleblower either directly or via another Eligible Recipient.

Where Disclosure is made to an Eligible Recipient that is not the Whistleblower Protection Officer and no consent by the Eligible Whistleblower is provided to supply their identity, all information will be redacted so as to protect the identity of the Eligible Whistleblower.

Where the Disclosure gives rise to a conflict of interest such as involving the Whistleblower Protection Officer or Whistleblower Investigation Officer an appropriate delegate will be identified.

Following the investigation, a report will be prepared outlining the material facts, the findings and any action to be taken. Action taken will vary based on the nature and seriousness of the matter but may include disciplinary action or termination of employment.

### 6.00 Related Documents/Forms

### 7.00 References

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- Corporations Act 2001 (Cth)
- Taxation Administration Act 1953 (Cth)
- BHCC Ltd Service Manual
- BHCC Ltd Human Resources Policy & Procedure Manual
- Asic.gov.au. (2020). *RG 270 Whistleblower policies* | ASIC - Australian Securities and Investments Commission. [online] Available at: <https://asic.gov.au/regulatory-resources/find-a-document/regulatory-guides/rg-270-whistleblower-policies/> [Accessed 13 November. 2019].
- Institute of Community Directors. (2020). *Whistleblower Policy*. [online] Available at: <https://communitydirectors.com.au/policies/whistleblower-policy> [Accessed 20 December. 2019].