



<p>Policy Statement</p>	<p><i>Cobram Regional Care (herein referred to as 'CRC') is committed to the highest standards of care and conduct, maintaining consumer confidence, and promoting a culture of honest and ethical behaviour, legislative compliance and good governance.</i></p> <p><i>This commitment is aligned with CRC's values.</i></p> <p><i>The purpose of CRC Whistleblower Policy and Procedure is to:</i></p> <ul style="list-style-type: none"> ➤ <i>Encourage and allow eligible Whistleblowers to disclose Misconduct or Reportable Conduct relating to CRC either openly or anonymously.</i> ➤ <i>Ensure eligible Whistleblowers are properly and lawfully dealt with.</i> ➤ <i>Support and protect everyone involved in the disclosure from Detrimental Action.</i> ➤ <i>Ensure the identity of the Whistleblower and the content of the disclosure are kept confidential unless consent is provided, or the law requires otherwise.</i>
<p>1. Legislative Context</p>	<p>1.1 In March 2019, the Australian Federal Government passed new Whistleblower legislation¹ to ensure that people can anonymously report unethical or illegal behaviour occurring in Australian businesses. In April 2019, these changes were enacted known as, 'The Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Act)'. This passed both houses of Parliament and commenced on 1 July 2019.</p> <p>1.2 Companies who fail to follow the new federal Whistleblower laws could face penalties of up to \$10.5 million.</p> <p>1.3 The new Act aims to encourage ethical whistleblowing and discourage unethical, illegal, corrupt, fraudulent and other undesirable conduct, while holding employers accountable for protecting eligible Whistleblowers.</p> <p>The Act makes significant changes to the existing Corporations Act 2001 (Cth) and the Taxation Administration Act 1953 (Cth). These changes affect almost all Australian companies, including foreign corporations, trading or financial corporations formed within the limits of the Commonwealth, authorised deposit-taking institutions (ADIs), non-operating holding companies (NOHCs), super funds and insurers.</p>
<p>2. Who can be a Whistleblower?</p>	<p>2.1 Changes made to the Corporations Act have broadened the definition of a Whistleblower. A Whistleblower as defined by ASIC can include:</p> <ul style="list-style-type: none"> ➤ Current employees ➤ Former employees ➤ Contractors ➤ Employees of contractors ➤ Associates ➤ Trustees ➤ Relatives or dependents of the aforementioned <p>2.2 The new laws also permit anonymous disclosures to protect the identity of the Whistleblower.</p>
<p>3. When is disclosure protected?</p>	<p>3.1 Under the new Whistleblower laws a disclosure is protected if the following three factors are satisfied:</p> <ol style="list-style-type: none"> 1. The person making a disclosure must be an eligible Whistleblower – this includes all current or former CRC employees, volunteers and contractors and their spouse, dependent or relative. 2. The disclosure must relate to a Misconduct or Reportable Conduct – includes fraud, corrupt conduct, questionable accounting and inappropriate workplace behaviour (<i>generally, a personal work-related grievance is not a Reportable Conduct</i>). 3. The disclosure is made to an Eligible Recipient – includes a member of CRC' Executive Leadership Team, or an independent, confidential Whistleblower service. <p>3.2 Protections and measures will be taken by CRC to maintain the confidentiality of the Whistleblower and the matter raised and to ensuring the Whistleblower is not victimised, adversely affected or suffers any detriment.</p>

¹ Treasury Laws Amendment (Enhancing Whistleblower Protections) Act (2019) sourced 2/12/20 at www.legislation.gov.au



<p>4. What to report</p>	<p>4.1 Any concerns of wrongdoing should be reported. This means any misconduct or improper state of affairs or circumstances in relation to Cobram Regional Care</p> <p>4.2 Examples of wrongdoing may include:</p> <ul style="list-style-type: none"> ➤ dishonest, corrupt or illegal conduct ➤ theft, fraud or misappropriation ➤ damage/sabotage, violence, drug and alcohol sale/use ➤ significant risks to health and safety ➤ serious inappropriate or unethical conduct ➤ serious misuse of information ➤ harassment, discrimination or other serious unacceptable behaviour other than personal work-related grievances as defined in the Corporations Act 2001 (Cth) ➤ serious breach of CRC's policies and procedures or the law ➤ substantial waste of CRC's resources ➤ victimising someone for making or involved in a Disclosure ➤ causing substantial financial or non-financial loss or detriment to CRC ➤ other serious improper conduct
<p>5. What is <u>not</u> within the scope</p>	<p>5.1 Wrongdoing does not generally include personal-work related grievances. Grievances which cannot be resolved through speaking with peers or the employee's manager should be raised with the formal grievance resolution processes. Refer further to policy <u>7.5 Dispute Resolution</u>.</p> <p>5.2 Personal work-related grievances are not within the scope of this Policy and will be addressed through the applicable grievance resolution process. Personal work-related grievances relate to an employee's current or former employment and tend to have implications for them personally.</p> <p>5.3 Examples include:</p> <ul style="list-style-type: none"> ➤ an interpersonal conflict between the employee and another employee ➤ a concern about the behaviour of an employee ➤ a decision relating to an employee's engagement, transfer or promotion ➤ an employee's terms and conditions of employment ➤ matters relating to an employee's performance or discipline - related decisions ➤ a decision relating to the termination of employment.
<p>6. Who can disclosures be made to?</p>	<p>6.1 Disclosures can be made to:</p> <p><u>Compliance Officer:</u> Tracey Gemmill CEO/Director of Nursing <u>Alternate Compliance Officer:</u> Chairperson, Committee of Management</p> <p>6.2 A Whistleblower can contact a compliance officer to obtain additional information before making a disclosure.</p> <p>6.3 It is important to note that under the Corporations Act², the Whistleblower may also raise the matter with an "officer" or "senior manager" of CRC.</p> <p>6.4 These are defined in the Corporations Act as "<i>a director, or a senior manager in the company who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the company, or who has the capacity to affect significantly the company's financial standing.</i>" This can include any member of the executive Leadership Team or member of the Committee of Management.</p> <p>6.5 Individuals not wanting to reveal their identity can make an anonymous report. However, providing the Whistleblower's name when reporting wrongdoing will make it easier for CRC to investigate the concern raised.</p> <p>6.6 Individuals (employee or other stakeholder) disclosing wrongdoing will be protected and the investigation will be conducted in accordance with the principles of fairness and natural justice. <i>Refer below to part 11 Confidentiality.</i></p>

² Corporations Act (2001) Cth sourced 22/2/24 at www.legislation.gov.au



<p>7. Detrimental Conduct Prohibited</p>	<p>7.1 CRC strictly prohibits all Detrimental Conduct against Whistleblowers and will take all reasonable steps to protect the Whistleblower from Detrimental Conduct.</p> <p>7.2 Detrimental Conduct means any actual or threatened conduct that could cause a detriment to the Whistleblower as a result of their making a disclosure, including:</p> <ul style="list-style-type: none"> ➤ termination of employment ➤ harassment, bullying or intimidation ➤ personal or financial disadvantage ➤ unlawful discrimination ➤ harm or injury, including psychological harm ➤ damage to reputation; or ➤ any other conduct that constitutes retaliation. <p>7.3 CRC also strictly prohibits all forms of Detrimental Conduct against people who are involved in an investigation of a disclosure.</p>
<p>8. Specific protections and remedies</p>	<p>8.1 Australian law provides protections if a “protected disclosure” is made, including that:</p> <ol style="list-style-type: none"> a) the discloser is not subject to any civil, criminal or administrative liability for making the disclosure (other than for making a false disclosure) b) no contractual or other remedy may be enforced or exercised against the discloser the basis of the disclosure; and c) in some limited circumstances (e.g. if the disclosure has been made to a regulator such as ASIC), the information provided may not be admissible in evidence against a discloser in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information. <p>8.2 Except as provided in paragraph (c) above, protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.</p> <p>8.3 Compensation and other remedies may also be available through the courts for loss, damage or injury suffered because of a disclosure or if CRC failed to take reasonable precautions and exercise due diligence to prevent detrimental conduct.</p>
<p>9. Investigations</p>	<p>9.1 Whistleblower disclosures made will be documented and investigated promptly.</p> <p>9.2 CRC takes all reports of potential wrongdoing seriously. All reports will be assessed and based on the nature and circumstances of the disclosure; a decision made as to whether an investigation is required. <i>For example, reports of potential wrongdoing of a minor nature that can be resolved informally will typically not require the same level of response as disclosures involving a large-scale and complex investigation.</i></p> <p>9.3 Any investigation will be conducted in a timely, fair and objective manner, and independent from any persons to whom the report relates. Investigations will generally be overseen by the Compliance Officer.</p> <p>9.4 Other people, including employees or external advisers, may also be asked to assist or run the investigation. Where possible, the person reporting the wrongdoing will be informed how CRC is responding to their report, including whether an investigation will be conducted.</p> <p>9.5 Unless there are confidentiality or other reasons not to do so, employees who are the subject of a report of wrongdoing will be informed of the matters raised in the report at an appropriate time, and will be given a chance to respond to any allegations made against them. They will also be advised of the outcome of any investigation.</p>
<p>10. Responsibility for Policy Compliance and Review</p>	<p>11.1 The Compliance Officer CRC is responsible for:</p> <ul style="list-style-type: none"> ➤ the overall administration of this Policy ➤ monitoring the implementation of this Policy and reviewing the Policy's suitability and effectiveness on an ongoing basis. ➤ seeking to protect the Whistleblower from Detrimental Conduct ➤ assisting the Whistleblower in maintaining wellbeing ➤ maintaining Whistleblower confidentiality, including as required by law



11. Confidentiality	<p>11.1 CRC is committed to ensuring disclosures of misconduct or reportable conduct are treated with the strictest confidence and respect, and that the Whistleblower is treated fairly and does not suffer any detriment or reprisal. There is no requirement for a Whistleblower to identify themselves when making a disclosure.</p> <p>11.2 The identity of the Whistleblower will not be disclosed by CRC unless:</p> <ul style="list-style-type: none">➤ consent is obtained to disclose the Whistleblower's identity; or➤ disclosure of details that might reveal their identity is reasonably necessary for the effective investigation of the allegation or;➤ it is necessary to prevent a serious threat to health or safety or;➤ the disclosure is required by law (<i>refer below</i>) <p>11.3 If a report is made, the identity of the discloser may be required by law under the following circumstances:</p> <ul style="list-style-type: none">➤ the matter is reported to the Commissioner of Taxation or the AFP; or➤ the matter is raised with a lawyer for the purpose obtaining legal advice or representation.
Review	<p><i>This policy is reviewed every three years, or more frequently in response to identified risk, or where legislative or best-practice changes require amendment.</i></p>