

# WHISTLEBLOWER POLICY

## 1. INTRODUCTION

Cater Care is committed to high standards of conduct and ethical behaviour.

This Policy has been developed to assist Cater Care to identify any wrongdoing that may not be uncovered unless there is a safe and secure means for disclosing wrongdoing.

Cater Care's aim is to encourage people to report:

- an issue if they genuinely believe someone has contravened Cater Care's Code of Conduct or the law, and
- your concerns of wrongdoing regarding actual or suspected unethical, unlawful or undesirable conduct,

whether openly or anonymously, in a safe, confidential, protected environment free from victimisation.

This Policy is made available to all officers and employees of Cater Care through Cater Care Central and Employee Hub.

This policy will tell you:

- how you will be protected if you make a disclosure (section 3)
- who it protects (section 5)
- what disclosures of information are protected (section 6)
- how you can make a disclosure (sections 12 to 14)
- how your disclosure will be investigated (section 15).

## 2. YOUR PROTECTION

Cater Care is committed to ensuring that if you raise a matter under this Policy, you are provided support and protection from reprisal or personal or financial disadvantage because of making that report.

You will be protected under the *Corporations Act 2001* (**Corporations Act**) when you raise a matter relating to Disclosable Conduct occurring within Cater Care.

## 3. OUR POLICY

Cater Care will:

- if you report your concerns, keep these confidential unless you tell us (or the law requires) otherwise
- investigate concerns reported by you in a timely manner and, where practicable, will advise you of the outcome and any action taken
- ensure
  - you will not be victimised or adversely affected because of your action in reporting your concerns
  - you will be protected from detrimental conduct or threats of detrimental conduct (see below where 'detrimental conduct' is explained) in relation to your reporting a concern of wrongdoing
  - fair treatment of employees of the company who are mentioned in protected disclosures, or to whom such disclosures relate
  - the Employee Assistance Program is available to you and employees of the company who are mentioned in protected disclosures, or to whom such disclosures relate

- if you suffer loss, damage or injury because of a disclosure and we did not protect you, you can seek compensation and other remedies through the court system.

**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 of the same employer; harassment or intimidation of a person; harm or injury to a person, including psychological harm; damage to a person’s property; damage to a person’s reputation; damage to a person’s business or financial position; or any other damage to a person.

#### 4. WHO DOES THIS POLICY APPLY TO?

This Policy applies to ‘eligible whistleblowers’.

#### 5. WHO IS AN ‘ELIGIBLE WHISTLEBLOWER’?

An eligible whistleblower is an individual who is, or who has been any of the following in relation to Cater Care:

- a) an officer or employee (e.g. current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers and directors);
- b) a supplier of services or goods to Cater Care (whether paid or unpaid), including their employees (e.g. current and former contractors, consultants, service providers and business partners);
- c) an associate (as defined in the Corporations Act) of Cater Care; and
- d) a relative or dependant of an individual referred to in the previous paragraphs (or a dependant of the individual’s spouse).

#### 6. WHAT TYPE OF INFORMATION IS COVERED?

You will be protected from disclosing information if you have reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstance at Cater Care (referred to as ‘**Disclosable Conduct**’). Examples of Disclosable Conduct include, but are not limited to, the following conduct by Cater Care or an officer or employee of Cater Care:

- failure to comply with, or a breach of regulations or laws including, for e.g., modern slavery laws
- financial irregularities
- dishonest or corrupt behaviour, including soliciting, accepting or offering a bribe, facilitation of payments or other such benefits
- theft, fraud, money-laundering, misappropriation of funds
- conduct or practices which are illegal (including drug sale/use, violence or threatened violence and criminal acts)
- constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more
- serious harm to public, resident or employee safety
- represents danger to the public or financial system
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed to have made, or is planning to make a disclosure
- a substantial mismanagement of Cater Care resources
- improper behaviour relating to accounts, internal accounting controls, actuarial or audit matters
- anything else that may be prescribed by regulations.

#### 7. WHAT IS NOT COVERED?

Personal work-related grievances may not be covered by this Policy (but could be covered by Cater Care’s Code of

Conduct or other policies regarding grievances, or, may be protected under the Fair Work Act).

Information disclosed concerns a 'personal work-related grievance' if:

- a) the information concerns a grievance about any matter in relation to your employment, or former employment, having (or tending to have) implications for you personally; AND
- b) the information:
  - (i) does not have significant implications for Cater Care, or another regulated entity, that do not relate to you; AND
  - (ii) does not concern the following conduct, or alleged conduct:
    - A. an offence against certain regulatory legislation;
    - B. breach of any law punishable by imprisonment for a period of 12 months or more;
    - C. that represents a danger to the public or the financial system; or
    - D. where the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act.

However, a circumstance where you suffer from or are threatened with detriment for making a disclosure, is not a personal work-related grievance and could be reported under this Policy.

## **8. ANONYMITY**

Anonymous reports of Disclosable Conduct are accepted under this Policy and are protected. You will appreciate that anonymous reports may have significant limitations that inhibit a proper and appropriate inquiry or investigation. These limitations may include the inability to provide feedback on the outcome and/or to gather additional information or detail to help the investigation. So, if you would like to remain anonymous ensure that you provide sufficient detail to enable Cater Care to carry out a proper investigation.

You can instead of requesting total anonymity, using another name in your report.

## **9. CONFIDENTIALITY**

Cater Care will protect your identity as an eligible whistleblower and will not disclose your identity or information that is likely to lead to your identity as a discloser except:

- a) to ASIC, APRA or a member of the Australian Federal Police;
- b) to a legal practitioner to obtain legal advice or legal representation about the legal operation of the whistleblower provisions;
- c) to a person prescribed by regulations; or
- d) with the consent of you as the discloser.

We may also disclose details which do not identify you as the discloser where it is necessary for us to investigate the disclosure in which case we will take reasonable steps to ensure that you will not be identified.

## **10. REPORTING NON-COMPLIANCE OUTSIDE OF THE COMPANY**

It is Cater Care's aim to ensure that directors, managers, employees, contractors and consultants do not feel the need to discuss Cater Care company concerns outside of Cater Care. However, nothing in this Policy should be interpreted as restricting a director, manager, employee, contractor or consultant from raising issues or providing information as protected under the whistleblower legislation and/or to an external party, in accordance with any

relevant law, regulation or prudential standard.

## 11. YOUR RESPONSIBILITY TO ACT IN GOOD FAITH

Your report should be made in good faith and not be malicious, deliberately misleading or frivolous. A report may have serious consequences for the person the subject of any alleged wrongdoing. So, it is important to have reasonable grounds for believing that the report is correct. If you are an employee and have concerns which may not be something that this Policy is addressing, there are other avenues in the organisation (for eg. the Grievance Resolution Procedure) to express those concerns and you are encouraged to use them. Cater Care will take all reports seriously but you should be aware that false reports or claims or malicious or frivolous reports may lead to disciplinary or legal action.

## 12. WHO DO YOU REPORT YOUR CONCERNS TO?

If you become aware of any matter which may be Disclosable Conduct then you should contact the Whistleblower Protection/Investigations Officer **Brenton Grantham 0413 980 253** or **CFO Adam Herron 0417 220 940** or email [whistleblower@catercare.com.au](mailto:whistleblower@catercare.com.au)

We encourage you to first discuss any matters of concern with your direct manager or a People and Culture advisor. This is an opportunity to clarify the incident, ask questions and determine whether the matter comes under this Policy. These discussions will remain confidential. If it is not appropriate to speak with your manager or a People and Culture advisor, you don't feel comfortable making an internal report, or where you have made an internal report but no action has been taken within a reasonable time, you should make a report under this Policy.

If the alleged or suspected wrongdoing involves Cater Care's senior management, or you are unable to reach the Whistleblower Protection/Investigations Officers, you can report the matter directly to the board-appointed Whistleblower Protection Officer, Dr Annette Carruthers, [dr.aec415@gmail.com](mailto:dr.aec415@gmail.com) or 0407 006 708.

The Whistleblower Protection/Investigations Officer will have access to external independent financial, legal and operational advisers as required.

The Whistleblower Protection/Investigations Officer is able to be contacted outside of business hours and all information received if eligible for the whistleblower protection is treated securely, confidentially and, if requested, anonymously.

The responsibility of the Whistleblower Protection/Investigations Officer is to protect and safeguard the interests of eligible whistleblowers within the meaning of this Policy and to investigate the substance of a complaint to determine whether there is evidence in support of the matters raised or, alternatively, to refute the report made.

Alternatively, if you are unsure and require additional information before making a disclosure you can contact the Whistleblower Protection/Investigations Officer before making a disclosure.

## 13. OTHER PEOPLE/ENTITIES WHO CAN RECEIVE AN ELIGIBLE DISCLOSURE

While we encourage you to make a disclosure in the first instance to our Whistleblower Protection/Investigations Officer, you can also make disclosures that qualify for protection (**eligible disclosures**) to the following:

- an officer or senior manager of Cater Care
- an auditor or actuary of Cater Care
- a legal practitioner to obtain legal advice or legal representation about the legal operation of the whistleblower provisions
- regulatory bodies and other external parties: eg to ASIC, APRA or another Commonwealth body prescribed

by legislation

- journalists and members of Commonwealth, State or Territory parliaments under certain circumstances i.e. public interest disclosures or emergency disclosures (**see immediately below for guidance**).

## 14. PUBLIC INTEREST DISCLOSURES AND EMERGENCY DISCLOSURES

A 'public interest disclosure' qualifies for protection if:

- a) at least 90 days have passed since you made the disclosure to ASIC, APRA or another Commonwealth body prescribed by legislation; and
- b) you do not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure; and
- c) you have reasonable grounds to believe that making a further disclosure of the information would be in the public interest; and
- d) at the end of the 90 days referred to above, you have given written notice to the body where the previous disclosure was made with sufficient information to identify the previous disclosure and stating that you are going to make a public interest disclosure, and
- e) it is made to a journalist or member of the Commonwealth, State or Territory parliaments.

An 'emergency disclosure' qualifies for protection if:

- a) you have previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by legislation; and
- b) you have 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
- c) before making the emergency disclosure, the discloser has given written notice to the body to which the previous disclosure was made with sufficient information identify the previous disclosure and stating that you are going to make an emergency disclosure; and
- d) it is made to a journalist or member of the Commonwealth, State or Territory parliaments; and
- e) the extent of the information is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

## 15. INVESTIGATION PROCESS

If appropriate, Cater Care's Whistleblower Protection/Investigations Officer will investigate all eligible disclosures including those that are made anonymously ensuring that the anonymity is protected and where appropriate will provide feedback regarding the outcome.

At all times this investigation process will follow best practice in investigations and will be a fair, sound, equitable and thorough process. Investigations will be conducted independently of the discloser, the individuals who are the subject of the disclosure and the department or business unit involved.

The investigation process will be limited in circumstances such as where no contact details are provided by the discloser and if the disclosure is made anonymously. In these cases, Cater Care may decide to conduct a broad review on the subject matter or the work area that has been disclosed.

Cater Care will take any necessary action as a result of a report and if no action is taken, we will provide an explanation to the discloser if contact details are made available.

Reporting of investigation findings will be presented to the Cater Care CEO who will determine the appropriate response/action. In the event of the CEO or a member of the board being the subject of an investigation or allegation or, if there is serious risk to Cater Care, the report will be delivered to the board (excluding any implicated

board member) to determine the response/action.

If necessary, an external investigations firm will be appointed to ensure that the investigation process retains its independence.

The Whistleblower Protection/Investigations Officer will report to the board on a regular basis regarding the effectiveness of this Policy, and the processes under this Policy. The reports will not identify any disclosers to ensure their confidentiality.

**Colin Redman**

Chief Executive Officer

Date Approved: August 2022

