

1. SUMMARY

The Whistleblowers Protection Policy is one of several policies and guidelines that promote a culture of compliance, honesty and ethical behaviour within Life Without Barriers (**LWB**). This policy aims to align with our high standards of ethical, moral and legal business conduct in addition to our commitment to open communication.

LWB encourages its people to properly disclose concerns that they hold on reasonable grounds, in a protected environment free from reprisal, victimisation or improper conduct so the Board and Executive may adequately investigate, manage and act upon such conduct. LWB recognises that whistleblowing provides a benefit to the organisation by drawing attention to issues in a way that allows disclosable matters to be promptly addressed and thereby minimise significant risk to its business.

This policy outlines the process to be followed by eligible whistleblowers for their disclosure and reporting of disclosable matters, and the protections available for such whistleblowers who have made a disclosure in accordance with this policy.

This policy will be made available on LWB's Intranet and Internet site.

2. SCOPE AND APPLICATION

This policy facilitates the making of disclosures about improper conduct and provides several protections for those who come forward with a disclosure. It also provides for the investigation of disclosures.

This policy applies to current or former Board members, associates and officers of LWB, employees, labour hire workers, contractors/suppliers, carers, volunteers, clients and their families.

3. DEFINITIONS

Board	means LWB's Board of Directors.
Detrimental action	means action taken or threatened against a person including: <ul style="list-style-type: none"> • action causing injury, loss or damage; • action causing 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; • intimidation, bullying, harassment, or discrimination; • disadvantage or adverse treatment to a person's employment (including but not limited to disciplinary action, demotion, suspension, termination, transfer to a lesser position, alteration of an employee's position or duties to their disadvantage and current or future basis).

<p>Disclosable matter</p>	<p>means a disclosure of information that:</p> <ul style="list-style-type: none"> • Shows the discloser has reasonable grounds to suspect that LWB, a related body corporate or one of its officers or employees, has been involved in misconduct or an improper state of affairs; and • Is not about a personal work-related grievance. <p>A Disclosable Matter includes information LWB, a related body corporate, or an employee or officer of LWB or a related body corporate has engaged in conduct that:</p> <ol style="list-style-type: none"> 1. Constitutes an offence or contravention of: <ul style="list-style-type: none"> • The <i>Corporations Act 2001 (Cth)</i>; • The <i>Australian Securities and Investments Commission Act 2001 (Cth)</i>; and/or • An instrument made under any of the above acts. 2. Constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment of 12 months or more; or 3. Represents a danger to the public or finance system.
<p>Discloser</p>	<p>means a person reporting a Disclosable Matter and otherwise known as a “whistleblower”.</p>
<p>LWB</p>	<p>Life Without Barriers</p>
<p>Personal Work-Related Grievance</p>	<p>means information disclosed by an employee that relates to personal circumstances of their employment and do not have significant implications for LWB beyond that employee.</p> <p>A Personal Work-Related Grievance may include:</p> <ul style="list-style-type: none"> • Interpersonal conflict between the discloser and another employee; • Disciplinary action, including termination of employment which does not breach workplace laws; • The engagement, transfer or promotion of an employee which does not breach workplace laws; or • An employee’s pay or entitlements which does not breach workplace laws. <p>It will not be a Personal Work-Related Grievance if the information disclosed relates to:</p> <ul style="list-style-type: none"> • Information about misconduct, as well as about a Personal Work-Related Grievance (ie. it is a mixed report), or which suggests misconduct beyond the Discloser’s personal circumstances; • A breach by LWB of employment or other laws punishable by imprisonment of 12 months or more, or conduct that involves a danger to the public; or • victimisation experienced by the disclosure in relation to a

	Protected Disclosure.
Protected Disclosure	relates to a Disclosable Matter, is voluntary and must be made only to a Protected Disclosure Officer.
Protected Disclosure Officer	<p>A person appointed and authorised in accordance with this policy to receive disclosures of a Disclosable Matter. This may include:</p> <ul style="list-style-type: none"> • a Board Member; • the Chief Executive Officer; • a member of the Executive Leadership Team, that is, an Executive Director or the Company Secretary; • the Special Counsel, National Complaints Manager, or Manager Quality Audit & Risk; or • an external Auditor or a member of an audit team that is appointed by the Board. <p>Protected Disclosures can also be made to:</p> <ul style="list-style-type: none"> • ASIC, APRA, the Commissioner of Taxation and other prescribed Commonwealth authorities; and • A journalist or member of parliament, if the disclosure meets the threshold of being a 'public interest disclosure' or an 'emergency disclosure'. Before making a disclosure to either person, the discloser should ensure they understand the criteria for making one of these disclosures (including that the disclosure must previously have been made to ASIC, APRA or a prescribed Commonwealth authority, and that at least 90 days has passed). A person who is considering making a public interest or emergency disclosure should seek independent legal advice first.

4. WHISTLEBLOWERS PROTECTION POLICY GUIDELINE

4.1 Criteria for Protection as a Whistleblower

Criteria	Requirement
a) To be an eligible Discloser or whistleblower	<p>One must be a current (or former):</p> <ul style="list-style-type: none"> • Board member, officer, associate, employee, labour hire worker, carer, contractor/supplier, consultant, volunteer or client of LWB; or • A family member (spouse, dependent or relative) of any of the above.

Criteria	Requirement
b) To Disclose to an eligible recipient	One must first make their disclosure to a Protected Disclosure Officer, being: <ul style="list-style-type: none"> • a Board Member; • the Chief Executive Officer; • a member of the Executive Leadership Team, that is, an Executive Director, or other senior manager; • the Company Secretary; • Any position defined by clause 4.5 as a Protected Disclosure Officer; or • an external Auditor or a member of an audit team that is appointed by the Board.
c) To have reasonable grounds to suspect a breach	One must have reasonable grounds to suspect that the information they are disclosing indicates that LWB or someone associated with LWB may have been involved in misconduct or an improper state of affairs that is not related to a Personal Work-Related Grievance

4.2 Disclosure of Improper Conduct

LWB encourages that concerns or Disclosures be raised in writing, as soon as possible, with an appointed Protected Disclosure Officer. Examples of Disclosable Matters that may be made to a Protected Disclosure Officer include:

- Fraud;
- Theft;
- Offering or accepting a bribe;
- Improper use of company funds;
- Misleading or deceptive practices;
- Improper or dishonest accounting or financial reporting;
- Avoidance or mismanagement of taxation obligations; and
- Other illegal activity or breaches of legal obligations (although conduct might still be a Disclosable Matter even if not a breach of a particular law).

Such disclosures must be made on reasonable grounds, causing the Discloser to suspect that LWB, a related body corporate, or an officer or employee of LWB has been engaged in misconduct or an improper state of affairs. Reasonable grounds means that a reasonable person in the Discloser's position would also suspect the information indicates misconduct or breach of the law. A Discloser can still qualify for protection even if a disclosure turns out to be incorrect.

Disclosable Matters do not include Personal Work-Related Grievances.

Disclosures that are not about Disclosable Matters (for example, disclosures that are only about Personal Work-Related Grievances) do not qualify for protection under the Corporations Act.

Investigations into Disclosable Matters will be conducted in as fair and impartial manner as possible.

Where an individual has been alleged to have been involved in misconduct or a Disclosable

Matter, that person will be given details of the alleged behaviour and will be given an opportunity to respond to the allegations before a decision is reached.

4.3 Confidentiality

LWB will make every effort to ensure all disclosures are kept confidential and secure and will be properly investigated in accordance with this policy. The use of LWB's whistleblower hotline, Stopline, is strongly encouraged as all disclosures are triaged by the independent provider then reported to LWB, providing an extra layer of protection for disclosures.

A Discloser may choose to report a matter anonymously. A Protected Disclosure submitted anonymously will be accepted and will still qualify for protection, however it is important that the Discloser provide as much information as possible so that a full and fair investigation is not compromised.

LWB will consult with the Discloser about whether they wish their identity to remain confidential, and whether the Discloser consents to their identity being disclosed to investigators, internally or externally, for the purpose of assisting the investigation. If the Discloser consents to their identity being revealed to investigators, this will be recorded in writing.

It is illegal for a person to identify a Discloser, or disclose information that is likely to lead to the identification of the Discloser, other than to certain bodies (which include ASIC, APRA and the Australian Federal Police), to a legal practitioner to obtain legal advice or representation, or with the Discloser's consent. LWB may be required to reveal information provided in the Protected Disclosure to the extent necessary to permit a thorough and effective investigation, or where required by law or court proceedings. LWB will seek to adopt all reasonable steps in investigating any matter to ensure that the Discloser's identity remains confidential in the absence of the Discloser providing consent to have their identity revealed.

Regardless of whether the Discloser chooses to consent to their identity being revealed, all the details of the report and investigation of disclosures will be conducted in a confidential manner. Any breach of confidentiality during and following the reporting and investigation process may lead to disciplinary action up to and including termination of employment.

To maintain confidentiality, LWB will ensure that:

- All paper and electronic documents and other materials relating to disclosures will be stored securely;
- All information relating to a disclosure will only be accessed by those directly involved in managing and investigating the disclosure;
- Only a restricted number of people who are directly involved in handling and investigating a disclosure are made aware of a Discloser's identity or information that is likely to lead to the identification of the Discloser; and
- Each person who is involved in handling and investigating a disclosure is reminded that they should keep the identity of the Discloser and the disclosure confidential and that an unauthorised disclosure of a Discloser's identity may be a criminal offence.

4.4 No Detrimental Action

A Discloser will not be subject to any Detriment. LWB is committed to protecting Disclosers from possible reprisals and victimisation.

A Discloser who believes they have suffered a Detriment as a result of making a Protected Disclosure should immediately report the same to the relevant Protected Disclosure Officer.

Employees who are found to have imposed a Detriment on a Discloser may be subject to disciplinary action up to and including the termination of their employment in accordance with the LWB Performance Improvement & Disciplinary Policy Guideline.

It is important to be aware that making a Protected Disclosure does not necessarily excuse liability or protect a person from detriment for reasons other than the person has made a Protected Disclosure. For example, where an employee has been involved in misconduct that forms part of a Disclosable Matter, they may be subject to disciplinary action up to and including the termination of their employment for their involvement in the relevant misconduct.

However, depending on the circumstances, when determining what actions to take, LWB may take into account the fact that the employee brought the relevant misconduct to LWB's attention.

Administrative action that is reasonable to protect the Discloser from Detriment will not be considered Detrimental conduct. For example, moving the work locations of employees where a Disclosure Matter has been reported between the employees.

Protecting a Discloser from Detriment does not prevent LWB from managing the Discloser's unsatisfactory work performance in accordance with the LWB Performance Improvement & Disciplinary Policy Guideline.

4.5 Other Protections

A Discloser is also protected from civil legal action (for example, for breach of an employment contract or duty of confidentiality), criminal liability (such as being prosecuted for unlawfully releasing information) or administrative liability (such as disciplinary action for making the disclosure).

However, a Discloser is not protected from any consequences for any misconduct that the Discloser has engaged in, that is revealed in the Protected Disclosure.

4.6 Appointing a Protected Disclosure Officer

LWB appoints the following persons as **Protected Disclosure Officers** for the purposes of receiving and acting on Protected Disclosures:

- For all matters: Stoplevel, via its whistleblowing hotline service;
- For matters involving a member of the Board - the Chief Executive Officer;
- For matters involving the Chief Executive Officer - a member of the Board;
- For matters involving any Senior Manager, employee, contractor, consultant, volunteer, carer, client or family member, the following positions are appointed as Protected Disclosure Officers:
 - the Chief Executive Officer;
 - a member of the Executive Leadership Team, that is, an Executive Director;
 - the Company Secretary;

- the Special Counsel;
- the Manager Quality Audit & Risk; or
- the National Complaints Manager.

4.7 The process for making a Protected Disclosure

A person who has reasonable grounds to suspect or believe they have evidence, or are aware of, a **Disclosable Matter** (as defined by this policy) is encouraged by LWB to promptly disclose that suspicion or belief in writing at first instance to a person eligible to act as an LWB **Protected Disclosure Officer** (as defined by **paragraph 4.5** of this policy).

The disclosure should include a request that the Disclosable Matter be treated as a **Protected Disclosure** and that they, as the relevant discloser, be dealt with as a **Discloser** in accordance with this policy.

Each Protected Disclosure will be promptly referred to:

- For matters that concern clients or carers, or the Employee Relations Counsel: a legal practitioner within LWB's Office of the Special Counsel;
- For matters that concern employees: the Employee Relations Counsel;
- For matters that concern claims against the Office of the Special Counsel: the Chief Executive;
- For matters that concern claims against the Chief Executive: the Chair of the Board

to appoint or act as LWB's Protected Disclosure Officer in accordance with this policy who will determine and appoint the eligible officer to act as the Protected Disclosure Officer for that Protected Disclosure.

For each Disclosable Matter the relevant Discloser must promptly provide to LWB's Protected Disclosure Officer relevant specific, adequate and pertinent information with respect to their Disclosable Matter including among other things, the dates, places, persons/witnesses, amounts, and other relevant information, in order to allow for a reasonable investigation to be conducted as required by this Policy.

If the Discloser discloses his or her name, the relevant Protected Disclosure Officer receiving the claim will acknowledge having received the Disclosable Matter and may initiate follow-up meeting with the Discloser. However, if the Disclosable Matter is submitted on an anonymous basis there may be no follow-up meeting regarding that Disclosable Matter and LWB may be unable to communicate with the Discloser if more information is required or if the matter is to be referred to external parties for further investigation.

A person who wishes to seek additional information before formally making a disclosure can do so by:

- Contacting a Protected Disclosure Officer; or
- Seeking advice from an independent legal adviser. Disclosures to a legal practitioner for the purpose of obtaining legal advice or legal representation about the operation of the whistleblower protections in the Corporations Act qualify for protection in the same way as an Eligible Disclosure.

4.8 Method of Disclosure

LWB whistleblower hotline

A Protected Disclosure may be made by telephone or in writing to LWB's external whistleblowing service maintained by Stopleveline.

Stopleveline is an independent provider that operates 24/7, 365 days a year to receive Complaints.

The Discloser is provided with the option of providing their name and contact information to Stopleveline or remaining anonymous. Stopleveline will work with the Discloser to identify key information in the complaint, work with the Discloser to keep their identify confidential (if the Discloser chooses to remain anonymous) and will bring the complaint to LWB's attention.

Anonymous Disclosures are not linked to any identifying employee or client sources, and Stopleveline will triage the complaint and, where appropriate, determined the most appropriate individual at LWB to be informed of the complaint.

Where appropriate Stopleveline may apply a pseudonym to an anonymous disclosure.

Contact Details for STOPline:

- **Telephone:** 1300 30 45 50
- **Email:** makeareport@stopleveline.com.au
- **Post:** Life Without Barriers c/o STOPline, PO Box 403, Diamond Creek Victoria 3089

Other methods

Protected Disclosures may also be made verbally or in writing directly to a Protected Disclosure Officer.

4.9 Procedure Following Disclosure

Step 1: The Protected Disclosure Officer must make an immediate assessment of the written report from the Discloser.

If the report does not show a Protected Disclosure or is a Personal Work-Related Grievance, then the Protected Disclosure Officer will direct the Discloser to the LWB grievance procedure or other relevant policy or procedure.

If there is no relevant policy or procedure that applies to the disclosure, the Protected Disclosure Officer may still investigate the matter.

Step 2: The Protected Disclosure Officer will confirm with the Discloser if they wish their identity to remain anonymous, or whether they consent to their identity being disclosed to investigators or other internal personnel.

The Protected Disclosure Officer must take all reasonable steps required to ensure that the identity of the Discloser is protected as required by law, and make certain that LWB takes all reasonable steps in accomplishing this result.

Step 3: The Protected Disclosure Officer and LWB must take the necessary steps to ensure that Disclosers will not suffer a Detriment after having made disclosure and make protections of the Discloser.

- Step 4:** The Protected Disclosure Officer must within five days, either initiate an investigation of Disclosable Matters or make a determination that the matter should not be investigated. The Protected Disclosure Officer, when faced with a serious or large-scale allegation, may decide to have an external investigator deal with the matter. Such external investigators may include those with financial, technical or legal expertise.
- Step 5:** The Protected Disclosure Officer (or if the matter has gone to an external Investigator, that external Investigator) must prepare a report, with findings and recommendations (including for matters that have not been investigated).
- Step 6:** The report will be discussed with the Discloser after being submitted to the Board.
- Step 7:** If the Board decides that action on the report is required, it may delegate that action to a third party or to the Protected Disclosure Officer. If the action is delegated to the Protected Disclosure Officer, the Protected Disclosure Officer will take immediate action implementing the directions of the Board and will provide a summary of those actions to the Discloser.

The Whistleblowers Protection Procedure should be referred to for further information on the procedures associated with the making and investigation of Disclosable Matters.

4.10 Disclosures Made Without Reasonable Grounds

A Protected Disclosure may not be made on reasonable grounds if:

- It is made frivolously or vexatiously or without a reasonable basis;
- It primarily questions the merits of LWB's Policies or Procedures;
- In respect of employees, it is made only to avoid dismissal or other disciplinary action;
- In respect of contractors, it is made only to avoid the non-renewal of a contract or allegations by LWB of breach of contract; or
- In respect of families and clients it is made only to avoid the termination of services, the re-allocation of services, the creation of services for the benefit of the Discloser or their family.

If the Discloser is an employee and does not act on reasonable grounds, they may be subject to action in accordance with LWB's Performance Improvement & Disciplinary Policy up to and including the termination of employment.

If the Discloser is a Board member and does not act on reasonable grounds, they may be subject to a request from the Board to resign.

If the Discloser is family or client and does not act on reasonable grounds, their continuing access to LWB services will be reviewed by the Board.

If the Discloser is a Contractor/volunteer and does not act on reasonable grounds, their continuation as a contractor /volunteer will be reviewed by the Chief Executive Officer.

4.11 Support for Disclosers

A Discloser will be supported through the procedures following disclosures being made.

The Protected Disclosure Officer that received the disclosure will have the primary responsibility to support the Discloser unless the Discloser agrees to their identity being disclosed to another

person for the purpose of receiving support.

Examples of the support which may be provided to a Discloser include:

- Discussing the Discloser's expectations of the process and the potential outcome of the process;
- Providing information about the protections provided to Disclosers;
- Helping identify any external support services that may be available (for example counselling or legal assistance);
- Discussing what LWB intends to do with the disclosed information, and potential timeframe for action;
- Confirming the Discloser's and other's responsibility to maintain confidentiality of the investigation process;
- Where appropriate, notifying the Discloser of the actions being taken to address the matters disclosed which may include no action and the reasons for any action; and
- Providing a first point of contact for any concerns that the Discloser may have about being subjected to potential or actual Detriment.

A person must not be subject to any Detriment for assisting or supporting a Discloser.

4.12 Treatment of Individuals who are the subject of Protected Disclosure

Employees who are mentioned in a Protected Disclosure (including employees who are the subject of the disclosure) will be treated fairly through the handling and investigation of the Protected Disclosure in the following ways:

- By observing confidentiality around the handling of the Protected Disclosure, when it is practical and appropriate in the circumstances;
- Through the requirement for a Protected Disclosure Officer to assess whether a matter should be investigated or not (which allows, for example, for a decision that frivolous or vexatious disclosures will not be investigated);
- When warranted, the conduct of a procedurally fair investigation including a right of response for an employee against whom allegations are made;
- Making available LWB's EAP services.

5. NON-COMPLIANCE OF POLICY

A Discloser who feels their confidentiality has been breached can lodge a complaint with a Protected Disclosure Officer, in any of the same ways as a Protected Disclosure may be made. A Discloser may also lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation.

Any breaches of this Policy may result in disciplinary action up to and including possible termination of employment.

Additionally, civil and criminal penalties may apply in accordance with the *Corporations Act 2001* (Cth) for breaching a Discloser's anonymity, engaging in or threatening to engage in Detrimental conduct against a Discloser.

6. ROLES & RESPONSIBILITIES

ROLE	RESPONSIBILITIES
Board	<ul style="list-style-type: none"> • Upon receiving the report, decide on the action to be taken, based on the Protected Disclosure Officer report. • Delegate any actions to a third party or to the relevant Protected Disclosure Officer. • Ensure that all action occurs in a timely manner. • If required, the Board may direct that disciplinary action may be taking up to and including the termination of employment. • In the event of criminal or unlawful conduct, the Board (either directly or through the Protected Disclosure Officer or the external Investigator) may report the matter to the Police or other relevant authorities.
Protected Disclosure Officer	<ul style="list-style-type: none"> • The Protected Disclosure Officer is responsible for carrying out the investigation (or facilitating an external investigation) and process surrounding a protected disclosure. • The Protected Disclosure Officer is responsible for following the procedure outlined in the steps above
Discloser	<ul style="list-style-type: none"> • Act on reasonable grounds and be honest and objective in all communication. • Provide information and follow directions at the request of the Protected Disclosure Officer. • During an investigation, participate, co-operate and assist the Protected Disclosure Officer or the external Investigator appointed to deal with the allegations. • Keep the matter strictly confidential. • While the matter is being investigated, comply with any directions of the Protected Disclosure Officer or the external Investigator appointed to deal with the allegations. • While the investigation of the matter is being undertaken, not approach witnesses or the person in respect of whom the allegations are made unless that approach has the prior written approval of the Protected Disclosure Officer or the external Investigator.
Chief Executive Officer	<ul style="list-style-type: none"> • Subject to matters that may be referred directly to the Chair of the Board or the Board, the Chief Executive Officer will manage, oversee and report to the Board at its Board meetings the appointment and performance of Protected Disclosure Officers in dealing with Protected Disclosures in accordance with this policy.