



Whistleblower Policy

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Whistle Blower Policy**

1. Purpose of the policy

McKenzie Aged Care Group (MACG) are committed to maintaining a high standard of corporate governance through a culture of strong ethical behaviour and corporate compliance. Employees and subcontractors must fulfil their roles and responsibilities with honesty and integrity.

MACG is committed to fostering a positive and open work environment where employees feel they can come forward to disclose Reportable Conduct (see definition at 3.). MACG will ensure:

- a) disclosures are taken seriously and acted upon;
- b) wrongdoing is addressed promptly;
- c) disclosers are provided with adequate protections and support;
- d) the fair treatment of employees who are mentioned in a disclosure, including those who are the subject of a disclosure; and
- e) early interventions are made to protect disclosers from detrimental action.

The objectives of this Policy are:

- to encourage directors, employees, suppliers, contractors, tenderers (Personnel) or any person who has business dealings with MACG, to raise any concerns and report any instances of misconduct, illegal, fraudulent or other unethical conduct where there are reasonable grounds to suspect such conduct has occurred;
- to provide an appropriate procedure for individuals to report such conduct in the knowledge they can act without fear of intimidation, disadvantage or reprisal; and
- to ensure that any person who makes a report in accordance with this Policy (an eligible whistleblower) is appropriately protected from any Detrimental Action (as defined in this Policy).

Interaction between this policy and legislative whistleblower protections

In Australia, the various pieces of legislation that protect whistleblowers from negative treatment include the Corporations Act 2001 (Cth) and Taxation Administration Act 1953 (Cth) (Whistleblower Protection Laws). Other jurisdictions have their own whistleblowing regimes that need to be complied with to the extent they apply.

Where relevant, this Policy distinguishes between disclosures made under this Policy and protected disclosures made under Whistleblower Protection Laws, for example in the case of disclosures made to regulators, and disclosures made by persons external to MACG.

One of the aims of this Policy is to comply with our legislative obligation to provide information about the protections available to whistleblowers, including the protections under the Whistleblower Protection Laws.

2. Who the policy applies to (eligible whistleblowers)

This Policy applies to all MACG Personnel including:

- its officers and employees;



- its consultants, secondees and volunteers;
- its contractors, suppliers and their employees; and
- all MACG operations, including its related bodies corporate.

A copy of this Policy is available on MACG's intranet and webpage and can be requested from our Whistleblower Investigation Officer (WIO) via Stopleveline.

MACG's employees and officers are required to comply with any lawful directions made by MACG in respect of this Policy. This Policy is not intended to be contractually binding and does not form part of any employment contract with MACG. MACG may amend this Policy at any time in its sole discretion.

3. What is reportable conduct?

In this Policy, Reportable Conduct (i.e. disclosable matters) means conduct on the part of a MACG director, officer, employee, contractor, or any person who has business dealings with MACG (in the context of those dealings with MACG), whether actual or suspected, which an individual suspects on reasonable grounds:

- is dishonest, fraudulent or corrupt, or involves bribery or corruption, or an improper state of affairs or otherwise amounts to an abuse of authority;
- is illegal, including theft, drug sale or use, violence, or threatened violence, harassment, intimidation, or criminal damage to property;
- is in breach of Commonwealth or state legislation or local authority by-laws;
- is unethical, including dishonestly altering company records or data, adopting questionable accounting practices, or the unauthorised disclosure of confidential information;
- breaches MACG's Code of Conduct or other MACG policies;
- is potentially damaging to MACG, a MACG employee or a third party, or the public or the financial system, such as unsafe work practices, environmental damage, health risks or substantial wasting of company resources;
- amounts to an improper state of affairs or circumstances, in relation to the tax affairs of MACG, a related company or associated entity and this information may assist the recipient to perform their functions or duties in relation to those tax affairs;
- may cause financial or non-financial loss to MACG, damage its reputation or be otherwise detrimental to MACG's interests; or
- is an attempt to conceal or delay disclosure of any of the above conduct.

Reportable Conduct does not include conduct that is dealt with, and more appropriately raised, under an alternative policy such as the Code of Conduct or HTG_Unacceptable Workplace Behaviour. This Policy cannot be used for complaints relating to personal work-related grievances or concerns which relate to individual working arrangements. Work-related concerns in the first instance should be raised with your line manager or Human Resources. Disclosures that are not about 'disclosable matters' do not qualify for protection under the Corporations Act.

This Policy is not designed to replace normal communication channels between management and employees to address questions, concerns, suggestions or complaints. If employees have any concerns about what is proper conduct for themselves or others, it is expected they will raise their concern. In most instances, the employee's immediate supervisor is in the best position to address an area of concern. Serious matters or matters not satisfactorily resolved should be escalated through appropriate management channels (the next level manager, HR Business Partner).



4. Individuals reporting conduct

MACG supports measures enabling disclosure of Reportable Conduct based on honesty, integrity and ethical behaviour. A whistleblower who has not themselves engaged in serious misconduct or illegal conduct may be provided with immunity from disciplinary proceedings.

MACG cannot provide immunity from civil penalties or criminal prosecution.

Before conduct is reported, the whistleblower must have reasonable grounds to suspect that Reportable Conduct has occurred. Individuals must not make baseless reports or knowingly provide false or misleading information regarding Reportable Conduct or Detrimental Action. False reporting may result in disciplinary action, up to and including termination of employment.

5. Making a report

5.1. Process for making a report externally

Staff who feel unable to report their concern regarding serious misconduct through formal internal channels can report the conduct to MACG Whistleblower Investigation Officer (WIO) via Stopleveline, a confidential, independent provider of whistleblowing services who will take full details of your concerns via telephone, mail, email, fax or their online reporting website.

Phone: 1300 30 45 50

Website & Online Reporting Form: <https://mckenzieacg.stoplinereport.com/>

Email: macgspeakup@stopline.com.au

Post: C/o Stopleveline, Locked Bag 8, Hawthorn, VIC 3122

Fax: Attention: McKenzie, C/o Stopleveline **03 9882 4480**

This independent external service enables reports to be made anonymously and confidentially.

Whistleblower disclosures can be made anonymously and still be protected under the Corporations Act.

Stopleveline will review reports and direct those that require further investigation to MACG's Whistleblower Investigations Officer (WIO) which may be the General Manager Human Resources or Group Manager Learning & Development.

The WIO is responsible for ensuring that all serious complaints are handled promptly and appropriately. The WIO is responsible for MACG's role in managing disclosures and being the contact point for both Stopleveline and the MACG Board.

5.2. Other reporting options

It is MACG preference that reporting follow the process set out in paragraph 5.1 above. Reports can also be made to your line manager, HR Business Partner or any General Manager.

6. Handling and investigating a disclosure

6.1. MACG has engaged Stopleveline, to manage the receipt, recording and reporting of serious misconduct. Stopleveline is an independent, confidential and impartial conduit for information that

enables the reporting of corrupt or improper conduct. Stopline has people experienced in handling sensitive information and all calls will be taken by independent, experienced investigators.

- 6.2. Stopline will seek full details from the discloser including available evidence, persons involved, work locations, the extent and impact of the issue. Information will be stored in a confidential and secure database. Initial advice will be provided promptly to MACG's WIO, followed by a written report.
- 6.3. Disclosers will be given a reference number and you will be provided with updates on the progress of your complaint. If you choose to remain anonymous, Stopline will issue a confidential reference and password should you wish to seek the status of your disclosure at some later date.
- 6.4. The MACG WIO will:
 - 6.4.1. assess each disclosure to assess if it qualifies for protection and, if a formal, in-depth investigation is required;
 - 6.4.2. investigate the complaint in accordance with relevant MACG policy. MACG may engage an external investigator at its discretion;
 - 6.4.3. ensure interviews are conducted in a manner that protects the identity of the parties;
 - 6.4.4. report the outcome of the investigation to the Chief Executive Officer.
- 6.5. Recommendations resulting from the investigation are to be agreed with the MACG Board prior to implementation.
- 6.6. Outcomes of investigations will be reported back to Stopline who will provide the outcome to the staff member/discloser and close out the case report.

7. Whistleblower Protection

7.1. Victimization is prohibited

A Whistleblower who:

- suspects on reasonable grounds that a MACG officer, employee or contractor has engaged, or plans to engage, in Reportable Conduct; and
- reports that matter in accordance with section 5 of this Policy,
- must not be subjected to Detrimental Action for reporting the Reportable Conduct.

In this Policy, Detrimental Action includes the following (even if done unintentionally):

- action causing injury, harm, loss or damage (including psychological harm);
- damaging a person's property, reputation, business or financial position or causing any other damage to a person;
- intimidation, bullying or harassment;
- discrimination or other adverse treatment in relation to the whistleblower's employment, career, profession, trade or business, including dismissal, demotion or the taking of other disciplinary action;
- current or future bias;
- action that constitutes the making of a threat to cause any such Detrimental Action to another person; or
- any conduct which incites others to subject the whistleblower to any of the above conduct.

Individuals who are the subject of a disclosure of Reportable Conduct are entitled to the same protection from Detrimental Action while an investigation is conducted.

7.2. Confidentiality of disclosures



All information provided by a whistleblower will be treated as confidential and maintained securely. Any breach of confidentiality will be treated as a serious disciplinary matter.

The identity of a whistleblower (or information that is likely to lead to them being identified as a whistleblower) will be kept confidential, unless any of the following apply:

- they consent to this information being disclosed;
- during the investigation of a report, MACG needs to disclose information that may lead to the whistleblower being identified. All reasonable steps will be taken to ensure that the whistleblower's identity is not disclosed;
- MACG needs to disclose this information to obtain legal advice or representation;
- MACG is required to do so by law (for example where MACG needs to disclose this information to an external regulator or MACG is ordered to do so by a court);
- The information is provided to AHPRA, ASIC or a member of the police; or
- MACG needs to disclose the information to prevent a serious and imminent threat to life, health or property.

If any Personnel receives information about Reportable Conduct, and does not keep that information confidential or discloses any information that is likely to lead to the whistleblower being identified (except in the circumstances permitted above):

- If they are MACG employees – they will be subject to disciplinary action, which may include a formal written warning, or termination of employment with MACG;
- If they are not a MACG employee – MACG may take other corrective action; and
- They may be subject to criminal and civil penalties, including substantial fines and / or jail.

This also applies to individuals who received the information indirectly (via a third party).

MACG will ensure that all paper and electronic documents and other materials relating to disclosures will be kept confidential and stored securely. Access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure.

7.3. What support and protections are provided to whistleblowers?

Part of the role of the WIO is to safeguard the interests of whistleblowers, to assist them to understand the process and the available protections, and to ensure the integrity of the whistleblowing mechanism. Whistleblowers who are an employee or officer of MACG:

- are entitled to support through the WIO;
- may explore options such as taking leave, relocation to another area of business, or a secondment arrangement while the Reportable Conduct is being investigated;
- may access the Employee Assistance Program (1300 687 327).

Under this policy employees will not be subject to disciplinary action for making a disclosure of Reportable Conduct on reasonable grounds. They may, however, be subject to disciplinary action for misconduct that is revealed as a result of the disclosure. MACG may however take the disclosure into account when determining the nature of any disciplinary action.

If any person believes on reasonable grounds that the whistleblower has been, or is likely to be, subjected to Detrimental Action, he or she should report this to the WIO, who will investigate, or arrange an investigation into, the matter.

7.4. What are the consequences of Detrimental Action?

An employee who is found to have subjected a whistleblower to Detrimental Action will be subject to disciplinary action (which may include termination of employment) and may be guilty of an offence that is subject to prosecution under legislation.

MACG may terminate the contract or engagement of non-employees or take other corrective action.

The Whistleblower Protection Laws also prohibit victimisation and Detrimental Action. If a court finds that victimisation has occurred, the court may order the victimiser and/or MACG to:

- pay compensation to the person who was subject to the victimisation;
- if convicted, pay substantial fines and / or receive a jail sentence.

7.5. Protections available to disclosers at law

If whistleblowers make a protected disclosure under the Whistleblower Protection Laws, these laws provide that:

- they cannot be subject to any civil, criminal or administrative liability, for making a protected disclosure;
- they may be subject to civil, criminal or administrative liability for personal conduct that is revealed by their disclosure;

however, if the disclosure is made to ASIC, AHPRA or the Commissioner of Taxation, or is an Emergency Disclosure as permitted under the Corporations Act, the information is not admissible in evidence against the whistleblower in criminal proceedings, or in proceedings for the imposition of a penalty, except for proceedings in respect of providing false information.

If a whistleblower is victimised as a result of making a disclosure of Reportable Conduct, there are possible remedies available under the Whistleblower Protection Laws (where they apply) and include reinstatement, compensation, an order prohibiting the victimisation, or an apology.

The victimiser can be Court ordered to pay substantial monetary fines or be imprisoned. Protections for MACG employees also exist under the Fair Work Act. These are enforceable as a matter of statute and do not form part of this Policy.