

A decorative graphic consisting of several colored lines and a dashed blue border. At the top, a horizontal line is divided into yellow, green, and blue segments. A dashed blue line curves from the top right towards the center. A solid red line curves from the top right down to the middle right. A solid blue line curves from the middle right down to the bottom left. A solid green line continues from the bottom left down to the bottom edge. A yellow wavy line runs horizontally across the middle, overlapping the blue and red lines.

Whistleblower Policy

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Eligible Whistleblower...

Legal protections under this policy are extended to individuals classified as "eligible whistleblowers." An eligible whistleblower can be a current or former employee, officer, volunteer, contractors, consultants, or service providers. The spouses, relatives, or dependents of any of the individuals listed above are also considered eligible whistleblowers.

Discloses Matters of Wrongdoing (anonymously if you choose)...

Where there are reasonable grounds to suspect misconduct or an improper state of affairs; an offence or contravention under commonwealth laws or a danger to the public or financial system.

Illegal conduct, fraud, money laundering, offering, or accepting a bribe, financial irregularities, failure to comply with, or breach of, legal or regulatory requirements, and engaging in, or threatening to engage in Detrimental Conduct.

To an Eligible Recipient...

See "Contacts" for options, or email whistleblower@areable.org.au

For protection as a whistleblower under the relevant laws

Introduction

Purpose

This policy provides information and guidance on the protections available to 'eligible' internal or external individuals who disclose wrongdoing so that they can do so safely, securely, and with confidence that they will be protected and supported.

The policy demonstrates are-able's commitment to both encouraging disclosure of wrongdoing, to deterring wrongdoing in line with the are-able Risk Management Framework, and supporting behaviours that embody our Code of Conduct.

Implementation of this policy ensures disclosures are dealt with appropriately and on a timely basis, providing transparency around the framework for receiving, handling, and investigating disclosures.

The policy supports are-able's long-term sustainability and reputation, and meets the legal and regulatory obligations set out within the Corporations Act 2001 (Cth) and relevant standards.

Who is a Whistleblower?

This policy applies to individuals classified as 'eligible whistleblowers' (or eligible discloser). An eligible whistleblower can fall into the following category:

- Current or former officers, employees, engaged in a permanent, part-time, fixed term, or temporary capacity, including interns, secondees, managers, and is extended to Board Members;
- Contractors, consultants, or service providers (whether paid, or unpaid eg, volunteers), and any employees of that supplier;
- The spouse, relative or dependant of any of the individuals listed above.

If you fall into any of the above categories, you are entitled to the protections outlined in this policy when making a disclosure under the Corporations Act 2001 (Cth).

Matters the Policy Applies to (Disclosures)

To support the disclosure of wrongdoing and encourage employees who are aware of possible wrongdoing or have reasonable grounds to suspect wrongdoing to speak up, protections are afforded where disclosure of wrongdoing is deemed eligible; that is, a "disclosable matter".

The types of wrongdoing that is covered by this policy includes:

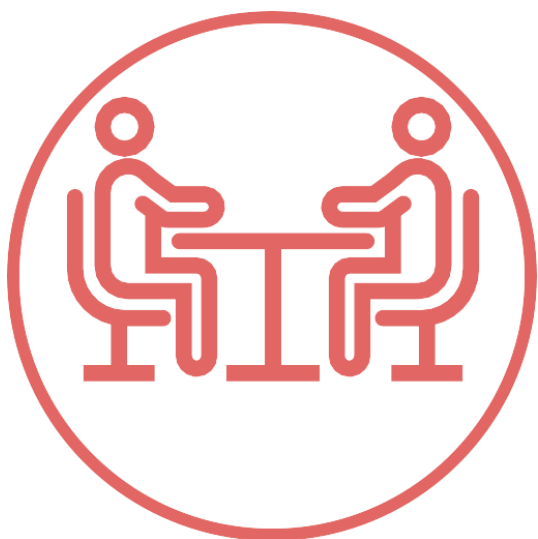
- Illegal conduct, such as theft, dealing in, or the use of illicit drugs, violence or threatened violence, and criminal damage against property;
- Fraud, as defined within the definitions section of this policy, including but not limited to money laundering, or misappropriation of funds;



- Misconduct including negligence, default, breach of trust and/or breach of duty.
- Corruption, as defined within the definitions section of this policy, including but not limited to offering or accepting a bribe;
- Financial irregularities;
- Failure to comply with, or breach of, legal or regulatory requirements;
- Engaging in, or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure; and
- Conduct that may indicate a significant risk to public safety, or risk to the stability of, or confidence in the financial system even if conduct has not breached any particular law.

These disclosures are classed as disclosable matters and the discloser qualifies for protection. Should an eligible disclosure turn out to be incorrect, the disclosure still qualifies for protection.

Should a discloser wish to raise a matter that falls out of the scope of this policy, and relates to dissatisfaction with, or concerns of a personal work-related matter, and not a matter that has the implications for the organisation, or does not breach workplace laws, they should be addressed through appropriate management and human resources channels or by legal advice regarding rights and protections related to terms of employment.



These disclosures do not qualify for protection under the *Corporations Act 2001* (Cth). Examples of personal work-related grievances include:

- An interpersonal conflict between the discloser and another employee;
- A decision that does not involve a breach of workplace laws;
- A decision about the engagement, transfer, or promotion of the discloser;
- A decision about the terms and conditions of engagement of the discloser; or
- A decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

Personal work-related grievances that would qualify for protection could include:

- A disclosure that includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance
- The organisation breaching employment or other laws punishable by imprisonment for a period of 12 months or more

Where a disclosure is not about a disclosable matter, they do not qualify for protection under the *Corporations Act* and other sources of protection such as the *Fair Work Act 2009* may be applicable.

How do I make a Whistleblower Report?

It is important to follow the reporting process to ensure that any wrongdoing can be promptly identified and addressed. As an 'Eligible discloser,' you are encouraged to report your disclosure to an eligible recipient who represents are-able. This helps facilitate early intervention and resolution of the matter. Within are-able, there are designated individuals who serve as "eligible recipients" for disclosures to ensure the whistleblowers' protected status. These eligible recipients are:

- The **General Manager People and Culture** – the nominated Executive responsible for the reporting process.
- The **Risk, Quality, and Compliance Committee Chair** – an "officer" of are-able.
- The **are-able Legal Counsel**.

Disclosures can be made to government bodies such as ASIC and APRA, or to a legal representative for the purpose of obtaining legal advice/representation instead and will still be treated as a protected disclosure.

Where a discloser triggers an "emergency disclosure" or a "public interest disclosure" they also remain protected, however there are very specific requirements for each of these disclosure types (see Definitions).

Reports should provide as much detail on the suspected wrongdoing as possible.

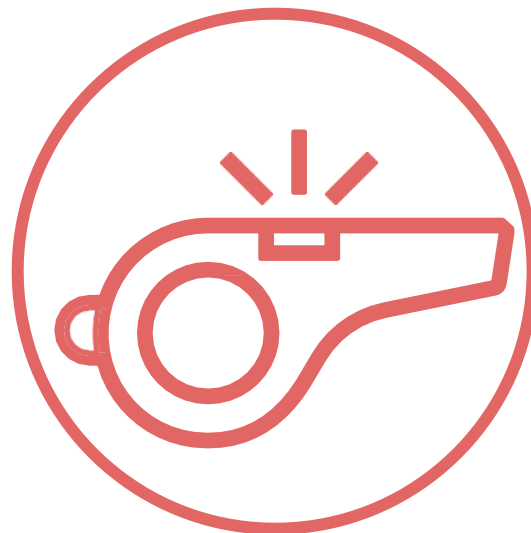
Should I make a report anonymously?

A discloser can remain anonymous whilst making a disclosure, not only during the initial reporting stage but any subsequent investigation, and even after the investigation is concluded.

Maintaining anonymity may require:

- Recognising and treating a disclosure as anonymous where an email address does not allow determination of the discloser, and the discloser chooses to not identify themselves within the content of the email
- The adoption of a pseudonym where appropriate (where a discloser has made their identity known to a manager/eligible person but chooses to remain anonymous for the purpose of the investigation)
- The onus of ongoing open communication from the discloser to allow for feedback or follow up where a method of contact is not made available (i.e., by anonymous phone call).

are-able will make all effort to ensure a disclosure's confidentiality is maintained, including via the use of the whistleblower@areable.org.au email, in so far as it is able to where the disclosure hasn't already been discussed with others by the discloser, or it contains information known by a select group where the identity of the disclosure may be unable to remain confidential.



What protection will I have as a Whistleblower?

Legal Protections

Eligible disclosers are afforded legal protections under Whistleblower Laws and this policy that covers:

Identity Protection

Where the identity of a discloser is known, the eligible recipient is legally obliged to ensure it remains confidential. The only exception to this requirement is where ASIC, APRA, AFP, or a legal practitioner is contacted due to the nature of the disclosure or for advice (legal) on complying with whistleblower provisions within the *Corporations Act*.

Where information (that doesn't disclose the discloser's identity) regarding the disclosure is shared with other parties for the purpose of investigation, all steps are taken to ensure reduction of the risk of identification.

Without the disclosers consent, information that is likely to lead to the identification of the discloser cannot be disclosed, unless:

- The information does not include the disclosers identity
- The entity removes information relating to the identify, or information likely to lead to the identification of the discloser
- It is reasonably necessary for investigating the issues raised in the disclosure.

Protection from Detriment

A discloser will be afforded protection against acts of retaliation including against threats or intimidation, dismissal, injury, or alteration of position as a direct result of disclosure.

The Disclosure Investigator assesses risk of detriment against the Discloser as part of the initial assessment and verification process.

Where existing administrative processes are in place (e.g., current performance management against the discloser or organisational

restructures affecting the disclosers area) those processes can continue. Retaliation does not include actions or activities conducted to ensure protection of the discloser (e.g., movement or reassignment in teams or work areas).

Compensation

A discloser can seek compensation if they are known to have suffered loss or damage as a result of a disclosure, or the organisation failed to take reasonable precautions to prevent detrimental conduct (retaliation).

Civil/Criminal/Administrative liability protection

A discloser is protected under governing legislation from being tried for civil, criminal, or administrative liabilities in relation to the act of disclosing where their disclosure has not indicated complicit misconduct by the discloser.

False or misleading disclosures

are-able takes the disclosure of suspected wrong-doing seriously and provides encouragement and support to disclosers that report suspected wrong-doing in good faith and with reasonable grounds to suspect wrong-doing. Claims that

become apparent as vexatious or malicious claims to cause damage to another will be treated as a serious disciplinary offense.

Support and Practical Protection for Disclosers

are-able is obliged to provide practical protections to ensure that disclosers are protected from detrimental acts or omissions, and that identity protections (confidentiality) are maintained.

These include:

- Reducing the risk that the discloser will be identified from the information contained in a disclosure by the use of redaction tools, gender-neutral contexts, support from the discloser to identify potential information that could inadvertently identify them

- Secure Recordkeeping through ensuring secure storage of all electronic documents or other materials, limited access to information to only those directly involved in an investigation, restricting the number of people involved, not sharing or distributing information via emails or printers that are accessible by other staff.

The Whistleblower Investigation Procedure provides direction on appropriate recordkeeping, information sharing, and risk assessment and mitigation related to potential detriment to a discloser.

Practical support required to assist a discloser forms part of the investigation assessment and is offered to the discloser by way of:

- Employee Assistance Program (EAP) – available for employees
- Implementing mechanisms to protect the discloser from risk of detriment which may include (but not limited to):
 - Location flexibility
 - Role reassignment (at the same level of employment)
 - Workplace modifications
 - Reassignment of staff involved in the matter.



How will my matter be investigated?

Handling a disclosure

Each disclosure will be assessed to determine:

- Eligibility of disclosure based on eligible matters
- A risk assessment on potential detriment to discloser
- The Disclosure qualifies for protection
- If evidence is sufficient to support or refute the claim, and if so to warrant an investigation, and whether it requires external investigation.

Investigating a disclosure

Where an investigation is launched, the nature of the investigation will be assessed to determine:

- The nature and scope
- Person(s) (internal and/or external) to lead the investigation
- Any required technical, legal, or financial advice required
- The timeframe required.

The subject of the disclosure will be advised of the subject matter of the investigation at a time appropriate to the stage of the investigation, without compromising the investigation, but prior to any action being taken to allow for appropriate support mechanisms to be provided including but not limited to access to EAP service.

Where a discloser can be contacted, they will be kept informed of the progress of their disclosure.

Timing of advice to the subject will be assessed to ensure knowledge doesn't impede the investigation but given in a timely manner and before any actions or adverse findings are determined.

Without the disclosures consent, information that could lead to the identification of the discloser cannot be disclosed and therefore may limit the investigation process; so too if the discloser is not able to be contacted for further information/progression of the investigation.



Reporting

Reporting of instances of disclosure is conducted include:

Risk, Quality, and Compliance Committee –

where significant instances of fraud are validated.

Police/Regulatory bodies -

as appropriate.

The CFO -

for maintenance of fraud investigation outcomes. Where disclosure outcomes can be aligned to this without jeopardising anonymity or compliance with *the Act*, recordkeeping will be maintained in accordance with the Fraud Control Procedure. However, initial assessment records where investigation has not provided an outcome linked to fraud will be maintained confidentially by the eligible recipient. In all other instances, records of the claim will remain the control of the eligible recipient.

The Discloser -

where appropriate, details related to the overall outcome, without releasing specific details will be reported to the discloser, however, there may be circumstances where it is not appropriate to provide any further information to the discloser.

Access, Education, and Training

Employees

The Whistleblower Policy and associated procedures are available to employees through the intranet, Connect, and are included within induction training for all staff. This is delivered through the Information Disclosures for Corporate Whistleblowers module in ELMO.

Disclosure Recipients and Investigators

Employees in positions to likely receive a disclosure or to be the investigating officer will be provided specialised training on handling and investigating disclosures.

Review and Testing

The Whistleblower's Policy is reviewed by the Risk, Quality, and Compliance Committee every two years.



Link to organisational values

Value	Details
Integrity	<ul style="list-style-type: none"> • We act responsibly with honesty, trust, and transparency • We make reasoned decisions without bias, in a fair and objective way • We take accountability seriously, following through on our commitments

Link to Code of Conduct

are-able's Code of Conduct further demonstrates the required behaviour for staff showing integrity:

- I make transparent decisions and conduct myself with honesty and reliability
- I don't engage in unlawful behaviours such as fraud, bribery, or other illegal conduct
- I report potential conflicts of interest to the right people in order to mitigate problems
- I make sure all my actions are in the best interest of are-able
- I don't financially exploit our vulnerable people, including children, and I quickly act on suspicion of exploitation
- I act with integrity, honesty, and transparency.



Definitions

Term	Details
AFP	Australian Federal Police
APRA	Australian Prudential Regulatory Authority (for financial institution/insurer claims)
ASIC	Australian Securities and Investment Commission. ASIC is an eligible recipient of a disclosure and provides information on rights and protections, and reporting to ASIC. See References.
Corruption	<p>Corruption is, “the dishonest activity in which employees act against the interests of their employer and abuses their position to achieve personal gain or advantage for themselves, another person or another organisation”.</p> <p>Examples of corruption include (but are not limited to):</p> <ul style="list-style-type: none"> • Payment or receipt of secret commissions (bribes) • A serious conflict of interest that is not managed and may influence a decision • Nepotism and cronyism, where a person is appointed to a role because of their existing relationships, rather than merit • Manipulation of procurement processes to favour one tenderer over others • Gifts or entertainment intended to achieve a specific outcome in breach of are-able’s policies • Release of confidential information for purposes other than a proper business purpose in exchange for some form of non-financial benefit or advantage accruing to the employee releasing the information
Detriment	<ul style="list-style-type: none"> • Dismissal of an employee or alteration of an employee’s position/duties to their disadvantage, or negative performance feedback that is not reflective of actual performance • Harassment, intimidation, or bullying, or; • Threats to cause detriment.
Detrimental Conduct	Detrimental Conduct is negative action taken against any person who, in good faith, makes a Whistleblower Report or assists or participates in an

	<p>investigation of the disclosure and as a result suffers Detriment. Examples of Detriment can include, but are not limited to:</p> <ul style="list-style-type: none"> • dismissal of an employee; • injury of an employee in his or her employment; • alternation 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 business or financial position; • damage to a person's reputation; • any other damage to a person.
Discloser	An individual who discloses a wrongdoing or an eligible whistleblower.
Disclosure	A disclosure of information relating to wrongdoing or a disclosable matter.
Disclosable Matter	A matter that meets the criteria set for eligibility of protection as a whistleblower. Matters that involve human resource, terms of employment, or conflict between employees that does not breach workplace laws, is not a disclosable matter.
Eligible Recipient	A representative that receives disclosures that qualify for protection. Whilst both Australian Securities and Investment Commissioner (ASIC) and Australian Prudential Regulatory Authority (APRA) are eligible recipients for corporations under the <i>ASIC Act</i> , for the purpose of are-able's policy and ease of contact for disclosers, contacts that are impartial and eligible recipients are listed in the "Contacts" section.
Emergency Disclosure	<p>A disclosure to a journalist or parliamentarian where the following has already occurred:</p> <ul style="list-style-type: none"> • Previous disclosure to APRA or ASIC has occurred • The discloser believes there is a substantial and imminent danger to a person's health or the environment

- The previous disclosure body has been notified of the intent to make an emergency disclosure in writing, that:
- Includes sufficient information to identify the previous disclosure, and
 - States that the discloser intends to make a public interest disclosure.
 - The information provided within the emergency disclosure must not be greater than is necessary to inform the contact of substantial and imminent danger.

*It is recommended by ASIC guidelines that a discloser **make contact with an independent legal adviser before making a public interest disclosure.***

Fraud is defined as *dishonestly obtaining a benefit, or causing a loss, by deception or other means.*

- Fraud may include (but is not limited to):
- Theft (of plant and equipment, inventory, funds, cash, intellectual property, or confidential information)
- Accounting fraud (e.g., false invoices, misappropriation of funds and assets)
- **Unauthorised** access and/or disclosure of information
- Misuse of power or position to gain some form of financial advantage
- Misuse of credit cards including the **unauthorised** use of credit cards
- Unlawful use of, or unlawful obtaining of, property, equipment, material, or services
- Causing a loss, or avoiding and/or creating a liability by deception
- Providing false or misleading information or intentionally failing to provide information when there is an obligation to do so
- Misuse of assets, equipment, or facilities
- Creating or using fraudulent (false, forged, or falsified) documents
- Misuse of information or intellectual property.

Fraud requires intent. It requires more than carelessness, accident, or error. Fraud can include corrupt conduct where the conduct results in a party obtaining a benefit from or causing a loss to are-able.

Fraud

Personal Work-Related Grievance

A disclosure that relates to the discloser's current or former employment, which has implications for the discloser personally, but does not:

- Have any other significant implications for the entity (or another entity), or

- Relate to conduct or alleged conduct, about a disclosable matter.

Public Interest Disclosure

Under the *Corporations Act 2001 (Cth)*, a public interest disclosure can be made to a journalist or parliamentarian where all the below requirements are met:

- 90 days have passed since the disclosure was made to **ASIC or APRA**
- The disclosure believes no action is being/has been taken
- There are reasonable grounds to believe the disclosure is in the public interest, and
- Written notice is given to the initial disclosure body (ASIC/APRA) of intent to make a public interest disclosure, that:
 - Includes sufficient information to identify the previous disclosure, and
 - States that the discloser intends to make a public interest disclosure.

*It is recommended by ASIC guidelines that a discloser **make contact with** an independent legal adviser before making a public interest disclosure.*

Whistleblower

A discloser who has made a disclosure that qualifies for protection under the *Corporations Act 2001 (Cth)*.

Whistleblower Laws

A disclosable matter is a matter in contravention of a provision of any of the following:

- The Corporations Act 2001 (Cth)
- The Australian Securities and Investments Commission Act 2001
- The Banking Act 1959 - The Financial Sector (Collection of Data) Act 2001
- The Insurance Act 1973
- The Life Insurance Act 1995
- The National Consumer Credit Protection Act 2009
- The Superannuation Industry (Supervision) (SIS) Act
- An instrument made under an Act referred to any of the above Acts.

Contacts

To ensure ease of use and provide appropriate channels for disclosures, are-able has designated specific contacts for whistleblowers. We understand that our operating environment can be complex, and we want to make the process as straightforward as possible. If you wish to make a disclosure, please be aware that using an email address will not guarantee anonymity. However, if you prefer to remain anonymous, please select the Anonymous option.

General Manager People and Culture

Email: whistleblower@areable.org.au

Risk, Quality and Compliance Committee Chair

Email: whistleblower@areable.org.au

are-able Legal Counsel

Email: whistleblower@areable.org.au

Regulatory Body

Australian Securities and Investment Commission (ASIC)

In writing:

Australian Securities and Investments Commission
GPO Box 9827
Brisbane QLD 4001

Via online submission:

Details related to online reporting and link to Reporting Misconduct Form via [website](#)

With Anonymity:

[Online Whistleblower Form](#)

Email: whistleblower@areable.org.au

Requires discloser to have an unidentifiable email address

Post: Marked "Private and Confidential"

Attn: Whistleblower Investigating Officer
are-able Ltd.
52 Fairy Street Warrnambool VIC 3280

Employee Assistance Program

Access EAP

Ph: 1800 818 728

Web: accesseap.com.au

Connect: are-able's Employees access Connect EAP page for details on accessing the EAP App.

Related Documents

are-able Code of Conduct
Fraud Control Framework
Fraud Control Procedure
Risk, Quality, and Compliance Committee Terms of Reference
Reporting Fraudulent Behaviour Guideline
Whistleblower Investigation Procedure
Whistleblower Disclosure Procedure
People and Culture Discrimination Policy
People and Culture Termination Policy
People and Culture Equal Opportunity Policy
Feedback & Complaint Management Framework Policy
People and Culture Unsatisfactory Performance & Dismissal Policy
People and Culture Workplace Bullying Policy
ELMO Module - Whistleblower Disclosures and Protections
ELMO Module – Fraud and Corruption Awareness

Key Legislation, Acts, Standards & References

The Corporations Act 2001 (Cth)
Taxation Administration Act 1953 (Cth)
ASIC Regulatory Guide RG 270 – Whistleblower Policies
[ASIC Information Sheet 238 – Whistleblower rights and protections](#)
[ASIC Information Sheet 239 – How ASIC handles whistleblower reports](#)