

Whistleblower Policy

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1. Introduction

This Whistleblower Policy ("Policy") has been developed to encourage and protect individuals who report suspected wrongdoing within our organisation.

The Board is committed to encouraging the highest standards of conduct and ethical behaviour from Holy Cross Services (HCS) people and encourages the disclosures of any details of suspected improper conduct or wrongdoing. Our Values of Dignity, Respect, Integrity and Compassion guide our daily interactions and the culture of our workplace. This Whistleblower Policy enables eligible whistleblowers to raise concerns regarding situations where they believe that Holy Cross Services has acted in a way that constitutes serious wrongdoing or misconduct. The Policy is not intended to be used for the purpose of raising workplace grievances. In specific circumstances such a disclosure may be deemed an "eligible whistleblower disclosure". This affords legal protections to the eligible whistleblower and imposes legal obligations on the eligible recipient of the disclosure.

This policy defines those circumstances and briefly explains the processes followed at HCS when an eligible disclosure is made.

2. Purpose of the Policy

This policy and its supporting documents are provided to:

- Encourage disclosure of wrongdoing;
- Support a culture of which underpins HCS commitment to integrity and good governance;
- Guide potential eligible whistleblowers to safely make a disclosure and access protections;
- Maintain the confidentiality of any eligible disclosure;
- Provide eligible whistleblowers with protection and support;
- Encourage a transparent and prompt response to eligible disclosures.

3. Scope

3.1 Legislative framework - Corporations Act 2001

The Corporations Act 2001 (the Act) part 9.4AAA provides for a consolidated whistleblower protection regime for Australia's corporate sector. As an entity registered as a charitable organisation under the Australian charities and Not-for-Profit's corporation, HCS is bound by the obligations in the Act.

3.2 Application of Policy

This policy applies to:

- Potential and actual "Eligible Whistleblowers",
- Potential and actual "Eligible Recipients of an eligible disclosure",
- Any other HCS person who may become aware of a potential or actual eligible disclosure.

Protections and obligations defined within this policy are applied whether or not the eligible whistleblower intended them to apply.

4. Defined Persons

4.1 Who is an Eligible Whistleblower?

A person is eligible to be a whistleblower if that person is or has been:

- an employee, temporary or permanent (including secondees);
- an officer or director;
- a contractor affiliated with HCS;
- a supplier of services or goods to HCS (whether paid or unpaid), this includes employees of a supplier;
- an associate of HCS, this may include any consumer of HCS's services; or
- a relative, spouse or dependent of any of the above.

4.2 Who is an Eligible Recipient of Disclosures?

For a disclosure to be eligible for protection under this policy, the disclosure must be made to one of the following persons:

- a member of the HCS board;
- the HCS Chief Executive Officer (CEO);
- the Company Secretary;
- a "senior manager¹" defined as a manager that reports directly to the CEO, - see Appendix A;
- any internal or external auditor engaged by HCS (includes audit team members);
- the Whistleblower Protection Officer (WPO) nominated by the CEO²;
- another person nominated by the CEO and identified in the procedure;
- a legal representative of the person making the disclosure, for the purposes of obtaining related advice;
- The formal hotline/whistleblower contact point for regulated bodies and other external parties - this might include ASIC, the ATO or another entity.
- A person making a disclosure may also have an obligation to make a report to a statutory body (e.g) National Disability Insurance Agency or under the Child Protection Act 1999). In these cases, the individual should ensure that they comply with all such reporting requirements. The WPO can facilitate advice on these reporting obligations. The individual is encouraged to access one of the eligible recipients and make them aware of the matter.

4.3 Whistleblower protection officer

HCS has nominated a Whistleblower Protection Officer (WPO):

- i. The WPO is designated by the CEO or with the approval of the Board and as identified in Appendix A.
- ii. The evaluation and investigation of all whistleblower investigations is to be overseen by the WPO. The WPO is to ensure that the processes implemented are consistent with this policy and the related procedure.

¹ As defined in section 9 of the Corporations Act 2001 (Cth)

² Refer Appendix A

- iii. The WPO will advise the CEO of any matters under investigation and make reports as described in Section 8 below.
- iv. The WPO may initiate an investigation independently.
- v. Should the WPO be named in a disclosure, the Chair of the Board or their nominated delegate will assume WPO responsibilities.

5. Eligible Disclosures - what is an eligible whistleblower matter?

5.1 Eligible Matters

The Act specifies when a disclosure qualifies as an 'eligible whistleblower matter'. Matters that fall outside the scope described below **do not** qualify the person making the disclosure for whistleblower protections, nor oblige the receiver to act under this policy.

For a matter to satisfy whistleblower eligibility:

- the person making the disclosure must have reasonable grounds for suspecting that misconduct or dishonest / illegal / unethical behaviour has occurred.
- The concern must have arisen within HCS.
- The concern doesn't need to be about illegal activity; it might be a systemic issue that has relevance to the governance or regulation of the organisation.
- the person making the disclosure is not required to prove their allegations.
- the concern doesn't need to be proven.
- It might be triggered by concerns related to breaches of specific Commonwealth laws³ (as per section 9 Definitions).

Examples include:

- systemic issues of public interest that affect the quality and safety of HCS's services,
- misappropriation, theft or fraud, money laundering, involvement in bribery, financial irregularities
- misuse of public resources, misuse of controlled substances, use/supply of illegal substances
- violence or threats of violence
- sexual misconduct
- criminal damage to property
- posing a significant risk to public safety or the environment, or
- engaging in threatening or detrimental conduct against a whistleblower.

5.1.1 What is not an eligible matter

Isolated personal work-related grievances are not eligible whistleblower matters, however if a work-related grievance is accompanied by aspects consistent with 5.1 it may still qualify as a whistleblower matter.

If a HCS person has a workplace grievance to raise, the processes within the Resolution of Workplace Complaints Procedure should be followed.

False or vexatious disclosures will not be considered an eligible whistleblower matter. A HCS person who makes a deliberate false or vexatious report may be disciplined and/or face liability for their actions.

³ Refer Appendix A

Example of ineligible workplace grievances include; complaints about interpersonal conflict, concerns about management decisions that do not breach workplace laws, and complaints related to the terms and conditions of employment.

5.1.2 Public interest and emergency disclosures

A person having made a whistleblower disclosure can elect to make a public interest or emergency disclosure that also qualifies for protection.

The public interest or emergency disclosure must meet either the public interest or emergency disclosure test to ensure ongoing protection. The disclosure may be made to a member of parliament or qualified journalist provided the criteria below are addressed. The person intending to make the disclosure should seek independent legal advice on whistleblower protection prior to proceeding with the public interest or emergency disclosure.

5.1.2.1 Public interest test

A disclosure made in the public interest may also qualify the individual for whistleblower protection if:

1. The individual has already made a qualifying whistleblower disclosure to an eligible recipient; and
2. 90 days have elapsed since the previous disclosure; and
3. The individual does not have reasonable grounds to believe that action has been or is being taken in response to the disclosure; and
4. the individual has reasonable grounds to believe that the disclosure is in the public interest; and
5. The individual has provided one of HCS's eligible recipients with notice of intent to make a public interest disclosure; and
6. The disclosure is made to member of Parliament (Commonwealth or State) or a qualified journalist; and
7. The scope and volume of information provided in the public interest disclosure is limited; it should only provide the minimum necessary information to inform the recipient of the misconduct or improper state of affairs.

5.1.2.2 Emergency disclosure test

An emergency disclosure may qualify the whistleblower for protection if:

1. the whistleblower has already made an eligible whistleblower disclosure; and
2. the whistleblower has reasonable grounds for believing that the disclosure is associated with the imminent danger that affects the health or safety of one or more persons or to the environment in a substantial way; and
3. the whistleblower has provided one of HCS's eligible recipients with written notice that clearly identifies the previous disclosure and states that the whistleblower intends to make an emergency disclosure; and
4. the emergency disclosure is made to a member of Parliament (Commonwealth or State) or a qualified journalist; and
5. the scope and volume of information provided in the emergency disclosure is limited, it should only provide the minimum necessary information to inform the recipient of this substantial imminent danger.

6. Making a disclosure - criteria to qualify for protection

6.1 Guidance for persons making a disclosure

Before making a disclosure, the individuals should confirm that they are an eligible whistleblower and the person they are disclosing to is an eligible recipient. Contact details for HCS's eligible recipients are included in Appendix A. There are a variety of options available for making disclosures.

Whilst anonymity is fully supported, all whistleblowers are encouraged to consider providing their name and contact details. These details will be kept confidential. If the whistleblower is known to the investigators, this could facilitate confidential discussions and significantly improve the effectiveness of the investigation.

The person making the disclosure should provide as much information as possible. Evidence or information about how to obtain evidence will be valuable for the investigation.

6.1.1 Information for the whistleblower

HCS will take all reasonable steps to ensure their identity is protected and they are not exposed to detriment. The matter will be investigated appropriately, and confidential reports will be shared with the senior executive and board members responsible for governance. The investigators would benefit from the opportunity to discuss the disclosure, but anonymity may be maintained.

- The whistleblower may remain anonymous and still be eligible for protection.
- The whistleblower will not necessarily be absolved from the workplace or legal consequences of their own involvement in any misconduct that is apparent in this disclosure or comes to light through investigation.
- The whistleblower must be made aware that they must also maintain confidentiality.

6.1.2 Anonymity and confidentiality

An individual may make a disclosure anonymously and maintain that anonymity; this doesn't affect protections.

- The individual making the disclosure can refuse to answer questions they feel will reveal their identity.
- If the individual maintains anonymity, they are encouraged to stay in contact with the eligible recipient to support dialogue and further questions. This will improve the quality of the investigation.
- If a disclosure comes via email that is unidentifiable and remains that way, this should be treated as an anonymous disclosure.
- At any time after disclosure, the individual may choose to make their identity known and still maintain protections.
- The individual making the disclosure must also maintain absolute confidentiality about the matter.

6.1.3 Maintaining confidentiality

All communications with an anonymous whistleblower should be through the eligible recipient or a person designated by the WPO. The whistleblower seeking to maintain confidentiality may be identified by a pseudonym or a reference number. If the whistleblower is known to the eligible recipient, with the permission of the whistleblower, a support person is to be provided to maintain contact. This may be the initial recipient; it is not to be the investigator.

6.2 Legal protections for persons making a disclosure

6.2.1 Protections for whistleblowers

Protections provided to a whistleblower include the following:

- i. Unless specifically authorised under the Act, it is illegal for a person to identify a whistleblower or share information that may uncover the identity of a whistleblower.
- ii. A whistleblower may raise a complaint about breach of confidentiality by making another contact with an eligible recipient. Additionally, the whistleblower may raise a complaint with regulators like ASIC.
- iii. Provided there are no overriding legal reasons, a disclosure may be made anonymously and remain anonymous. Confidentiality must be scrupulously maintained.
- iv. These protections will be provided whether the disclosure was made internally or externally.
- v. HCS has an obligation to protect the whistleblower's identity. Every reasonable effort to ensure anonymity is required. The identity, if known, will only be shared with authorised persons. The WPO determines who is authorised in each case. The whistleblower may subsequently agree to be identified.
- vi. Details about the disclosure will also be protected. At all times, any information about the disclosure is classified as protected and access is to be restricted. The WPO determines the limits of circulation of this information.
- vii. Disclosure of details about the concern may occur if:
 - a. the information does not identify the whistleblower
 - b. the person disclosing has taken reasonable steps to deidentify the information to protect the whistleblower
 - c. there are reasonable grounds to justify the release of the information to support completion of the investigation
- viii. Where anonymity has been requested the person making the disclosure must also maintain confidentiality and refrain from discussing the issue with anyone who is not authorised.
- ix. The whistleblower is also entitled to legal protections in relation to civil, criminal and administrative liabilities. Independent legal advice should be sought.
- x. The whistleblower may be entitled to compensation and other remedies.

6.2.2 Protection from detrimental acts or omissions

- i. A person must not engage in conduct that causes detriment to a whistleblower or another person because of the disclosure. Threats to cause detriment are also prohibited.
- ii. There are significant legal penalties associated with detrimental conduct as described at (i) above.
- iii. To the extent that it is within the power of HCS, the organisation will ensure that all measures that are reasonably practicable will be taken to ensure the whistleblower does not experience any detriment because of their disclosure. HCS takes responsibilities (to the extent of its control) for protecting the whistleblower from any detriment or reprisal in response to that disclosure.

6.3 Support and practical protection for whistleblowers

- i. In each instance of disclosure, the WPO will facilitate a risk assessment of possible detriment for the whistleblower; steps are to be taken to minimise the risk.
- ii. If the whistleblower is known to the WPO, the nominated support person is to make regular contact with the whistleblower to offer support.
- iii. HCS encourages the use of the confidential independent employee assistance scheme offered through Human Resources. These are to be offered and provided to the whistleblower.
- iv. A whistleblower may request consideration for relocation or leave during the investigation of a disclosure if anonymity is likely to be impossible.
- v. HCS recipients should refer to the procedure for the specific requirements on maintaining protections.

7. The Investigation Process

7.1 Natural justice and procedural fairness

All eligible disclosures are to be forwarded to the WPO, either directly from an eligible whistleblower or via an eligible recipient. Once made, a disclosure may not be withdrawn by the whistleblower. Should the WPO be the subject of the disclosure, the Chair of the Board or their nominated delegate will assume WPO responsibilities.

HCS is required to investigate each eligible disclosure. Investigations will observe the rules of natural justice and the provisions of procedural fairness. Investigations will vary in their depth and complexity depending upon the nature of the disclosure. External experts may be engaged to conduct or assist in investigations. Any external party will also be bound by this policy.

All eligible disclosures are recorded in a protected register with restricted access. The following key stages are followed by the WPO in conducting investigations;

- i. The WPO selects or appoints a suitable investigator and provides that investigator with terms of reference that include briefings on security of information, reporting and time frames.
- ii. The investigation must be conducted in an objective and fair manner within the constraints of the nature of the disclosed matter
- iii. Refer to the procedure for more information on the requirements for conducting an investigation.
- iv. The WPO determines when it is appropriate for the person or persons the subject of this disclosure to be made aware of the disclosure.
- v. The WPO also coordinates providing appropriate feedback to the whistleblower if the individual is known to the WPO.
- vi. The investigator must prepare a report of findings and present that to the WPO.
- vii. The WPO ensures the report is appropriately escalated for action.

7.1.1 Availability of a support person

- i. The WPO will ensure that a suitable support person for the individual/s mentioned in the disclosure is made available.
- ii. The identity of the individual/s is to remain confidential throughout the process.

- iii. The support person must ensure that they are fully aware of the requirements within this policy, especially the aspects regarding confidentiality and protection of the whistleblower.
- iv. The support person must ensure the individuals involved are offered access to confidential independent employee assistance services.
- v. The support person should be present when the individual/s are provided with information about the outcome.

8. Governance & Compliance

This policy is available on the HCS Employee Kiosk for all Holy Cross Services people and on the HCS website for external persons.

HCS people who may receive whistleblower reports will receive training on this policy and regular updates will be provided. A broader communications plan will be used to raise awareness of the Whistleblower Policy and emphasise the important role it plays in governance at HCS and in the transparency and accountability within our business.

The WPO shall prepare reports for the CEO and Chair of the Board to advise on protected disclosures received, progress on investigations, and outcomes. At all times the whistleblower protections will be maintained.

Overtime the WPO should analyse disclosures for emerging risks, themes and trends to inform planning for future order and improvement.

This policy will be reviewed every two years or as amended from time to time.

Relevant legislation includes:

- a) Corporations Act 2001 (Cth)
- b) Fair Work Act 2009 (Cth)
- c) Privacy Act 1988 (Cth)
- d) Treasury Laws Amendment (Enhancing Whistleblower Protections Act) 2019 (Cth)

8.1 Industry standards

- a) ASIC Regulatory Guide 270 Whistleblower Policies.

9. Definitions

Term	Definition
Holy Cross Services	The entity Holy Cross Services Ltd, ABN: 33 163 260 204
Holy Cross Services People	Holy Cross Services people or a Holy Cross Services person is anyone who carries out work for Holy Cross Services. This includes employees, contractors, and subcontractors. Additionally, this includes engaged employees of labour hire companies (e.g technical maintenance staff), trainees, students, volunteers and persons conducting a business or undertaking who perform work for Holy Cross Services. The term Holy Cross Services people may refer to one or more individuals. The term "Holy Cross Services person" is the singular of "Holy Cross Services people".

	The Holy Cross Services terms 'Holy Cross Services people' and 'Holy Cross Services person' have the same meaning as the term 'worker' under the Work Health and Safety Act 2011 (Qld)
Specific Commonwealth Laws	<p>This policy specifically prohibits any act that:</p> <ol style="list-style-type: none"> 1. constitutes an offence against, or a contravention of, a provision of the: <ol style="list-style-type: none"> a) Corporations Act; b) Australian Securities and Investments Commission Act 2001; c) National Consumer Credit Protection Act 2009; d) an instrument made under an Act referred to in RG 270.54(a) (i-viii); 2. constitutes an offence against any other law of the Commonwealth; 3. represents a danger to the public or 4. is prescribed by regulation.

10. Appendix A - Contact details for HCS's eligible recipients

- i. These contact details must be made readily available to all persons with a relationship to HCS.
- ii. Access must be available for anonymous and confidential disclosure both in an out of hours.

Eligible Recipient	Contact
Holy Cross Services' Whistle Blower Protection Officer	Company Secretary whistleblower@hcl.org.au
Holy Cross Services' Chief Executive Officer Mrs Wendy Tancred (CEO)	E: w.tancred@hcl.org.au T: 0419 421 980
Holy Cross Services Company Secretary Mr Brad Hutchinson	E: b.hutchinson@hcl.org.au T: 0402 972 638
Holy Cross Services Board Representative for Whistle Blower Matters Dr John Gilmour – Board Chair	E: j.gilmour@hcl.org.au
Holy Cross Services Senior Managers	
Mr Kevin Casey – Chief Operating Officer	E: k.casey@hcl.org.au T: 0408 289 989
Ms Rachael Gilbert – Chief People Officer	E: r.gilbert@hcl.org.au T: 0403 400 741
Ms Leeanne Hopgood – Quality, Safety, and Risk Manager	E: l.hopgood@hcl.org.au T: 0413 744 868

11. Document Controls

11.1 Document revision history

Version	Release Date	Description	Review Date
1.	17 May 2021	Policy Statement PO-022	May 2022
2.	1 August 2022	Policy and Procedure	
3.	27 June 2023	Policy Revision	30 June 2025

11.2 Document review and approval

Position	Function
Holy Cross Services CEO	Document Owner
Board	Authorised by