BANKSIA VILLAGES	**PROCEDURE: WHISTLEBLOWER**

Governance:	
Policy:	Central Management
Statement of Standards:	Quality Management
Strengthened Aged Care Quality Standard	Standard 2 The Organisation

1. Authority & Version Control

Version No.	7
Approval Date:	4 August 2026
Approved By:	Board of Directors
Title:	

2. Due for Review

Renewal Date:	June 2027

3. Custodian

CEO

4. Definitions

Word/Term	**Definition**
CEO	Chief Executive Officer
HRM	Human Resource Manager

5. Procedure Steps & Responsibilities

1. Introduction

   Our Whistleblower policy is an important tool for Banksia Villages Limited (Banksia) to identify wrongdoing that may not be uncovered unless there is a safe and secure way to disclose wrongdoing. Banksia is committed to the highest standards of integrity and conduct. If you are aware of possible wrongdoing, we encourage you to disclose this information and will support you in doing so.

   Banksia is committed to encouraging the reporting of any instances of suspected unethical, illegal, fraudulent, or undesirable conduct involving Banksia's businesses and provides protections and measures so that people who make a report can do so confidentially and without fear of intimidation, disadvantage or reprisal.

2. Who and what does this policy apply to?

   This policy applies to and provides protections for Protected Whistleblowers. You are a Protected Whistleblower and entitled to protection under the Corporations Act 2001 (Cth) (Corporations Act) and, if applicable, under the Taxation Administration Act 1953 (Cth) (Taxation Administration Act) if:

you are an Eligible Whistleblower; and you have disclosed (or intend to disclose) a Reportable Matter to an Eligible Recipient or to the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA) or another entity prescribed under the Corporations Act.

See below for the meaning of the terms 'Eligible Whistleblower', 'Reportable Matter' and 'Eligible Recipient'.

You will also be entitled to protection as a Protected Whistleblower if you get advice from a legal practitioner on the operation of whistleblowing protection laws. Also, in more specific and limited circumstances where a matter is of public interest or there is an emergency, a report may be protected if it’s made to a journalist or a member of Parliament. It’s important that you understand the criteria for making a public interest or an emergency disclosure to be covered by the whistleblower protections. Banksia recommends that you contact an independent legal adviser before making a public interest or an emergency disclosure.

An Eligible Whistleblower is a person who is, or has been, any of the following:

- an officer or employee of Banksia (this includes current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers and directors);
- a person who supplies goods or services to Banksia or an employee of a person who supplies goods or services to Banksia (whether paid or unpaid) - this could include current and former volunteers, contractors, consultants, service providers and business partners;
- a person who is an associate of Banksia - for example, a director or company secretary of Banksia or a related body corporate of Banksia; or
- a relative, dependent or dependent of the spouse of any person referred to in this definition of Eligible Whistleblower.

3. Matters this policy applies to

The section below sets out what is a Reportable Matter that will qualify for legal protection under the Corporations Act (or the Taxation Administration Act, where relevant). Disclosures that are not about a Reportable Matter will not be protected under the Corporations Act or the Taxation Administration Act and this policy.

3.1 Reportable Matter

A disclosure will concern a Reportable Matter if an Eligible Whistleblower has reasonable grounds to suspect that the information being disclosed is about:

- misconduct (including fraud, negligence, default, breach of trust and breach of duty);
- an improper state of affairs or circumstances;
- behaviour that represents a danger to the public or the financial system;
- a breach of the Corporations Act; or
- a breach of the Taxation Administration Act or improper conduct in relation to the tax affairs,

in relation to Banksia or any of its operations or business units.

3.2 Personal work-related grievances

Personal work-related grievances that don’t involve a detriment caused to you as a Protected Whistleblower (or a threat of detriment) aren’t a Reportable Matter and aren’t protected under the Corporations Act or Taxation Administration Act.

A personal work-related grievance is one that relates to your current or former employment that has implications for you personally but doesn’t have significant implications for Banksia.
An example of a work-related grievance that is not protected by law could include if you believe you have missed out on a promotion that you deserve or if you don’t like the managerial style of your supervisor.

However, a work-related grievance may still qualify for protection under the law if (for example):

- it is a mixed report that includes information about a Reportable Matter (as well as a work-related grievance);

- Banksia has broken employment or other laws which are punishable by imprisonment for 12 months or more or acted in a way that is a threat to public safety;
- the disclosure relates to information that suggests misconduct that goes further than the whistleblower's personal circumstances; or
- the whistleblower suffers from or is threatened with detriment for making a disclosure.

4. How do I make a report and who do I report to?

4.1 Making a disclosure.

Reports can be made in person or by telephone, post or email. Reports can be made within business hours or outside business hours.

If, at any time, you are not sure about whether to make a protected disclosure, you can get independent legal advice. Any discussions you have with a lawyer will be protected under this policy and under law.

4.2 Eligible Recipients

A protected disclosure of a Reportable Matter can be made using any of the channels below (each is an Eligible Recipient of a Reportable Matter);

- A Senior Manager of Banksia;
  - Graham Wise (Chief Executive Officer)
    P: 02 4471 6031
    E: graham.wise@banksiavillage.com.au
  - Michelle Yang (Manager Financial Services)
    P: 02 4471 6031
    E: michelle.yang@banksiavillage.com.au
  - Nicole Jenkins (Human Resource Manager)
    P: 02 4471 6031
    E: nicole.jenkins@banksiavillage.com.au
- A Director of Banksia;
  - Craig Hamer (Chair of Board)
    E: craig.hamer@banksiavillage.com.au
  - Sally Druhan (Chair of Finance Audit and Risk Management)
    E: sallydruhan@banksiavillage.com.au
- A external auditor of Banksia;
  - Stephen Milgate
    P: 02 4229 6477
    E: smilgate@daley.com.au

4.3 Other designated bodies that can receive disclosures.

Disclosures of a Reportable Matter may also be protected when made to:

- ASIC;
- APRA;
- the Commissioner of Taxation; or
- any other Commonwealth authority prescribed by law.

5 False reports

A Protected Whistleblower will still qualify for protection for a disclosure even if their disclosure turns out to be incorrect, ineligible or unfounded. However, anyone who knowingly makes a false report of a Reportable Matter, or who otherwise fails to act honestly with reasonable belief in respect of the report may be, if an employee, subject to disciplinary action, including dismissal or, if an outside person/s, subject to legal action, sanction, suspension or exclusion from Banksia's facilities and services.

6 Anonymity when reporting

You may choose to remain anonymous when disclosing a Reportable Matter, over the course of the investigation and after the investigation is finalised. While you are encouraged to share your identity when making a disclosure, as it may make it easier for Banksia to address your disclosure of a Reportable Matter and for Banksia to communicate with you, you are not required to share your identity. If you don't share your identity, Banksia will assess your disclosure in the same way as if you had revealed your identity. However, there may be some practical limitations in conducting the investigation if you don't share your identity.

Anonymous disclosures can be made by telephone to an Eligible Recipient or by post to:

Banksia Villages Limited
Attention: Eligible Recipient (Private & Confidential)
69 Heath Street
Broulee NSW 2537

7 Protection for Whistleblowers

7.1 Confidentiality

Disclosures from Protected Whistleblowers will be treated confidentially and sensitively. Once a report is received, the Eligible Recipient will make sure immediate steps are taken to protect the identity of the Protected Whistleblower. This will include redacting the name and position of the Protected Whistleblower from any written record of the report, and making sure appropriate document security is implemented.

It's illegal for a person to identify Protected Whistleblowers or disclose information that is likely to lead to their identification. If you are a Protected Whistleblower, your identity and position (or any other information which would be likely to identify you) will only be shared if:

- you consent to the information being shared;
- the disclosure is to a recipient permitted by law such as the Commissioner of Taxation or Australian Federal Police; or
- the disclosure is otherwise allowed or required by law (for example, disclosure to a lawyer of Banksia to receive legal advice relating to the law on whistleblowing).

In addition, for information likely to identify an Eligible Whistleblower, this may be shared if it is reasonably necessary for the purposes of an investigation. In this circumstance all reasonable steps will be taken to reduce the risk that you will be identified.

7.2 Protection against detrimental treatment

It's illegal for a person to engage in conduct that causes (or threatens) detrimental treatment of a Protected Whistleblower in the belief or suspicion that a person has made, may make, proposes to make or could make a report of a Reportable Matter and where that belief or suspicion is a reason for the conduct.

Detrimental treatment could include dismissal, demotion, harassment, damage to your reputation, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a disclosure as a Protected Whistleblower.

Banksia will seek to ensure that Protected Whistleblowers are not subjected to detrimental treatment as a result of making (or intending to make) a disclosure under this policy. To protect Protected Whistleblowers from detrimental treatment, Banksia will:

- make an assessment of the risk of detriment against a Protected Whistleblower as soon as possible after receiving a disclosure of a Reportable Matter;
- make sure Banksia management are aware of their responsibilities to maintain the confidentiality of a Protected Whistleblower, address the risks of detriment and ensure fairness when managing the performance of, or taking other management action relating to, a Protected Whistleblower; and

- take practical action, as necessary, to protect a Protected Whistleblower from the risk of detriment and intervene if detriment has already occurred.
- Include assessment, actions and management of detrimental actions in the Special Committee's final report to Banksia's Board of Directors (Board) (see Item 8).

If a Protected Whistleblower believes that they have been subject to detrimental treatment, they should inform an Eligible Recipient immediately.

7.3 Other protections for Protected Whistleblowers

Protected Whistleblowers are protected from civil, criminal or administrative liability (including disciplinary action) for making reports of Reportable Matters. No contractual right (including under an employment contract) can be exercised against a Protected Whistleblower to stop or deter them disclosing a Reportable Matter.

If you're a Protected Whistleblower and the disclosure is to an Eligible Recipient or other designated body as set out above or is a public interest disclosure or emergency disclosure, the information you disclose also can't be used against you in criminal proceedings or in proceedings for the imposition of a penalty (except if the proceedings are in respect of the falsity of the information).

Protected Whistleblowers may also be entitled to seek compensation and other remedies through the courts if Banksia fails to protect the Protected Whistleblower from detriment and the Protected Whistleblower suffers loss or damage.

8 How will we investigate disclosures?

Once a report of a Reportable Matter has been received from a Protected Whistleblower, who has provided reasonable grounds for their belief that the Reportable Matter has occurred, the Eligible Recipient will advise the CEO and Board Chair. The CEO and/or Board Chair will convene a meeting of a Special Committee to consist of not less than two Directors and two Senior Managers. Any Director and/or Senior Manager that is implicated in the Reportable Matter will be excluded on the basis of conflict of interest. The Special Committee will consider;

- If the matter reported meets the criteria for a Reportable Matter
- If not, the Protected Whistleblower will be advised of this decision (if identity is known)
- If so, the Special Committee will formulate and approve an investigation process
- Banksia's Board will be advised upon establishment of the Special Committee that a Reportable Matter has been received and is subject to investigation

The investigation process will be;

- Conducted by a person/s appointed by the Special Committee and in the opinion of the Special Committee are suitably independent, qualified and appropriate in the circumstances
- Conducted in a timely manner
- Documented and reported back to the Special Committee

Provided there are no restrictions or other reasonable basis for doing so, people against whom an allegation has been made will be informed of the allegation and will have an opportunity to respond to any allegation. That is, Banksia will take steps to ensure fair treatment of any person who is the subject of the Reportable Matter report as well as the Protected Whistleblower.

Investigations will be conducted promptly and fairly with due regard for the nature of the allegation and the rights of the people involved in the investigation. Banksia recognises the importance of balancing the rights of the Protected Whistleblower and the rights of people against whom a report is made in ensuring fairness.

The Special Committee will consider the outcomes of the investigation and make recommendations for required actions to the Board. The Board will decide and instruct required actions to respond to the Reportable Matter investigation outcomes.

9 Communication with Protected Whistleblower

Banksia will ensure that, provided the claim was not submitted anonymously, the Protected Whistleblower is kept informed of the outcomes of the investigation of their allegations. This will be subject to the considerations of privacy of those against whom allegations are made and considerations of confidentiality affecting Banksia.

If the Protected Whistleblower is not an employee of Banksia, the Protected Whistleblower will be kept informed of the investigative outcomes (subject to privacy considerations as above), once the Protected Whistleblower has agreed in writing to maintain confidentiality in relation to any information provided to them regarding a report made by them.

10 Training for Eligible Recipients

Persons identified as an Eligible Recipient require training to understand their obligations in the context of this policy and Banksia's legal obligations. Eligible Recipients will participate in training and discussion on at least an annual basis. Training will be conducted by Banksia using internal and/or external resources. Training records will be kept on file.

11 Awareness and access

Banksia employees and volunteers will be advised of this policy and any subsequent amendments. This will include completion of a mandatory training module on the online education platform. The policy will be available on the internal network policy and procedure suite. This policy will be available to external stakeholders on Banksia's website.

12 Further support for Protected Whistleblowers

Banksia will assist in arranging for professional counselling support for a Protected Whistleblower if that person/s feel they would like additional support. This support can be activated by contacting the Human Resource Manager.

13 Related policies

For employees and volunteers, this policy should be read in conjunction with the following policies;

- Employee Responsibility Procedure

14 Further information

Further information about this policy can be gained by contacting the CEO/Company Secretary P: 02 4471 6031 or E: graham.wise@banksiavillage.com.au.

15 Review

This policy will be reviewed annually.

14 Supporting Documents

Guideline/Work Tool	**Link:** https://www.asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/

15 Legislative Context & Reference Sources

Additional information can be sourced through legislations, standards and other external and internal services.

https://www.asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/