



Whistleblower Policy

1. Purpose

Harbourside Port Stephen's (HPS) Board acknowledges the vital role of whistleblowers in identifying and preventing misconduct and supports a safe, confidential mechanism for reporting concerns without fear of reprisal.

This Whistleblower Policy (Policy) sets out HPS's framework for reporting misconduct, ensuring disclosures are handled appropriately, and protecting whistleblowers from detrimental treatment. It supports HPS values and commitment to integrity, transparency, and accountability.

2. Scope

This policy applies to anyone with information about potential misconduct and is encouraged to speak up. This includes individuals who is:

- a) a current or former employee, including permanent, part-time, casual, or a volunteer
- b) a current or former officer or committee member (e.g. directors of the Board)
- c) a current or former contractor, supplier, and their employees
- d) a relative, dependent or spouse of an individual identified in (a) to (d) above.

HPS has alternate processes to raise concerns about resident or clinical care. For example, if a resident, family member, or carer feels something is wrong, they should raise it with the service manager in the first instance. HPS also has policies like the Feedback and Complaints Policy to support clinical issue escalation.

3. Objectives of the Policy

The objectives of this Policy are to:

- a) encourage disclosures of potential misconduct
- b) help deter potential misconduct, in line with HPS's risk management and governance framework

- c) ensure that individuals who disclose potential misconduct can do so safely, securely and with confidence that they will be protected and supported
- d) ensure that disclosures are dealt with appropriately and on a timely basis
- e) provide transparency around HPS's framework for receiving, handling and investigating disclosures, and
- f) meet HPS's legal and regulatory obligations.

HPS will not tolerate anyone being discouraged from speaking up or being subject to detriment because they want to speak up or they have done so. Disciplinary action, up to and including termination of employment or engagement, may be imposed on anyone shown to have caused detriment to a person because they want to, or have, spoken up.

4. What matters can be reported under the Policy

4.1. Examples of potential misconduct

HPS encourages individuals identified in 2a-d to speak up about potential misconduct (also defined as 'wrongdoing'). Examples of potential misconduct include but are not limited to:

- failure to comply with, or breach of legal or regulatory requirements
- breach of HPS's Code of Conduct or other HPS's policies or processes
- 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 of a potential misconduct
- criminal activity
- bribery, fraud or corruption
- conduct endangering health and safety of any person or persons including HPS residents, clients, staff or the public or causing damage to the environment
- dishonest, unethical or irresponsible behaviour
- conflicts of interest, including those relating to outside business interests, relationships, improper payments and donations
- victimisation or harassment
- modern slavery, which exists if a person is not working of their own free will, is treated like property, or is seriously exploited or abused. Examples of modern slavery are human trafficking, slavery and slavery-like practices, and forced labour to name a few
- misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting, taxation or financial reporting practices
- breaches of privacy

- unauthorised use of HPS's confidential information
- concerns that pose a danger to the public or financial system (even if it does not involve a breach of law); and deliberate concealment of any of the above.

Not all potential misconduct or wrongdoing involves breaking the law. It may include unethical or dishonest behaviour, harmful practices, or systemic issues that regulators should be aware of—even if not illegal.

5. What matters are not reported under this Policy

5.1. Personal work-related grievances

Personal grievances are not covered unless they involve victimisation due to whistleblowing.

Personal work-related grievances are matters that relate to the individuals current or former employment and only have implications for them personally, with no other significant implications for HPS or other matters of misconduct beyond the person making the disclosure.

Examples of personal work-related grievances include:

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

Raising personal work-related grievances are encouraged to do so through the People and Culture team and the Grievance process.

However, if the personal work-related grievance includes information about a potential misconduct, or suggests misconduct beyond the employee's personal circumstances, the personal work-related grievance may qualify for whistleblower protections under this Policy.

Examples of a personal work-related grievance mixed with a potential misconduct include:

- where there is a breach of employment or other laws punishable by imprisonment for a period of 12 months or more
- engaging in conduct that represents a danger to the public; or
- the discloser suffers from or are threatened with detriment for making a disclosure.

If a discloser is unsure whether the conduct falls under this Policy as potential misconduct or wrongdoing, or alternatively is a personal work-related grievance, then it can be disclosed under this Policy in the first instance. If it is determined the disclosure is not protected under

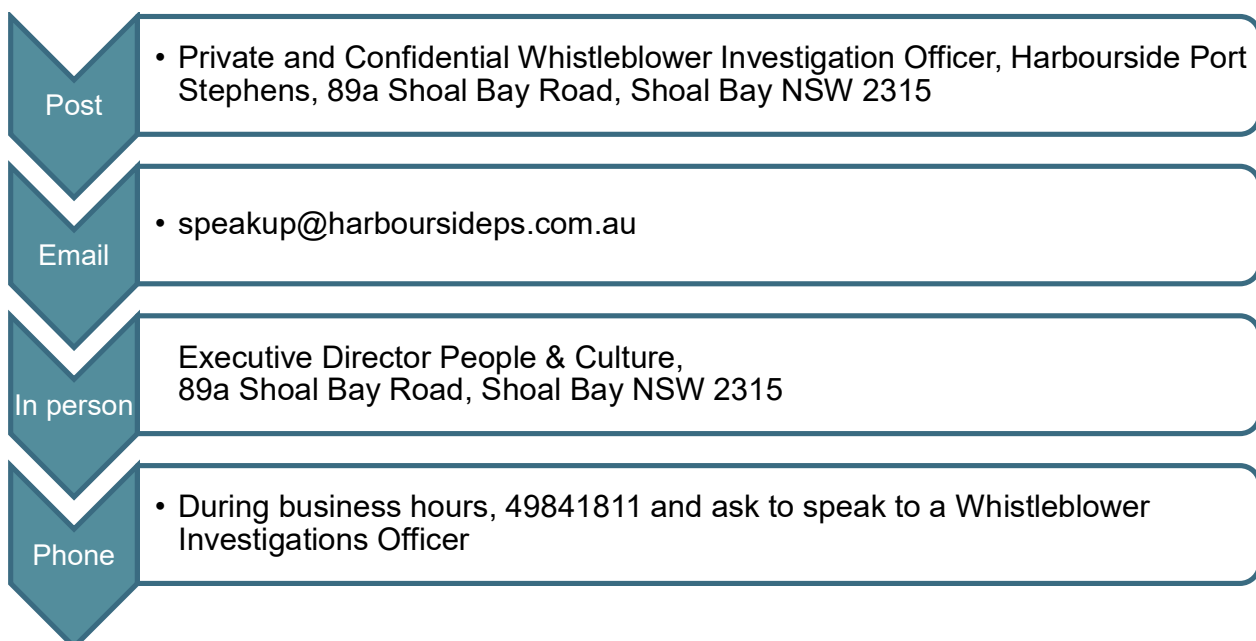
this Policy, but a personal grievance, the matter will be referred to the People and Culture team.

6. How to speak up and report a potential misconduct

Individuals are encouraged to speak up to a Whistleblower Investigation Officer in the first instance. Whistleblower Investigation Officers have specific responsibilities under this Policy including protecting and safeguarding the interests of the person speaking up.

Individuals should provide as much information as possible including details of the potential misconduct, people involved, dates, locations and if any more evidence may exist.

Reports can be made by:



Individuals can speak up to a legal practitioner for the purpose of obtaining legal advice or legal representation about the whistleblower requirements. Individuals can also speak up to regulatory bodies (such as Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA), the Australian Charities and Not-for-profits Commission (ACNC)).

In specific circumstances, public interest disclosures or emergency disclosures can be made to a journalist or parliamentarian. To make a public interest disclosure or emergency disclosure (refer definitions below) it is strongly recommended that you contact HPS's Whistleblower Investigation Officer, or obtain independent legal advice in the first instance, to ensure you understand the criteria for making a public interest or emergency disclosure that qualifies for whistleblower protection under law.

7. Speaking up anonymously

Individuals can choose to speak up in a confidential manner, anonymously or in a partially anonymous manner.

- A confidential disclosure is where an individual's identity is known to the Whistleblower Investigation Officer and relevant stakeholders involved in the investigation and reporting of the potential misconduct. This is the preferred option as it allows the matter to be fully investigated whilst providing the individual with ongoing protection and support.
- A partially anonymous disclosure is where only the Whistleblower Investigation Officer is aware of the individual's identity and a pseudonym is used so their identity is not known to others. This may create some limitations to the investigation process.
- An anonymous disclosure does not reveal the individual's identity. This is the least preferred option as it may not be possible to investigate the report if HPS is unable to contact the individual for further information and it may make it difficult to offer the same level of practical support to the individual.

8. Protection for individuals who speak up under the Policy

HPS is committed to protecting all people who speak up under this Policy, even if the matter disclosed turns out to be incorrect. HPS takes any breach of these protections seriously which may result in disciplinary action.

Whistleblowers are protected under the Corporations Act 2001 and the types of protections are outlined below.

8.1. Protection for the individual's identity

Individuals' identity will only be disclosed if the individual give consent to disclose that information or in exceptional circumstances where HPS is allowed or required by law.

All information, documents, records and reports relating to the investigation of a potential misconduct will be confidentially stored and retained in an appropriate and secure manner. Access to all information relating to the disclosure will be limited to those directly involved in managing and investigating the disclosure. Only a restricted number of people who are directly involved in handling and investigating the disclosure will be made aware of the individual's identity (subject to their consent) or information that is likely to lead to the identification of their identity.

Individuals can lodge a complaint with the Whistleblower Investigation Officer, or a regulator for investigation if they believe that a breach of confidentiality has occurred under this Policy.

8.2. Protection from detrimental treatment

The law contains protections from detrimental treatment, and it is an offence to cause detriment to a whistleblower or another person due to a disclosure.

HPS does not tolerate any detrimental conduct to another person because of a belief or suspicion that a person has made, may have made, or could make a disclosure under this Policy.

Detrimental conduct can take many forms and includes:

- dismissal of an employee
- injury of an employee in their employment
- alteration of an employee's position or duties to their disadvantage
- discrimination between an employee and other employees
- 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 reputation
- damage to a person's business or financial position
- any other damage to a person.

8.3. Protection from civil, criminal and administrative liability

Individuals may be entitled to protection from civil liability, criminal liability and administrative liability (including disciplinary action) in respect of the disclosure. Note that the whistleblower protections do not grant immunity for any potential misconduct the individual has engaged in that is revealed in the report.

8.4. Compensation and other remedies

Any person who has suffered detriment because of HPS's failure to take reasonable precautions and exercise due diligence to prevent detrimental conduct may be entitled to compensation or some other legal remedy through the courts. A person who is unsure of the protections or rights to compensation under the whistleblower laws should seek independent legal advice from a legal practitioner.

9. Investigation process

All disclosures under this Policy will be treated seriously and respectfully. Each disclosure will be assessed and investigated (as and when appropriate) in an objective and fair manner, and

otherwise as is reasonable and appropriate having regard to the nature of the disclosed conduct and the circumstances.

The Whistleblower Investigation Officer may engage external professionals to assist in any investigation.

The investigation will be conducted in a timely manner and will be fair and independent from any person to whom the report relates. All employees and contractors must cooperate fully with any investigation.

Where appropriate, a person being investigated will be provided with details of the report that involves them (to the extent permitted by law) and be given an opportunity to respond.

The Whistleblower Investigation Officer will gather documents, information and evidence relating to the report, ensuring that all documentation and information relating to the report is kept secure and protected. The Whistleblower Investigation Officer will draw objective conclusions based on the evidence gathered during the investigation and will determine appropriate response and necessary action to remediate, or act on the investigation findings.

HPS is committed to implementing the findings and recommendations of any investigation with a view to rectifying any wrongdoing as far as is practicable in the circumstances.

10. Keeping a discloser informed

Assuming the discloser's identity is known and where appropriate, they will be kept informed and updated during the following key stages of the investigation:

- when the investigation process has begun
- while the investigation is in progress, and
- after the investigation has been finalised.

There may be some circumstances where it may not be appropriate to provide details of the outcome to the discloser. The discloser will not be provided with a copy of the investigation report.

11. Reporting

The Whistleblower Investigation Officer will report the findings and actions directly to the Board Chair and the Finance, Audit and Risk Committee.

In cases where the CEO, or a member of the Board or the Finance, Audit and Risk Committee has been accused of reportable conduct, or where they have a close personal relationship with the person against whom the accusation is made, they will be excluded from the reporting process.

12. Review and Communication

This policy will be reviewed every three years and is available on HPS website. The Policy is communicated on induction, in-service sessions and is available from HPS intranet.

Definitions

Discloser / Whistleblower	The person speaking up
Emergency Disclosure	You have reasonable grounds to believe that the information in your disclosure concerns substantial and imminent danger to the health or safety of one or more people or to the natural environment.
Policy	This Whistleblower Policy
Potential misconduct	any suspected or actual misconduct, wrong-doing or improper state of affairs or circumstances in relation to Harbourside Port Stephens. It also means (but is not limited to) a breach of law or information that indicates a danger to the public or to the wider financial system.
Public Interest	Your concerns include a substantial or imminent danger The extent of the information disclosed is no greater than is necessary to inform the recipient about the substantial and imminent danger.
Reasonable Grounds	A reasonable person in your position would also suspect the information indicates misconduct or a breach of the law
Speaking up	Informing (verbally and/or in writing) the appropriate person identified in the Policy if you have reasonable grounds to suspect that a potential wrongdoing has occurred or is occurring in relation to Harbourside Port Stephens.
Whistleblower Investigation Officer	The person who has responsibility for investigating the report of potential misconduct

Related items

Regulations:	Whistleblowers Protection Act 2019 Corporations Act 2001 (Cth) Aged Care Quality Standard 8 – Organisational Governance Aged Care Quality Standard 7 (3)(d) Workforce recruitment, training, equipping and support
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	ARVAS Standard 1 - Community Management Strengthened Quality Standard 2 – The organisation (<i>from 1 November 2025</i>)
Related policies:	Code of Conduct Grievance and Dispute Resolution
Related processes/ forms/ plans/ risk assessments/ work method statements/ other references:	ASIC regulatory guide – 270 Whistleblower policies

Consultation

Key departments, teams, positions, meetings, committee:	Board, Executive Management Team
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Authorisation details

Status:	Published		
Version:	1	Next scheduled review date: Max < 3 years	August 2028
Approved:	Board	Date approved:	22 Sept 2025
Audience:	External stakeholders Harbourside Port Stephens wide – all staff		

Version summary history (published versions)

Version	Published	Change summary details and comments
1	23 Sept 2025	New policy to strengthen identification and prevention of misconduct and wrongdoing and to provide a mechanism for individuals to report concerns freely and without fear of repercussion.