

POLICY NAME

Whistle-blower Policy & Procedure

POLICY NUMBER

POLICY-WHISTLEBLOWER-001

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POLICY

BACKGROUND

Central Highlands Development Corporation (CHDC) is committed to ensuring that employees and stakeholders may report disclosable conduct secure that their anonymity will be protected and that their complaint will be investigated properly.

PURPOSE

To provide CHDC employees, ex-employees and stakeholders with a process to report, in confidence and with security, any disclosable conduct and to provide protections to the Whistle-blower as laid out in the Corporations Act.

INTRODUCTION

Whistle-blowers play an important role to identify and call out misconduct and breaches of the law. This can be where a company or its managers or employees commit fraud or cause harm to others.

The law provides rights and protections for Whistle-blowers to encourage them to come forward and protect them when they do. You don't have to give your name or identify yourself to be protected as a Whistle-blower.

CHDC is committed to the highest standards of openness, probity, and accountability. An important aspect of accountability and transparency is a mechanism to enable staff and other stakeholders of CHDC to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows misconduct or an improper situation within the organisation then this information should be disclosed through an appropriate channel without fear of reprisal.

The purpose of this policy is to encourage reporting instances of Disclosable Conduct relating to CHDC. This Policy & Procedure is made available to all officers, employees, stakeholders, contractors, agencies, or any other party with a business relationship with CHDC through the following channels:

1. The policy and procedure will be available on the company website chdc.com.au

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2. As a PDF version obtainable by emailing the Whistle-blower Protection Officer (WBPO) whistleblower@chdc.com.au or 0411 869 110.

WHAT IS DISCLOSABLE CONDUCT?

CHDC defines Disclosable Conduct as misconduct or an improper situation that relates to CHDC. Disclosable Conduct includes but is not limited to:

- Conduct contravening CHDC’s Code of Conduct or any other company policy including for example, behaviour that is dishonest, unethical, or corrupt.
- A criminal offence or breach of any Commonwealth or State legislation or local authority by-laws including for example, any act of fraud or theft.
- Is creating an unsafe work practice or failure to comply with Health & Safety legislation.
- Damage to the environment or property or failure to comply with environmental legislation.
- Actual or threatened violence.
- Harassment, discrimination, victimisation or bullying that has not been dealt with by the organisation via the Complaints & Grievances Policy & Procedure.
- Any other conduct that may cause financial or non-financial loss to the entity or be otherwise detrimental to the interests of the entity.
- Failure to comply with statutory accounting and reporting requirements.
- Insider trading.
- Insolvent trading.

In cases of harassment, discrimination, bullying or victimisation, an employee’s first recourse should always be through CHDC’s Grievance Procedure. However, employees should resort to whistleblowing if:

- They feel unsafe or consider their employment or personal security is at risk should they use the Company Complaints & Grievance Policy & Procedure.
- They have followed the Complaints & Grievance Procedures and still feel at risk.

WHO CAN MAKE A WHISTLE-BLOWER DISCLOSURE?

An Eligible Whistle-blower (EWB) is entitled to report Disclosable Conduct in accordance with the provisions of this policy.

An EWB is anyone who is currently or was previously:

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- An officer or employee of CHDC.
- An individual who supplies services or goods to CHDC.
- An employee or a person that supplies services or goods to CHDC.
- A relative or dependent of an individual referred to above.
- A stakeholder of CHDC.

WHEN CAN A DISCLOSURE BE MADE?

To make a disclosure, an EWB must have ‘reasonable grounds’ to suspect that disclosable conduct has occurred. As a guideline, having reasonable grounds may include circumstances where the EWB, for example:

- Obtained information in the ordinary course of their employment.
- Was witness or party to Disclosable Conduct.
- Has physical or documentary evidence to support their disclosure.
- Can otherwise substantiate their disclosure.

EXCLUSIONS

A Personal Work-Related Complaint or Grievance is a concern, problem, or complaint that an employee has about their work, the workplace or someone they work with. Examples of Personal Work-Related Complaints or Grievances include but are not limited to:

- Lack of staff development or training.
- Improper leave allocation.
- Inadequate or improper supervision.
- Unreasonable rosters or hours of work.
- Improper wage or salary levels.

WHICH PROCEDURE TO USE?

The Whistle-blower Policy & Procedure is established to deal with what is known as Disclosable Conduct. Disclosable conduct is conduct that breaks the law or other regulations. The Complaints & Grievances Policy & Procedure is designed to handle company matters such as bullying and harassment, discrimination, and breaches of internal company procedures. Disclosable conduct includes:

- Conduct contravening CHDC’s Code of Conduct or any other company policy.
- Behaviour that is dishonest, unethical, or corrupt.

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- A criminal offence or breach of any Commonwealth or State legislation or local authority by-laws including, for example, any act of fraud or theft.
- Is creating an unsafe work practice or failure to comply with Health & Safety legislation.
- Damage to the environment or property or failure to comply with environmental legislation.
- Actual or threatened violence.
- Harassment, discrimination, victimisation or bullying that has not been dealt with by the organisation via the Complaints & Grievances Policy & Procedure.
- Any other conduct that may cause financial or non-financial loss to the entity or be otherwise detrimental to the interests of the entity.
- Failure to comply with statutory accounting and reporting requirements.
- Insider trading.
- Insolvent trading.

PROCEDURE

HOW TO REPORT DISCLOSABLE CONDUCT?

An EWB should report Disclosable Conduct to CHDC's Whistle-blower Protection Officer (WBPO):

- Whistle-blower Protection Officer – whistleblower@chdc.com.au or 0411 869 110.
- Send a letter to PO Box 1425, Emerald Qld 4720 marked 'CONFIDENTIAL' 'WHISTLEBLOWER'. Your letter will be delivered to the WBPO unopened to retain anonymity.

CONFIDENTIALITY

An EWB is entitled to make a report anonymously. The law protects you. CHDC will take reasonable steps to ensure the identity of the EWB remains undisclosed or any information likely to lead to the identification of the EWB is withheld, unless any of the following circumstances arise:

- CHDC obtains the consent of the EWB to disclose their identity or disclose information that is likely to lead to their identification.
- Where the conduct is reported to the police, Australian Security and Investment Commission (ASIC) or Australian Prudential Regulatory Authority (APRA).
- Where the information is required to be disclosed to a legal practitioner for the purpose of obtaining legal advice.

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RESPONSIBLE OFFICERS DEFINITIONS

Whistle-blower Protection Officer (WBPO)

The WBPO key role is the protection of the EWB and to determine the initial response. This may include nominating either the Chief Executive Officer (CEO) or the Finance & Human Resources Coordinator (FHRC) to provide operational support during the investigation. The WBPO is to inform the board of the nature of the complaint. Where appropriate, the WBPO may confer with either the CEO or the FHRC to support the WBPO to:

- Ensure confidentiality in the investigation and protecting the EWB's identity.
- Monitor and manage the behaviour of other employees related to the reported incident.
- Offer a leave of absence while a matter is investigated.
- Relocate employees if feasible.
- Keep information relating to investigations stored safely.

WHISTLE-BLOWER PROTECTIONS

CHDC is committed to protecting the EWB, their colleagues and relatives from victimisation or any other detrimental conduct. Detrimental conduct includes but is not limited to:

- Unfair dismissal
- Unlawful dismissal
- Alteration of an employee's position or duties to his or her disadvantage.
- Discrimination against the EWB
- Harassment or intimidation of a person
- Harm or injury to a person, including psychological harm.
- Injury to the EWB's employment.
- Damage to a person's property, reputation, business, financial position, or any other damage.

If requested by the EWB, the WBPO in consultation with the CEO or FHRC where appropriate may take action to protect them. Such action may include but is not limited to:

- Relocation or leave of absence during investigation where it will not be possible to maintain anonymity of the EWB.

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- Retaining all files and records relating to an investigation under strict security. Any individual who releases such information will be in breach of this policy and will be subject to disciplinary action.
- Referral to the company Employee Assistance Program, Converge.

MANAGEMENT OF WHISTLE-BLOWER REPORTS

All reports of disclosable conduct received by the WBPO will be handled to ensure confidentiality in accordance with this policy. Initially your report will be received by the WBPO who will conduct an immediate assessment. Any consultation should not compromise the confidentiality provisions of this policy.

CASE REVIEW

Within 48 hours of receiving the report, the report will be evaluated by the WBPO and the appropriate response determined. It may be determined that:

- The report does not relate to disclosable conduct and should not be addressed through the Whistle-blower function. The WBPO should then determine if the report can be resolved through another channel (for example, CHDC’s Complaints & Grievances Policy & Procedure or the Bullying & Harassment Policy & Procedure.
- The report relates to disclosable conduct and should be addressed confidentially through the WBPO.
- There is insufficient information in the report to investigate.

INVESTIGATION

The WBPO may be required to consult with the CEO or FHRC taking into consideration the nature and seriousness of the matter. The WBPO should:

- Obtain necessary details and clarifications of the complaint from the EWB.
- Advise the appropriate person to inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a representative at any future interview or hearing held under the provision of these procedures.
- Consider if the involvement of CHDC Auditors, the Police or CHDC’s insurance provider is required at this stage and if so, consult with the CHDC Chair.
- Fully investigate the allegations with the assistance of other individuals/bodies, where appropriate. The WBPO may consider the use of external agencies if required.

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- Keep the CEO or FHRC (if required) informed of the progress of the investigation and, if appropriate, of the outcome by phone and email recording such communications as and when made.
- Reach a conclusion as to whether the allegations are substantiated, unsubstantiated, or if further information is required.
- Provide a written report of the findings to the CEO and/or CHDC Chair as appropriate.
- If appropriate, provide a copy of the outcomes to CHDC’s External Auditors to enable a review of the procedures and the potential impact on CHDC’s internal control environment.

Upon conclusion of an investigation, the WBPO will provide a detailed report and recommendation to the CEO and/or CHDC Chair who will decide what action to take. If the complaint is shown to be justified, then they will invoke disciplinary or other appropriate CHDC procedures.

Due to the varied nature of Whistle-blower reports, which may involve both internal and external investigators and the Police, it is not possible to prescribe precise timeframes for investigations. The WBPO should ensure that investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

RESOLUTION

If the EWB is not satisfied their concern is being properly dealt with by the WBPO, they have the right to raise it in confidence with the CEO and/or CHDC Chair.

If the investigation finds the allegations are unsubstantiated and all internal procedures have been exhausted, but the EWB is unsatisfied with the outcome of the investigation, CHDC recognises the lawful rights of employees, ex-employees and stakeholders to make disclosures to the appropriate authorities.

SUMMARY

CHDC takes Whistle-blower responsibilities very seriously and will do their utmost to ensure the anonymity and security of those who wish to alert the organisation of wrongdoing.

The Whistle-blower Policy & Procedure will be reviewed biannually to ensure it remains adequate, encourage best practice, and drive our continuous improvement processes.

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ATTACHMENTS

1. Whistle-blower Procedure Flowchart

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