



Whistleblower Policy

Whistleblower Policy

Applies to:	All Coast Shelter Staff, Volunteers and Board members (collectively referred to in this policy as team members)
Specific Responsibility:	People and Culture Manager

Policy Context - This policy relates to:	
Standard:	<ul style="list-style-type: none"> • 2.1 Sound Governance • 2.2 Policies & Procedures • 2.4 Risk Management
Legislation or other requirements:	<ul style="list-style-type: none"> • Protection for whistleblowers Corporations Act (Cth) 2001 • Tax Administration Act 1953

Purpose

Coast Shelter is committed to the highest standards of conduct and ethical behaviour in all our business activities and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance, and good corporate governance.

Coast Shelter encourages the reporting of any instances of suspected corrupt, illegal, fraudulent, or other serious misconduct involving Coast Shelter.

This policy should be read in conjunction with Coast Shelter grievance policy.

Whistleblowers play an important role in identifying and calling out misconduct and breaches of the law.

The whistleblower legislation¹ applies to disclosures made by certain persons to other identified parties' information that shows the company or organisation, or an officer or employee of the company or organisation, is or has engaged in conduct that:

- Breaches the Corporations Act 2001 (Cth)
- Breaches other financial sector laws enforced by ASIC² or APRA³
- Breaches any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months, or
- Represents a danger to the public or the financial system
- Provides protections and measures so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage, or reprisal.

¹ Part 9.4 AAA – Protection for whistleblowers *Corporations Act (Cth) 2001*

² Australian Securities and Investment Commission

³ Australian Prudential Regulation Authority



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The whistleblowing protection laws recognise that whistleblowers take a significant personal and professional risks when they choose to make a disclosure. Disclosure can also risk their personal safety or put them in a stressful and difficult situation.

The *Corporations Act 2001*(Cth) and the *Tax Administration Act 1953*(Cth) provide for protections for whistleblowers (**Whistleblower Protection Scheme**).

The purpose of this Policy is to set out information relating to the Whistleblower Protection Scheme, including information about:

- The types of disclosures that qualify for protection;
- The protections available to whistleblowers;
- Who disclosures can be made to and how they can be made;
- How Coast Shelter will support whistleblowers and protect them from detriment;
- How Coast Shelter will investigate disclosures; and ensure fair treatment of team members who are the subject or are mentioned in disclosures

This policy will be made available via Coast Shelter website and internal information sharing channels.

Scope

The following persons are 'eligible whistleblowers':

- All Team members, including Board Directors, Company Secretary, Executive Team, People Managers, all paid team members, trainees and all volunteers.
- Chairs and Committee members;
- All Advisory Committee and any Working Group members of Coast Shelter;
- All Clients of Coast Shelter, including any person who is or has participated in our services.
- An individual who supplies goods or services to the Law Council (whether paid or unpaid) or an employee of supplier.

An 'eligible whistleblower' also includes an individual who:

- Previously held any of the above positions or functions;
- Is a relative, dependent or spouse of the individuals set out above.



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Key Requirements

What information is a 'disclosable matter'?

A disclosable matter is information that:

- Concerns misconduct⁴ or an improper state of affairs or circumstances⁵ in relation to Coast Shelter; or
- Indicates Coast Shelter or one of its or their team members has engaged in conduct that constitutes an offence against, or a contravention of, the:
 - Corporations Act 2001 (Cth);
 - Australian Securities and Investments Commission Act 2001 (Cth);
 - and any instrument made under these Acts.
- Constitutes an offence against or a contravention of any other law of the Commonwealth that is punishable by imprisonment for 12 months or more; or
- Represents a danger to the public or the financial system.

The misconduct or improper state of affairs can also be in respect of tax affairs.

Examples of Disclosable matters

Disclosable matters may include conduct that may not involve a contravention of a particular law but may indicate a systemic issue that the regulator should know about to properly perform its functions.

Examples of Reportable Conduct include:

- dishonest, fraudulent or corrupt behaviour, including bribery;
- criminal conduct (such as theft, violence, harassment or intimidation, criminal damage to property or other breaches of state or federal law);
- failure to comply with any legal or regulatory obligation;
- unethical or in breach of Coast Shelter's policies (such as dishonestly altering company records or data, adopting questionable accounting practices or wilfully breaching Coast Shelter's Code of Conduct or other policies or procedures);
- conduct potentially damaging to Coast Shelter, a Coast Shelter team member, client or a third party, such as unsafe work practices, risks to or abuse of Coast Shelter's property or resources;
- conduct amounting to an abuse of authority;

⁴ Section 9 of the Corporations Act 2001 defines misconduct to include 'fraud, negligence, default, breach of trust and breach of duty'

⁵ The Corporations Act 2001 does not define improper state of affairs or circumstances



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- conduct that may cause financial loss to Coast Shelter or damage its reputation or be otherwise detrimental to Coast Shelter's interests;
- harassment, discrimination, victimisation or bullying.

What is not Reportable Conduct?

A disclosure does not qualify for protection under the Whistleblower Protection Scheme if the disclosure is about "personal work-related grievances", which is a grievance about any matter in relation to the person's employment (or former employment) having (or tending to have) implications for that person personally, and the information about the grievance does not have significant implications for Coast Shelter that do not relate to the Whistleblower; and does not concern conduct that involves an offence or contravention of law.

Examples of personal work-related grievances:

- an interpersonal conflict between the whistleblower and another team member;
- a decision relating to the employment, transfer or promotion of the whistleblower;
- a decision relating to the terms and conditions of engagement of the whistleblower; and
- a decision to suspend or terminate the engagement of the whistleblower, or otherwise to discipline the whistleblower.

Disclosures about personal work-related grievances should be raised under Coast Shelter's Grievance policy.

Who can I make a report to?

To ensure appropriate escalation and timely investigation, we request that reports are made to any one of our eligible recipients, listed below:

Chief Executive Officer
Coast Shelter
ceo@coastshelter.org.au

Company Secretary
Coast Shelter
secretary@coastshelter.org.au

People and Culture Manager
Coast Shelter
HR@coastshelter.org.au

If the disclosure relates to the CEO or a Director of Coast Shelter, it should be raised with the Chair of the Board or Company Secretary.



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If the disclosure relates to the Chair of the Board, it should be raised with the CEO or Company Secretary.

Provided that you have reported a concern covered by this Policy to an eligible recipient, as abovementioned, you qualify for protection as a whistleblower under the Corporations Act, even if you report your concerns anonymously, your disclosure turns out to be incorrect or where your legal adviser had advised you that your concern is not covered by the Corporations Act.

While it is Coast Shelter's preference that you raise reports with the recipients referred to above, it is important to note that under the Corporations Act, you may also raise the matter with:

- ASIC or APRA or another body prescribed by regulation;
- an "officer" or "senior manager" of Coast Shelter;
- an auditor, or member of an audit team conducting an audit of Coast Shelter; or
- a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to matters pertaining to this Policy.

Officer or senior manager are terms defined in the Corporations Act as "a director, or a senior manager in the company who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the company, or who has the capacity to affect significantly the company's financial standing."

This policy does not affect any mandatory reporting requirement that Coast Shelter may have under any other Commonwealth or State law. In limited circumstances, a whistleblower may be protected at law if they make a public interest disclosure or an emergency disclosure to a journalist or parliamentarian which qualifies for protection under the Corporations Act.

See **Appendix 1** for more information.

When making a disclosure under this Policy, you should provide as much information as possible, including the details of the conduct, people involved, dates, locations and any other evidence or material which may be relevant.

If you are unsure about whether to make a disclosure, you may disclose it in confidence to the Company Secretary. In the event you do not formally make a disclosure under the Policy, Coast Shelter may nevertheless be compelled to act on the information you have provided if that information reasonably suggests that Reportable Conduct has occurred or may occur.



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Anonymous reports

Coast Shelter encourages a person to provide their name when making a disclosure under this Policy, as it will assist Coast Shelter to investigate and address their report.

However, if you do not want to reveal your identity, you may make an anonymous disclosure under this Policy, and may choose to remain anonymous over the course of any investigation and after the investigation is finalised.

There are various mechanisms available for protecting a Whistleblower's anonymity when making a disclosure under this Policy, including:

- using an anonymised email address;
- not making the disclosure using Coast Shelter's systems; and
- adopting a pseudonym for the purpose of your disclosure.

If a whistleblower chooses to make an anonymous disclosure under this Policy, any investigation will be conducted as best as possible in the circumstances. A whistleblower may refuse to answer questions that they feel could reveal their identity at any time during the investigation or at any other time.

Disclosures which are made anonymously will still be protected under this Policy. However, Coast Shelter may be unable to provide a whistleblower with the same level of practical support and protection if they do not provide their name.

If a whistleblower wishes to remain anonymous, they should, where possible, maintain ongoing communication with Coast Shelter so that Coast Shelter can seek further information or clarification to assist in investigating and addressing their disclosure, and provide them with feedback and updates regarding the progress of any investigation and outcomes.

Consequences of making a false report

Anyone who knowingly makes a false disclosure, or who otherwise fails to act honestly with reasonable suspect in respect of the report, may be subject to disciplinary action, including dismissal (in the case of team members) or professional conduct sanction (in the case of members).

The disciplinary action or sanction will depend on the severity, nature and circumstance of the false report.



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Investigation of a reported disclosable matter

All disclosures received by an Authorised Recipient will be acknowledged within 5 business days.

A Complaint Management Team (CMT) will be established to manage the complaint through to finalisation. The Coast Shelter CMT will be chaired by the CEO or the Chair of the Board. The Coast Shelter CMT will decide on the actions taken, including any referral, if deemed necessary to the Board for full Board consideration.

Coast Shelter CMT will consist of the People & Culture Manager, the CEO and the Company Secretary.

Coast Shelter CMT will be adjusted to avoid conflicts of interest (i.e. the CEO is subject to the complaint) the Chair of the Board will substitute for the CEO.

The Company Secretary will maintain a register of whistleblower complaints on behalf of Coast Shelter.

Subject to the confidentiality requirements outlined in this Policy, all disclosures will be subject to an investigation with oversight by Coast Shelter CMT. Coast Shelter CMT will assess the information provided and determine:

- whether the disclosure relates to a disclosable matter under the whistleblower legislation and qualifies for protection under this Policy;
- whether sufficient information exists to allow the report to be investigated, whether an investigation is required, and if so, determine the appropriate investigation process, including:
 - the nature and scope of the investigation;
 - who will conduct the investigation and whether that person should be external to Coast Shelter;
 - the nature of any technical, financial or legal advice that may be required; and
 - a timeframe for the investigation (having regard to the nature and scope of the matter disclosed, the complexity of the issues and any other relevant factors).

Coast Shelter CMT may not be able to undertake an investigation in some circumstances, including if it is not able to contact the whistleblower to obtain consent or information to enable an investigation to proceed.

If able the Coast Shelter CMT will be in touch with the whistleblower (if able to identify the whistleblower) within 2 weeks of receiving a report from the whistleblower and will advise of the next steps and timeframes where appropriate.



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Where appropriate and able, Coast Shelter CMT will provide initial feedback to the whistleblower and keep them informed on a continuing basis regarding the investigation's progress and/or outcome (subject to considerations of the privacy of those against whom allegations are made). However, if the allegation is referred to the Police or other agency, there may be restrictions on sharing information due to the potential of compromising any investigation.

The investigation will be conducted objectively and fairly, and otherwise as reasonable and appropriate, considering the nature of the reported conduct and the circumstances.

Coast Shelter CMT will ensure that any team member mentioned in a Protected Disclosure is not unfairly treated during the investigation of the matter.

Team members will have the opportunity to be informed of and respond to any report of a disclosable matter made against them.

Protections Available

For a whistleblower to receive the protections under the Act the whistleblower must have 'reasonable grounds' to suspect that conduct (which is disclosable conduct as defined in Section 2 above) has occurred and they have made a report of this disclosable conduct in accordance with this Policy they will be eligible for the following protections:

- Identity protection;
- Protection from detrimental acts or omissions;
- Compensation and other remedies; and
- Civil, criminal and administrative liability protection.

These protections apply not only to internal disclosures, but to eligible disclosures made to legal practitioners, regulatory and other external bodies, and to "public interest" and "emergency" disclosures that are made in accordance with the Corporations Act.

Identity Protection

Coast Shelter cannot disclose the whistleblower's identity, or information that is likely to lead to their identification except:

- to ASIC, APRA, or a member of the Australian Federal Police;
- to a legal practitioner for the purpose of obtaining legal advice or legal representation about the whistleblowing provisions of the Corporations Act;
- to a person or body prescribed by the Corporations Act regulations; or
- with the person's consent.



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The information contained in a disclosure a person has made under this Policy may be disclosed without their consent if the disclosure of this information is reasonably necessary to investigate the issues raised in the report, provided that:

- the information does not include the person's identity; and
- all reasonable steps have been taken by Coast Shelter to reduce the risk that their identity will be revealed from the information provided.

It is unlawful for a person to identify a whistleblower or disclose information that is likely to lead to the identification of the discloser, outside of the circumstances listed above.

Coast Shelter will take all reasonable steps to reduce the risk that a person will be identified as a result of making a disclosure under this Policy and to ensure their identity remains confidential throughout the investigation process.

Measures that Coast Shelter may take to protect a Whistleblower's confidentiality include:

- ensuring that disclosures will be handled and investigated by qualified staff;
- redacting all personal information or reference to a whistleblower witnessing an event;
- using gender neutral terms when referring to a whistleblower;
- where possible, liaising with a whistleblower to identify any aspects of their disclosure that could inadvertently identify them;
- limiting access to information to those persons investigating the disclosure;
- restricting the number of people who may be made aware of a whistleblower's identity;
- reminding those people handling investigations of their confidentiality obligations.

The unauthorised disclosure of a whistleblower's identity, or information which may identify the whistleblower, may be regarded as a disciplinary matter to be dealt with in accordance with Coast Shelter's disciplinary procedures. In some circumstances, the disclosure of the identity of a whistleblower or information that is likely to lead to the disclosure of the whistleblower's identity may be a criminal and civil offence under the Corporations Act.

Any concerns regarding breach of confidentiality should be raised with either the overseeing officer or the Chair of the Board. You may also lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation.

In circumstances where, for any reason, the identity of the whistleblower is known outside of the investigation process, Coast Shelter will take reasonable steps to protect the whistleblower from retaliatory or discriminatory, action, detrimental conduct where it has sufficient authority to do so.



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Coast Shelter has no power to offer any person immunity against prosecution in the criminal jurisdiction or from any civil action which may be brought against the whistleblower.

Protection against detrimental treatment

Whistleblowers are protected from any conduct (including threats, whether express or implied) that causes them detriment in relation to the disclosure including where the person that is causing the detriment believes or suspects that the whistleblower may have made or proposes to make a disclosure that qualifies for protection.

Detrimental conduct includes dismissal, injury in employment, alteration of an employee's position or duties to their disadvantage; demotion, harassment, intimidation, harm or injury including psychological harm; discrimination, disciplinary action or damage to reputation, including damage to business or financial position; bias, threats or other unfavourable treatment connected with making a report.

Detrimental conduct does not include administrative action that is reasonable to protect a whistleblower from detriment or management of unsatisfactory work performance where the action is in line with Coast Shelter's performance management framework.

Coast Shelter is committed to making sure that a person is treated fairly and does not suffer detriment for making a disclosure under this Policy.

Coast Shelter may take the following measures to ensure that a person who has made a disclosure under this Policy is protected from detriment:

- allow the whistleblower to perform duties at another location;
- reassign or relocate the whistleblower to another role at the same or substantially the same level;
- make modifications to the whistleblower's workplace or way they perform their duties;
- develop processes for ensuring that management are aware of their responsibilities to maintain the confidentiality of disclosure, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a whistleblower;
- develop procedures for how a whistleblower can make a complaint if they believe they have suffered detriment and the actions Coast Shelter will take in response to such complaints;
- intervene where detrimental conduct has already occurred, including investigating and taking disciplinary action, allowing the whistleblower to take extended leave, or other compensation or remedies.



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The Corporations Act imposes civil and criminal sanctions on persons who cause detriment to a whistleblower.

Compensation and other remedies

Whistleblowers are entitled to seek compensation and other remedies through the courts if they suffer loss, damage, or injury because of a disclosure and the entity failed to prevent a person from causing the detriment. Whistleblowers should seek their own independent legal advice on the remedies available to them.

Other Protections

Whistleblowers are protected from the following liabilities in relation to a disclosure under this Policy:

- civil liability (e.g. any legal action against a person for breach of an employment contract, duty of confidentiality or other contractual obligation);
- criminal liability (e.g. attempted prosecution for unlawfully releasing information, or other use of the disclosure against a person in a prosecution (other than for making a false disclosure)); or
- administrative liability (e.g. disciplinary action for making the disclosure); and
- no contractual or other remedy may be enforced or exercised against a person based on the disclosure.

Reporting procedures

Coast Shelter Board will receive copies of all whistleblower reports (as appropriate). In addition, serious and/or material disclosed conduct will be considered by the internal officers for immediate referral to the Chair of the Coast Shelter Board. These reports will be made on a 'no names' basis, maintaining the confidentiality of matters raised under this policy.



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Review

Reviewing and approving this policy		
Frequency:	Person Responsible	Approval
Biennially	CEO	Board

Amendment

This policy cannot be amended without approval of the Coast Shelter Board. It will be reviewed from time to time to ensure that it remains effective and meets best practice standards and the needs of Coast Shelter.

Authorisation

Version	Approval	Review Date
V02	Board 15 Feb 2024	15 Feb 2026



Appendix 1

WHISTLEBLOWER PROTECTIONS UNDER AUSTRALIAN LAW

A whistleblower who discloses specified information to certain people or organisations is protected by Australian law.

Examples of this information and recipients are outlined in the following table:

Information reported or disclosed	Recipient of disclosed information
<p>Information about actual or suspected misconduct, or an improper state of affairs or circumstances in relation to Coast Shelter or a related body corporate.</p> <p>This includes information that Coast Shelter or any officer or employee of Coast Shelter has engaged in conduct that:</p> <ul style="list-style-type: none"> • contravenes or constitutes an offence against certain legislation (e.g. the Corporations Act); • represents a danger to the public or financial system; • constitutes an offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more. <p>Note that personal work-related grievances are not protected disclosures under the law, except as noted in this Policy.</p>	<ul style="list-style-type: none"> • A person authorised by Coast Shelter to receive protected disclosures - e.g Protected Disclosure Officers as outlined at section 3; • an officer or senior manager of Coast Shelter or a related body corporate; • an auditor or member of an audit team conducting an audit of Coast Shelter or a related body corporate; • ASIC or APRA or a prescribed body; • a legal practitioner for the purpose of obtaining legal advice or legal representation.
<p>Information that may assist the Commissioner of Taxation to perform his or her functions under a taxation law in relation to Coast Shelter or a related body corporate.</p>	<ul style="list-style-type: none"> • Commissioner of Taxation



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<p>Information about misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of Coast Shelter or a related body corporate.</p>	<ul style="list-style-type: none"> • An auditor, or a member of an audit team conducting an audit, of Coast Shelter, or a related body corporate; • a registered tax agent or BAS agent who provides tax services or BAS services to Coast Shelter, or a related body corporate; • a director, secretary or senior manager of Coast Shelter, or a related body corporate; • an employee or officer of Coast Shelter who has functions or duties that relate to the tax affairs of Coast Shelter or a related body corporate.
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It is important to note that a disclosure must be made directly to one of the above specified recipients in order to qualify for protection as a whistleblower under Australian law.

The law also protects certain disclosures made in "emergency" and "public interest" circumstances, which allows for the disclosure to be made to a journalist or parliamentarian. It is important to understand the criteria for making a disclosure in these circumstances, which includes, among other things:

- that a person has first made the disclosure to Coast Shelter, ASIC, APRA or other prescribed body; and
- they have provided written notice to that entity that you they intend to make a public interest or emergency disclosure in relation to this issue. In the case of public interest disclosures, at least 90 days must have passed since the original disclosure.

You should seek independent legal advice before making a "public interest" or "emergency" disclosure.



We request that you also please contact Coast Shelter People & Culture team if you need to report an emergency. "Emergency" covers any situation where immediate assistance is needed, such as an actual or potential workplace violence situation or a matter where you have been physically harmed or feel that harm is imminent.

Please see below for further information on making a report under these provisions:

Public Interest Disclosure

To qualify for public interest disclosure protection under the Corporations Act a Whistleblower:

- (a) must have made an eligible report to ASIC or APRA;
- (b) must confirm that at least 90 days have passed since the report was made;
- (c) does not have reasonable grounds to believe that action has been or is being taken to address the matters raised in the report;
- (d) reasonably believes further disclosure is in the public interest;
- (e) has provided ASIC or APRA (whichever received the initial report) with written notification that identifies the previous report and that they intend to make a public interest disclosure;
- (f) disclose information that is not greater than necessary to inform the recipient of the misconduct, or improper state of affairs; and
- (g) make the disclosure to:
 - (1) a member of Parliament of the Commonwealth, the Parliament of a State, or the legislature of Territory; or
 - (2) a journalist.



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Emergency Disclosure

To qualify for emergency disclosure protection under the Corporations Act, a whistleblower:

- (a) must have made an eligible report to ASIC or APRA;
- (b) reasonably believes that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
- (c) has provided ASIC or APRA (whichever received the initial report) with written notification that identifies the previous report and that they intend to make an emergency disclosure;
- (d) disclose information that is not greater than necessary to inform the recipient of the substantial and imminent danger; and
- (e) make the disclosure to:
 - (1) a member of Parliament of the Commonwealth, the Parliament of a State, or the legislature of Territory; or
 - (2) a journalist.

