

Policy Statement

Skunkworks Community is committed to the highest standards of integrity, ethical behaviour and sound organisational governance and do not tolerate improper conduct, including fraud, corruption or criminal misconduct.

Skunkworks Community Whistleblower Policy and Procedures are an important element in detecting corrupt, illegal or other undesirable conduct, by providing all eligible parties with the opportunity to report any actual or suspected wrongdoing or any other issues of concern. Through the Whistleblower Policy and Procedures, Skunkworks Community encourages all stakeholders to speak up if they suspect or witness misconduct.

Context

This policy provides protection and measures so that people can raise concerns on a confidential basis without fear of reprisal. The policy complies with the Australian Securities and Investment Commission

(ASIC) Corporations (Whistleblower Policies) Instrument 2019/1146, and sound governance requirements as detailed by the Australian Charities and Not-for-profits Commission (ACNC) and the Corporations Act 2001 (Cth) (Corporations Act).

The aim of this policy is to encourage and support the reporting of actual and suspected wrongdoing and misconduct by:

- providing staff with an understanding of what can be reported under this policy
- demonstrating the importance that Skunkworks Community places on ensuring a safe and supportive environment where staff and members of the Skunkworks community feel confident to raise suspected breaches of internal rules or Disclosable Conduct relating to the organisation and employees or volunteers
- improving the whistleblowing processes to create a culture within Skunkworks Community that encourages people to speak up and raise suspected breaches of internal rules or policy, or Disclosable Conduct
- explaining the processes for reporting breaches of internal rules or policy, or Disclosable Conduct, including what happens when a report is made; and
- outlining how employee/volunteers and Skunkworks community members will be protected if they make a report.

Scope

This policy applies to current and former directors and employees of Skunkworks Community who make a 'qualifying disclosure' to a person at Skunkworks Community authorised to receive such disclosures. It also applies to other people who engage with Skunkworks Community who have reasonable grounds to believe that misconduct has occurred or will occur, where that disclosure is made in accordance with the relevant requirements.

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WHISTLEBLOWER POLICY & PROCEDURE

The scope of this policy includes the following:

- eligible whistleblowers reporting qualified disclosures to eligible recipients (as defined in this policy) in reference to Skunkworks Community
- Skunkworks Community as a body corporate (including its volunteers, contractors, consultants and suppliers)
- Skunkworks Community directors
- Skunkworks Community suppliers, contractors and consultants
- Skunkworks Community volunteers
- spouses, relatives or dependents of the people referred to above.

Principles

Skunkworks Community is committed to ensuring there is a culture of reporting if a person has reasonable grounds for suspecting misconduct. This policy helps people connected with Skunkworks Community to identify instances of wrongdoing and provides guidance on how to raise a concern about suspected or actual misconduct in relation to Skunkworks Community and services.

Skunkworks Community will protect and support those who come forward in good faith to report a suspected improper situation based on a reasonable belief. Skunkworks Community will maintain confidentiality by determining an appropriate time and place for the disclosure to be made and by treating confidentially any information that could lead to the identification of the whistleblower, subject to law, and any authorisation by the whistleblower to allow identification in the context of an investigation of a disclosure.

Additionally, Skunkworks Community will protect anyone who makes a disclosure in good faith from any form of detrimental act or omission because of a disclosure. Skunkworks Community will also ensure that there are consequences for anyone who mistreats a whistleblower.

Any allegation of mistreatment should be reported to the Whistleblower Protection Officer and will be dealt with under this policy.

Roles and Responsibilities

Role	Responsibility
Whistleblower Investigation Officer	The person who may be appointed, either internally or externally, by the Whistleblower Protection Officer who is responsible for leading, coordinating, or overseeing the investigation of matters in a fair, confidential, objective (without bias) and timely manner qualifying disclosures made by whistleblowers. • Reports to the Whistleblower Protection Officer
Whistleblower Protection Officer	The Deputy Director, Stewardship who, by their role, is appointed by SKUNKWORKS COMMUNITY to receive whistleblower qualifying disclosures and protect the interests of whistleblowers in accordance with this policy.
Director	To receive disclosures of misconduct, instigate or authorise an investigation and notify a whistleblower of the outcome of investigation when the Whistleblower Protection Officer is the subject of the disclosure.

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Legislative Context

Australian Securities and Investments Commission Act 2001 (Cth) Corporations Act 2001 (Cth)

Corporations Regulations 2001 (Cth) Taxation Administration Act 1953 (Cth)

Australian Securities and Investment Commission (ASIC) Corporations (Whistleblower Policies) Instrument 2019/1146

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019; Public Interest Disclosures Act 2012 (Vic);

Independent Broad-based Anti-corruption Commission Act 2011 (Vic); Ombudsman Act 1973 (Vic).

Definitions

Term	Definitions
ACNC	The Australian Charities and Not-for-profits Commission.
Disclosable conduct / matters	Refers to information provided by a whistleblower who has reasonable grounds to suspect misconduct, an improper situation or circumstances, or breach of the law. It can include conduct that contravenes the Corporations Act, the Australian Securities and Investments Commission Act 2001 (Cth), constitutes an offence against another Commonwealth law that is punishable by imprisonment for 12 months or more, represents a danger to the public or the financial system, or is prescribed by the Corporations Regulations 2001 (Cth). To qualify for protection, the whistleblower must have reasonable grounds to suspect that the information they will disclose indicates misconduct. It does not include personal work-related grievances (as defined in this policy).
Misconduct	Conduct by a person or persons connected with Skunkworks Community, which the whistleblower has reasonable grounds to suspect: <ul style="list-style-type: none">• is a systemic, wilful or serious breach of the law as it relates to Skunkworks Community , or its internal policies• poses a significant or serious threat to the health and safety of workers• involves a serious mismanagement of Skunkworks Community resources• involves victimisation of someone for reporting a disclosable matter• involves an instruction to cover up or attempt to cover up serious wrongdoing• interferes with an impending internal or external audit process• is unethical, and a breach of a Skunkworks Community Code of Conduct or a serious risk to the reputation or financial wellbeing of Skunkworks Community• is dishonest, fraudulent, corrupt, negligent or illegal• is in breach of Commonwealth or state legislation or local authority bylaws Whistleblower Policy and Procedures Page 4 of 11• is conduct that may cause financial or non-financial loss to a Skunkworks Community workplace or is otherwise detrimental to the interests of Skunkworks Community .

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Personal work-related grievance	A grievance about any matter in relation to a person's employment, or former employment, having personal implications, where the information does not have significant implications, beyond the personal implications, for Skunkworks Community .
Qualifying disclosure	<p>A whistleblower is entitled to protection under the Corporations Act if they make a qualifying disclosure to an eligible recipient. A qualifying disclosure involves reporting conduct by a charity or an officer or employee of the charity that represents misconduct, an improper state of affairs or circumstances, or breach of the law. This can include conduct that:</p> <ul style="list-style-type: none"> • contravenes the Corporations Act, or the ASIC Act • constitutes an offence against another Commonwealth law that is punishable by imprisonment for 12 months or more • represents a danger to the public or the financial system, or • is prescribed by the Regulations. <p><i>To qualify for protection, the whistleblower must have reasonable grounds to suspect that the information they will disclose indicates misconduct.</i></p>
Reasonable grounds	More than suspicion and usually requiring some factual basis that indicates misconduct.
Employees and volunteers	<p>References to employees and volunteers, unless the context requires otherwise, means an individual working in Skunkworks Community who is:</p> <ul style="list-style-type: none"> • directly engaged or employed by Skunkworks Community • a volunteer or a contracted service provider (whether a body corporate or any other person as an intermediary).
Whistleblower (May also be called Discloser)	A person eligible to make a qualifying disclosure to an eligible recipient, for example an officer, employee, volunteer or an individual or an employee of a person who supplies services or goods to Skunkworks Community or a relative or dependant of such an officer, employee or supplier, or a dependant of the officer, employee or supplier's spouse.
Whistleblower Investigation Officer (WIO)	The person who may be appointed, either internally or externally, by the Whistleblower Protection Officer who is responsible for leading, co-ordinating, or overseeing the investigation of matters in a fair, confidential, objective (without bias) and timely manner with regard to disclosures made by whistleblowers.
Whistleblower Protection Officer (WPO)	The Director, Skunkworks Community who, by their role, is to receive whistleblower qualifying disclosures and protect the interests of whistleblowers in accordance with this policy.
Whistleblower protections	The protections provided to whistleblowers to enable them to come forward to report misconduct without fear of retribution or personal detriment.

Procedures

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Skunkworks Community is committed to maintaining a culture of ethical behaviour, compliance with legal requirements and good corporate governance. The Skunkworks Community recognises that any genuine commitment to detecting and preventing illegal, unethical and unsatisfactory conduct or misconduct must include an appropriate mechanism whereby all stakeholders can report their concerns freely and without fear of repercussion.

A whistleblowing program promotes a reporting culture within Skunkworks Community and these procedures provide a mechanism, by:

- encouraging the reporting of misconduct
- providing protection to any stakeholder making a report, allowing the person to come forward confidentially and anonymously, to the extent possible under existing laws, and ensuring that they are not victimised or subjected to any form of detrimental action
- serving as a preventative measure actively to discourage misconduct.

Types of Misconduct That May Be Reportable / Disclosable

The following types of misconduct may be a qualifying disclosure:

- suspicious financial behaviour
- possession of inappropriate electronic material or use of computers to circulate inappropriate material
- suspicious behaviour involving grant funds
- fraud, theft or dishonest conduct (including falsification of records)
- bribery, corruption, money laundering or secret commissions
- illegal, unethical or improper conduct (drug use, violence, criminal damage)
- breach of employment, labour or workplace health and safety or any other laws
- conduct that damages Skunkworks Community's reputation or brand or relationships with third parties
- breach of an internal policy (e.g. Code of Conduct or Conflicts of interest)
- breaches of confidentiality and disclosure of confidential information
- any other inappropriate behaviour
- an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more
- an offence prescribed by regulations under the Corporations Act, 2001.

Types of Misconduct That Are Not Disclosable

It is recognised that there are forms of alleged employee conduct committed against, with, or in, the presence of a child, such as relevant sexual offences, sexual misconduct, physical violence, behaviour that causes significant emotional or psychological harm and significant neglect that constitute 'reportable allegations'. Management of these types of conduct is dealt with under the Reportable Conduct Scheme. Other obligations may also be relevant, such as reporting to the police of alleged criminal behaviour and mandatory reporting to the Department of Families, Fairness and Housing.

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If a person has a complaint regarding Skunkworks Community relating to a service issue or policy decision or they wish to raise a grievance, they should refer to Skunkworks Community Complaint Handling Policy or speak to one of Skunkworks Community Directors.

Disclosures that are not about 'disclosable matters' do not qualify for protection under the Corporations Act.

Reporting Disclosable Conduct

Individuals can choose to provide their details or remain anonymous and, in all circumstances, their identity, and the information they provide will be treated with the strictest confidence. Skunkworks Community will disclose the person's name and the information they provide only with their consent or if the law requires it.

Any questions or concerns regarding the protections that apply to people who make a report, and the support being provided, should be directed to Whistleblower Protection Officer (WPO).

Reporting Misconduct

All Skunkworks Community staff, volunteers, contractors, and suppliers can report any actual or suspected issues of wrongdoing or misconduct.

If a person becomes aware of a matter, it is important to notify the appropriate person immediately so that it can be addressed appropriately.

If a person raising the matter fears for their wellbeing, safety, or fears a reprisal they need to mention this at the time the report is being made. The person will be noted by Skunkworks Community as a Discloser, and afforded the protections outlined under this Policy, and where eligible legislative disclosure requirements are met, protected under the provisions of the Corporations Act.

Contact Persons

Disclosures of misconduct must be made only to a person authorised by Skunkworks Community to receive whistleblower information. This is to ensure that any disclosure is handled in accordance with the requirements and the whistleblower is covered by the protections outlined in this policy.

At Skunkworks Community, the role of Whistleblower Protection Officer is held by a Skunkworks Community Director. For the purposes of Skunkworks Community, disclosures can be made to:

Email: contacttheskunk@gmail.com
Phone: 0402 143 876 – Phillipa Edwards
Mail: Skunkworks Community
22 Fairmont St
Camberwell 3124

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