

CHAPTER 29 LIMITED

WHISTLEBLOWER POLICY AND PROCEDURE

Policy description This policy is designed to safeguard and support individuals who report misconduct, ensuring a clear process for reporting and investigation.

Policy applies to: The policy applies to employees, interns, volunteers, board directors, clients, contractors, suppliers, and service providers engaged by CHAPTER 29 LIMITED. Additionally, former employees, volunteers, and interns are eligible to make a protected disclosure, provided it is within 12 months of the conclusion of their involvement with CHAPTER 29 LIMITED.

1. POLICY AND PURPOSE

CHAPTER 29 LIMITED endeavours to uphold the highest standards of legal, ethical and moral behaviour. We are guided by our values framework which aims to develop a culture of accountability, respectful dealings with others, and sound judgement, and by our values of empowerment, persistence, integrity and courage.

CHAPTER 29 LIMITED's policy is to encourage anyone associated with it who becomes aware of serious misconduct to report that misconduct. It will not tolerate any retaliatory action or threats of retaliatory action against a person reporting such misconduct (referred to as a whistleblower) or any person involved in the investigation process.

At the time of establishing this policy the Board has also approved the accompanying Whistleblower Procedures. The Procedures have been created to ensure that concerns about misconduct can be raised through a safe reporting and investigation process. It is essential that the reporting person should be able to make a report without fear of retribution, harassment, victimisation or discrimination.

The purposes of these procedures are to:

- (a) encourage the reporting of wrongdoing;
- (b) protect and support those who make disclosures;
- (c) set out a safe reporting mechanism; and
- (d) outline how CHAPTER 29 LIMITED will investigate and resolve protected disclosures made in accordance with this policy.

The procedures may be varied in any way not inconsistent with this policy by:

- (a) the Board; or
- (b) the Chair after consultation with the Governance Committee.

1.1. SCOPE AND APPLICATION

These procedures apply to:

- Employees and interns
- Volunteers and members
- Directors of the Board
- Clients
- Contractors, suppliers, and service providers engaged by CHAPTER 29 LIMITED

Former employees, volunteers, and interns are also eligible to make a protected disclosure, provided it is within 12 months of the conclusion of their involvement with CHAPTER 29 LIMITED.

This policy is one of a number of policies to support people wishing to raise concerns. It should be read in conjunction with other relevant policies, including the Complaints Policy, and the Grievance Policy. Anyone who considers there has been misconduct is encouraged to read each policy to choose the most relevant policy and/or procedure for reporting their concern.

Making a protected disclosure does not absolve the whistleblower from the consequences – including criminal proceedings or disciplinary action – of any involvement in the misconduct. However, the whistleblower's action in reporting the concern may be taken into consideration in the decision about what disciplinary action (if any) is appropriate.

1.2. Roles And Definitions of Key Terms

- When these procedures refer to "Chair," it should be understood as "the Chair of the Board" if the disclosure is against the Chair. In the case of a disclosure against a director of the company, it should be interpreted as "the Chair or the Chair of the Board."
- The Chair may delegate their responsibilities under these procedures to one or more other individuals. If such delegation occurs for all disclosures or specific types of disclosures, it must be announced both on the CHAPTER 29 LIMITED website or social media and communicated internally.
- The term "disciplinary action" as used in these procedures refers to all legally available actions relevant to the specific circumstances.

1.3. Reportable Concerns

CHAPTER 29 LIMITED encourages the reporting of misconduct or reasonable suspicions that any of the following activities have occurred, are occurring, are intended to occur in the future, or have been concealed:

- **Fraud:** deliberate deception for personal gain or to cause disadvantage to CHAPTER 29 LIMITED, including theft, bribery, facilitation payments, and money laundering.

- **Corruption:** improper use of influence, position, or information, whether by action or omission.
- **Unauthorised use or misuse** of CHAPTER 29 LIMITED property, equipment, or materials.
- **Criminal offenses** committed by CHAPTER 29 LIMITED staff or third parties.
- **Environmental damage.**
- **Breaches of health and safety regulations.**
- **Undeclared conflicts of interest.**
- **Sexual exploitation, harassment, or abuse.**
- **Unethical or other serious improper conduct**, including breaches of CHAPTER 29 LIMITED's policies and procedures.

1.4. Anonymous Reporting

Anonymous reports of misconduct are accepted under this policy. However, such reports come with limitations, such as difficulties in conducting a thorough investigation, the inability to provide feedback on the outcome, or gather additional details to aid the investigation. Specific protection mechanisms for the whistleblower cannot be guaranteed in anonymous cases.

If an anonymous report is made, CHAPTER 29 LIMITED retains discretion over whether to proceed with a full investigation due to the limited ability to interview the whistleblower for further information.

1.5. Protection for the Whistleblower

Individuals who make protected disclosures are shielded from any civil, criminal, or administrative liability (including disciplinary action) for reporting misconduct. CHAPTER 29 LIMITED is committed to safeguarding the rights of whistleblowers.

Protection is provided to those who make disclosures that are:

- Serious in nature;
- Made in good faith; and
- Based on reasonable grounds to believe the information is true.

Whistleblowers will not be disadvantaged for reporting misconduct. Any retaliation, harassment, discrimination, or reprisals against a whistleblower under this policy will be treated as serious misconduct, potentially resulting in disciplinary action. A whistleblower should not face:

- Dismissal or termination of services or supply;
- Demotion;
- Discrimination, victimisation, or harassment;

- Bias in current or future decisions; or
- Threats of any of the above.

If a whistleblower experiences any detriment because of making a disclosure, they should report the matter to the Chair.

1.6. False Reporting

While CHAPTER 29 LIMITED encourages the reporting of genuine concerns, individuals must ensure their reports comply with this policy. False or vexatious disclosures undermine the policy's effectiveness. Malicious, vexatious, or unfounded reports may be considered misconduct, and CHAPTER 29 LIMITED reserves the right to take disciplinary action against anyone making a false or baseless report.

2. PROCEDURE FOR REPORTING

2.1. Reports and Disclosures

Reports and disclosures can be made either verbally or in writing, including anonymously. However, whistleblowers are encouraged to submit reports in writing for better clarity. All reports will be treated confidentially as outlined in this policy. Reports should be made directly to the Chair.

When making a report, the whistleblower should clearly include the following:

- The issue or concern;
- The alleged misconduct;
- The individuals involved;
- Reasons for believing the misconduct occurred, including when and how it happened; and
- Any evidence that may substantiate the allegation, if known.

This ensures the recipient has sufficient information to act promptly. Reports should be:

- Factually accurate and based on firsthand knowledge;
- Objectively made on reasonable grounds; and
- Include all relevant details.

The whistleblower must keep relevant documents secure and unaltered as possible evidence.

2.2. Confidentiality and Privacy Protection

CHAPTER 29 LIMITED will not disclose the identity of a whistleblower unless:

- It is necessary to further the investigation and the whistleblower consents; or
- Disclosure is required or authorised by law.

Personal information may be used or disclosed if:

- It is made with express or implied consent;
- It prevents or lessens a serious threat to health or safety; or
- It is necessary to protect CHAPTER 29 LIMITED's legal rights or defend against claims.

During the investigation, the substance of the misconduct may need to be disclosed to the subject to ensure fairness. If misconduct is not substantiated, all investigation details will remain confidential.

Relevant records will be securely stored and accessed only by authorised directors.

The whistleblower must also maintain confidentiality and refrain from discussing the matter, including on commercial or social media. Violation of this may result in loss of protection.

3. INVESTIGATION

3.1. Internal Investigation

All disclosures, including those made to the Whistleblower Hotline, must be referred to the Chair to determine the appropriate action. The Chair is responsible for:

- Assessing whether this policy applies to the disclosure;
- Coordinating the investigation;
- Documenting and handling all matters related to the disclosure; and
- Keeping the whistleblower informed, as appropriate, about the progress and outcome.

An external investigator or an individual independent of CHAPTER 29 LIMITED must be appointed to conduct the investigation. The investigator will:

- Ensure fairness and timely investigation;
- Provide regular feedback to involved parties;
- Report findings to the Chair.

3.2. Contravention of Laws and Regulations

If the Chair suspects criminal activity, they will consult CHAPTER 29 LIMITED's legal advisor before further action. This may lead to involving the police or other authorities. If the legal advisor deems evidence insufficient, the matter will be handled internally.

3.3. Findings

Upon completion, the investigator will provide a written report summarising the investigation's conduct, evidence, conclusions, and recommendations. The Chair will determine appropriate actions, including disciplinary measures if needed.

Misconduct may have broader implications for CHAPTER 29 LIMITED, and the Chair can recommend systemic changes to prevent future occurrences.

4. SUPPORT

4.1. Whistleblower Support

CHAPTER 29 LIMITED acknowledges the difficulty of the whistleblowing process. CHAPTER 29 LIMITED employees, staff, volunteers, and members have access to the Employee Assistance Program (EAP) for confidential counselling. Non-employees requiring support should contact the person who received their report.

4.2. Support for Individuals

Subjects of protected disclosures are also entitled to support, including accessing the EAP. The Chair ensures fair treatment by:

- Informing them of the allegations;
- Giving them a reasonable opportunity to respond;
- Ensuring their response is fairly represented; and
- Informing them of any adverse findings before actions are taken.

If no misconduct is substantiated, the whistleblower and potentially the individual involved will be informed of this outcome.

5. LEGISLATION

The key legal frameworks governing CHAPTER 29 LIMITED include:

- Corporations Act 2001 (Cth)
- Australian Charities and Not-for-profits Commission Act 2012 (Cth)
- Australian Charities and Not-for-profits Commission Regulation 2013
- CHAPTER 29 LIMITED's regulators include:
 - Australian Securities and Investment Commission (ASIC)
 - Australian Charities and Not-for-profits Commission (ACNC)

- Australian Taxation Office (ATO)
- State Government Fundraising Regulators
- State Government Revenue Offices
- Office of the Australian Information Commissioner

Misconduct may include contraventions of these laws.

6. DISTRIBUTION

This policy will be distributed via CHAPTER 29 LIMITED's intranet and internet and will be available on the website for external stakeholders.

7. RELATED POLICIES

- Complaints Policy
- Grievance Policy