

## Joblife Employment - WHISTLEBLOWER POLICY

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

Joblife Employment encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving Joblife Employment and provides protections and measures so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage or reprisal.

This policy will be made available to officers and employees of the company via the Joblife Employment intranet (upon publication). Joblife Employment will adopt a consistent policy and make it available on their websites, intranets and in such other ways as will ensure the policy is available to employees and persons wishing to use it.

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**POLICY APPLICATION** This policy applies to all directors and employees of the Joblife Employment. Whistleblower Policy appropriate for the requirements of their activities.

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**POLICY 1 What is reportable conduct?**

You may make a report under this policy if you have reasonable grounds to suspect that a Joblife Employment director, officer, employee, contractor, supplier, tenderer or other person who has business dealings with Joblife Employment has engaged in conduct (Reportable Conduct) which:

- (a) is dishonest, fraudulent or corrupt, including bribery or other activity in breach of the Joblife Employments Anti-bribery Policy;
- (b) is illegal activity (such as theft, violence, harassment or intimidation, criminal damage to property or other breaches of state or federal law);
- (c) is unethical or in breach of Joblife Employment's policies (such as dishonestly altering company records or data, adopting questionable accounting practices or wilfully breaching Joblife Employment's Code of Conduct or other policies or procedures);
- (d) is potentially damaging to Joblife Employment, a Joblife Employment employee or a third party, such as unsafe work practices, environmental damage, health risks or abuse of Joblife Employment property or resources;

- (e) amounts to an abuse of authority;
- (f) may cause financial loss to Joblife Employment or damage its reputation or be otherwise detrimental to Joblife Employment's interests;
- (g) involves harassment, discrimination, victimisation or bullying, other than personal work-related grievances as defined in the Corporations Act 2001 (Cth) (Corporations Act); or
- (h) involves any other kind of misconduct or an improper state of affairs or circumstances.

Annexure A describes special protections for whistleblowers who disclose information concerning misconduct or an improper state of affairs or circumstances in relation to Joblife Employment or a related body corporate under the Corporations Act.

Annexure B describes special protections for tax whistleblowers.

## **2 Who can I make a report to?**

Joblife Employment has several channels for making a report if you become aware of any issue or behaviour which you consider to be Reportable Conduct: Joblife Employment's employees or contractors working within an AngusKnight or Life Without Barriers team.

For the purposes of this policy, to ensure appropriate escalation and timely investigation, we request that reports are made to any one of our Protected Disclosure Officers, listed below:

Life Without Barriers Company Secretary Office of the Chief Executive  
Paul Head  
02 4033 4552  
Email: [paula.head@lwb.org.au](mailto:paula.head@lwb.org.au)

Angus Knight General Manager - Finance & Corporate Services  
Peter Homan  
Phone: (02) 9259 5555  
Email: [peter.homan@angusknight.com.au](mailto:peter.homan@angusknight.com.au)

Reports may also be posted to c / Joblife employment 352 King Street Newcastle 2300 (marked to the attention of one of the Protected Disclosure Officers). Reports may be made anonymously, and whistleblowers will be afforded the same protections under the Corporations Act.

While it is Joblife Employment's preference that you raise reports with the Protected Disclosure Officers, it is important to note that under the Corporations Act, you may also raise the matter with an "officer" or "senior manager" of the company. These are 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."

In addition, a report may be made via the independent Stopline Service, a free external hotline and reporting service independently monitored by Stopline. Stopline reporting options are:

**By phone:** 1300 30 45 50

**By email:** [joblifeemployment@stopline.com.au](mailto:joblifeemployment@stopline.com.au)

**Web-based access:** <https://joblifeemployment.stoplinereport.com/>

**By post:** The Joblife Employment, c/o Stopline, Locked Bag 8, Hawthorn, VIC 3122, Australia

**By fax:** Attention: The Joblife Employment Group, c/o Stopline +61 3 9882 4480

**App:** Search for Stopline in the iTunes App Store or Google Play

The Stopline operator will provide the details of your disclosure to a Protected Disclosure Officer. Reports may be made anonymously but if you provide your contact details to Stopline, those contact details will only be provided to the Protected Disclosure Officer if you consent.

### **3 Joblife Employment's investigation of reportable conduct**

Joblife Employment will investigate all matters reported under this policy as soon as practicable after the matter has been reported. A Protected Disclosure Officer may, with your consent, appoint a person to assist in the investigation of a report. Where appropriate, Joblife Employment will provide feedback to you regarding the investigation's progress and/or outcome (subject to considerations of the privacy of those against whom allegations are made).

The investigation will be conducted in an objective and fair manner, and otherwise as is reasonable and appropriate having regard to the nature of the Reportable Conduct and the circumstances.

While the particular investigation process and enquiries adopted will be determined by the nature and substance of the report, in general, as soon as practicable upon receipt of the report, if the report is not anonymous, a Protected Disclosure Officer or investigator will contact you to discuss the investigation process including who may be contacted and such other matters as are relevant to the investigation. Where a report is submitted anonymously, Joblife Employment will conduct the investigation and its enquiries based on the information provided to it.

### **4 Protection of whistleblowers**

Joblife Employment is committed to ensuring confidentiality in respect of all matters raised under this policy, and that those who make a report are treated fairly and do not suffer detriment.

#### **(a) Protection against detrimental conduct**

Detrimental treatment includes dismissal, demotion, threat to job security, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a report.

If you are subjected to detrimental treatment as a result of making a report under this policy, you should:

- (i) inform a protected disclosure officer, officer or senior manager within your relevant division/business unit immediately under the divisional whistleblower policy; or
  - (ii) raise it in accordance with paragraph 2 of this policy.
- (b) Protection of your identity and confidentiality

Subject to compliance with legal requirements, upon receiving a report under this policy, Joblife Employment will only share your identity as a whistleblower or information likely to reveal your identity if:

- (i) you consent;
- (ii) the concern is reported to the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA), the Tax Commissioner or the Australian Federal Police (AFP); or
- (iii) the concern is raised with a lawyer for the purpose of obtaining legal advice or representation.

If Joblife Employment needs to investigate a report, it may disclose information that could lead to your identification, but it will take reasonable steps to reduce this risk.

Any disclosures of your identity or information likely to reveal your identity will be made on a strictly confidential basis.

(c) Protection of files and records

All files and records created from an investigation will be retained securely.

Unauthorised release of information to someone not involved in the investigation (other than senior managers or directors who need to know to take appropriate action, or for corporate governance purposes) without your consent as a whistleblower will be a breach of this policy.

Whistleblowers are assured that a release of information in breach of this policy will be regarded as a serious matter and will be dealt with under Joblife Employment's disciplinary procedures.

The Corporations Act gives special protection to disclosures about breaches of that Act, provided certain conditions are met – refer to Annexure A for further details. The Taxation Administration Act 1953 (Cth) (Taxation Administration Act) also gives special protection to disclosures about breaches of any Australian tax law, provided certain conditions are met – refer to Annexure B for further details.

## **5 Duties of employees in relation to reportable conduct**

It is expected that employees of Joblife Employment who become aware of actual or suspect on reasonable grounds, potential cases of Reportable Conduct will make a report under this policy or under other applicable policies.

## 6 Reporting procedures

The Protected Disclosure Officers (as appropriate) will report to the Joblife Employment Board on the number and type of whistle-blower incident reports annually, to enable Joblife Employment to address any issues

These reports will be made on a 'no names' basis, maintaining the confidentiality of matters raised under this policy.

The Joblife Employment Board will receive copies of all whistleblower reports, and whistleblower reports from Protected Disclosure Officers (as appropriate). In addition, serious and/or material Reportable Conduct will be considered by the Protected Disclosure Officers for immediate referral to the Chairman of the Joblife Employment Board.

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### POLICY AMENDMENT

This policy cannot be amended without approval of the Joblife Employment Board. It will be reviewed from time to time to ensure that it remains effective and meets best practice standards and the needs of Joblife Employment  
LAST AMENDED: July 2020

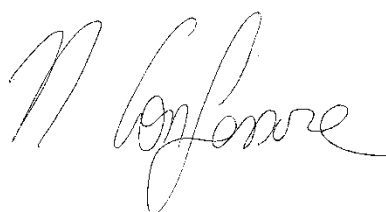
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### POLICY APPROVAL:

APPROVAL: The Policy was ratified by the Joblife Board on 22 June 2020

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### SIGNED:



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Nunzia Confessore, CEO Joblife

## Annexure A – Special protections under the Corporations Act<sup>1</sup>

The Corporations Act gives special protection to disclosures about any misconduct or improper state of affairs relating to Joblife Employment if the following conditions are satisfied:

(a) the whistleblower is or has been:

- (i) an officer or employee of a Joblife Employment;
- (ii) an individual who supplies goods or services to a Joblife Employment company or an employee of a person who supplies goods or services to a Joblife Employment;
- (iii) an individual who is an associate of a Joblife Employment; or
- (iv) a relative, dependent or dependent of the spouse of any individual referred to at (i) to (iii) above;

(b) the report is made to:

- (i) a Protected Disclosure Officer;
- (ii) an officer or senior manager of a Joblife Employment concerned;
- (iii) Joblife Employment 's external auditor (or a member of that audit team)<sup>2</sup>;
- (iv) an actuary of a Joblife Employment;
- (v) ASIC;
- (vi) APRA; or
- (vii) a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act;

(c) the whistleblower has reasonable grounds to suspect that the information being disclosed concerns misconduct, or an improper state of affairs or circumstances in relation to the Joblife Employment Group. This may include a breach of legislation including the Corporations Act, an offence against the Commonwealth punishable by imprisonment for 12 months or more or conduct that represents a danger to the public or financial system.

Examples of conduct which may amount to a breach of the Corporations Act include: insider trading, insolvent trading, breach of the continuous disclosure rules, failure to keep accurate financial records, falsification of accounts, failure of a director or other officer of the Group to act with the care and diligence that a reasonable person would exercise, or to act in good faith in the best interests of the corporation or failure of a director to give notice of any material personal interest in a matter relating to the affairs of the company.

(d) The protections given by the Corporations Act when these conditions are met are:

- (i) the whistleblower is immune from any civil, criminal or administrative legal action (including disciplinary action) for making the disclosure;
- (ii) no contractual or other remedies may be enforced, and no contractual or other right may be exercised, against the whistleblower for making the report;

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<sup>1</sup> See Part 9.4AAA of the *Corporations Act 2001* (Cth).

<sup>2</sup> Joblife Employment 's external auditor as of 15<sup>th</sup> June is Grant Thornton.

- (iii) in some circumstances, the reported information is not admissible against the whistleblower in criminal proceedings or in proceedings for the imposition of a penalty;<sup>3</sup>
- (iv) anyone who causes or threatens to cause detriment to a whistleblower or another person in the belief or suspicion that a report has been made, or may have been made, proposes to or could be made, may be guilty of an offence and may be liable for damages;
- (v) a whistleblower's identity cannot be disclosed to a Court or tribunal except where considered necessary; and
- (vi) the person receiving the report commits an offence if they disclose the substance of the report or the whistleblowers identity, without the whistleblower's consent, to anyone except ASIC, APRA, the AFP or a lawyer for the purpose of obtaining legal advice or representation in relation to the report.

### **Confidentiality**

If a report is made, the identity of the discloser must be kept confidential unless one of the following exceptions applies:

- (a) the discloser consents to the disclosure of their identity;
- (b) disclosure of details that might reveal the discloser's identity is reasonably necessary for the effective investigation of the matter
- (c) the concern is report to ASIC, APRA, or the AFP; or
- (d) the concern is raised with a lawyer for the purpose of obtaining legal advice or representation

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<sup>3</sup> Such as where the disclosure has been made to ASIC or APRA, or where the disclosure qualifies as a public interest or emergency disclosure.

## Annexure B – Special Protections under the Taxation Administration Act

The Taxation Administration Act gives special protection to disclosures about a breach of any Australian tax law by Joblife Employment or misconduct in relation to Joblife Employment 's tax affairs if the following conditions are satisfied:

- (a) the whistleblower is or has been:
  - (i) an officer or employee of Joblife Employment;
  - (ii) an individual who supplies goods or services to a Joblife Employment or an employee of a person who supplies goods or services to a Joblife Employment;
  - (iii) an individual who is an associate of a Joblife Employment;
  - (iv) a spouse, child, dependent or dependent of the spouse of any individual referred to at (i) to (iii) above;
- (b) the report is made to:
  - (i) a Protected Disclosure Officer;
  - (ii) a director, secretary or senior manager of a Joblife Employment Company concerned;
  - (iii) any Joblife Employment Company external auditor (or a member of that audit team)<sup>4</sup>;
  - (iv) a registered tax agent or BAS agent who provides tax or BAS services to a Joblife Employment company<sup>6</sup>;
  - (v) any other employee or officer of Joblife Employment who has functions or duties relating to tax affairs of the company (e.g. an internal accountant);  
**(Joblife Employment recipients)**
  - (vi) the Commissioner of Taxation; or
  - (vii) a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Taxation Administration Act; and
- (c) if the report is made to a Joblife Employment recipient, the whistleblower:
  - (i) has reasonable grounds to suspect that the information indicates misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of a Joblife Employment or an associate of that company; and
  - (ii) considers that the information may assist the Joblife Employment recipient to perform functions or duties in relation to the tax affairs of a Joblife Employment or an associate of the company; and
- (d) if the report is made to the Commissioner of Taxation, the whistleblower considers that the information may assist the Joblife Employment recipient to perform functions or duties in relation to the tax affairs of a Joblife Employment or an associate of the company.

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<sup>4</sup> Joblife Employment 's external auditor at December 2019 was Grant Thornton.

<sup>6</sup> Joblife Employment 's tax agent as at August 2019 is Grant Thornton.



The protections given by the Taxation Administration Act when these conditions are met are:

- (a) the whistleblower is immune from any civil, criminal or administrative legal action (including disciplinary action) for making the disclosure;
- (b) no contractual or other remedies may be enforced, and no contractual or other right may be exercised, against the whistleblower for making the report;
- (c) where the disclosure was made to the Commissioner of Taxation, the reported information is not admissible against the whistleblower in criminal proceedings or in proceedings for the imposition of a penalty, except where the proceedings are concerned with whether the information is false;
- (d) unless the whistleblower has acted unreasonably, a whistleblower cannot be ordered to pay costs in any legal proceedings in relation to a report;
- (e) anyone who causes or threatens to cause detriment to a whistleblower or another person in the belief or suspicion that a report has been made, or may have been made, proposes to or could be made, may be guilty of an offence and liable to pay damages;
- (f) a whistleblower's identity cannot be disclosed to a Court or tribunal except where considered necessary;
- (g) the person receiving the report commits an offence if they disclose the substance of the report or the whistleblower's identity, without the whistleblower's consent, to anyone except the Commissioner of Taxation, the AFP or a lawyer for the purpose of obtaining legal advice or representation in relation to the report.

#### **Confidentiality**

If a report is made, the identity of the discloser will be kept confidential unless one of the following exceptions applies:

- (a) the discloser consents to the disclosure of their identity;
- (b) disclosure of details that might reveal the discloser's identity is reasonably necessary for the effective investigation of the allegations;
- (c) the concern is report to the Commissioner of Taxation, or the AFP; or
- (d) the concern is raised with a lawyer for the purpose of obtaining legal advice or representation.