

## WHISTLEBLOWER POLICY AND PROCEDURE

### Introduction

The Board of CHF is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles).

Employees are expected to cooperate with the organisation in maintaining legal, proper, and ethical operations, if necessary, by reporting non-compliant actions by other people. Correspondingly, employees who do assist in maintaining legal, proper, and ethical operations should not be penalised in any way.

### Purpose

This Whistleblower Policy:

- (a) has been developed to align with our values to ensure that we observe our corporate governance, risk management and integrity standards; and
- (b) has been implemented to ensure our stakeholders can report Disclosable Conduct (as defined) safely, securely and with confidence that they will be protected and supported consistently with Whistleblowing Laws.

This Policy aims to:

- (a) encourage Disclosers to report wrongdoing if they have reasonable grounds to suspect it concerns Disclosable Conduct;
- (b) provide details about how (and to whom) a Discloser can make a report;
- (c) provide details about how CHF will investigate reports of Disclosable Conduct;
- (d) provide details on the protections available to Disclosers, and how CHF will ensure fair treatment of employees specified in a report; and
- (e) fulfil CHF's obligations under, and promote the operation of, the Whistleblower Laws.

### Responsibilities

It shall be the responsibility of the CHF Board to adopt the Whistleblower Policy and nominate the organisation's Whistleblower Protection Officer (**WPO**).

The WPO is responsible for:

- (a) coordinating an investigation into any report received from a whistleblower;
- (b) documenting and handling all matters in relation to the report and investigation, and
- (c) finalising all investigations.

All employees, directors, managers, contractors and volunteers are required to comply with this Policy in their work. They are responsible for reporting breaches of general law,

organisational policy, or generally recognised principles of ethics to a person authorised to act on such breaches.

This Policy is not intended to go beyond the legislation. This Policy may be varied by CHF from time to time at its discretion. CHF may, at its discretion, depart from this Policy in circumstances where appropriate.

## Policy

### Application of policy

Only a Discloser will qualify for protection as a whistleblower under the Whistleblower Laws. A person who makes a report, but does not qualify as a Discloser, will not qualify for protection as a whistleblower under the Whistleblower Laws.

To be eligible, the Discloser must make the disclosure to a regulatory authority such as the Australian Securities and Investments Commission (ASIC), Australia Prudential Regulation Authority (APRA), the Commissioner of Taxation, or in certain circumstances a legal practitioner (to obtain external legal advice regarding the operation of the Whistleblower Protection Scheme) or an eligible recipient (see below).

Only reports of Disclosable Conduct will qualify for protection under the Whistleblower Laws. Any reports that do not relate to Disclosable Conduct are not covered by this Policy and will not qualify for protection under the Whistleblower Laws. A Discloser can still qualify for protection even if their report of Disclosable Conduct turns out to be incorrect.

### Examples of Disclosable Conduct

For guidance on what Disclosable Conduct is, examples are where CHF, or an officer or employee of CHF, has engaged in:

- (a) illegal conduct, such as theft, dealing in or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- (b) fraud, money laundering or misappropriation of funds;
- (c) offering or accepting a bribe;
- (d) financial irregularities, including tax avoidance behaviour;
- (e) failure to comply with, or breach of, legal or regulatory requirements, including:
- (f) an unsafe work-practice or behaviour that poses a serious risk to the health and safety of any person at the workplace; or
- (g) engaging in, or threatening to engage in, detrimental conduct against a person who has made a disclosure or is believed or suspected to have made or be planning to make a disclosure;
- (h) any other conduct which may cause a material loss to CHF or be otherwise detrimental to CHF's interests.

## Exclusion of personal work-related grievances

Most disclosures relating to a personal work-related grievance do not qualify for protection under this Policy.

A personal work-related grievance may include any matter in relation to the Discloser's own employment (or former employment) having (or tending to have) implications for the Discloser personally (but not relating to Disclosable Conduct), for example:

- (a) an interpersonal conflict between the Discloser and another employee;
- (b) a decision that does not involve a breach of workplace laws;
- (c) a decision in relation to the Discloser's engagement, transfer or promotion;
- (d) a decision relating to the Discloser's terms and conditions of engagement; or
- (e) a decision to suspend and terminate the Discloser's engagement, or otherwise to discipline the Discloser.

Any instances of such personal work-related grievances are expressly excluded from this Whistleblower Policy and will not qualify for protection under the Whistleblower Laws. A personal work-related grievance may be protected under other legislation and in such case, will be managed by CHF under its workplace policies.

However, a personal work-related grievance may still qualify for protection as Disclosable Conduct if:

- (a) it raises significant implications for CHF that do not relate to the discloser. For example, if CHF has breached employment or other laws punishable by imprisonment for a period of 12 months or more in any jurisdiction, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests systemic misconduct beyond the Discloser's own circumstances;
- (b) it is a "mixed" report including information about Disclosable Conduct, or information about Disclosable Conduct includes or is accompanied by a personal work-related grievance;
- (c) the Discloser suffers from or is threatened with detriment for making a disclosure; or
- (d) the Discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the relevant Whistleblower Laws.

## Procedures

### External Reporting Entities

The Board may nominate external persons to whom or agencies to which disclosures may be made under the protections offered under this Policy. Where such a nomination is made, employees, directors, managers, contractors and volunteers should be informed by any appropriate method.

## Reporting Disclosable Conduct

Where an employee of CHF believes in good faith on reasonable grounds that any other employee, director, manager, contractor or volunteer has engaged in Disclosable Conduct, that employee is encouraged to report their concern to one of the following eligible recipients:

- (a) their supervisor or, if they feel that their supervisor may be complicit in the conduct;
- (b) the organisation's nominated WPO or, if they feel that the WPO may be complicit in the conduct;
- (c) the CEO or, if they feel that the CEO may be complicit in the conduct;
- (d) the Chair or, if they feel that the Chair may be complicit in the conduct, the Deputy Chair;
- (e) or if they feel this to be necessary, a person or agency independent of the organisation nominated by the organisation to receive such disclosures under the protections offered by this Policy; or
- (f) the duly constituted authorities responsible for the enforcement of the law in the relevant area.

Any complaint from a director should go to the Chair, except if it is about the Chair, in which case it should go to the Deputy Chair.

The Discloser shall not suffer any sanctions from the organisation on account of their actions in this regard provided that their actions:

- (a) are in good faith;
- (b) are based on reasonable grounds; and
- (c) conform to the designated procedures as outlined in this Policy.

Disclosures may be made anonymously, which must be, as far as possible, preserved by the organisation.

These procedures do not authorise any employee to inform commercial media or social media of their concern, and do not offer protection to any employee who does so, unless:

- (a) it is not feasible for employees to report internally; and
- (b) existing reporting channels, including a nominated person or agency independent of the organisation have failed to deal with issues effectively.

The Discloser should be informed that, insofar as practicable, the employee will not be disadvantaged by the organisation for the act of making such a report and will be protected from legal liability for reporting Disclosable Conduct. However, reporting such a breach does not necessarily absolve the Discloser from the consequences of any involvement on their own part in the Disclosable Conduct and if a Discloser has engaged in misconduct that becomes apparent as a result of their disclosure, they may not be immune from legal liability.

Any such report should where possible be in writing and should contain, as appropriate, details of:

- (a) the nature of the alleged breach;
- (b) the person or persons responsible for the breach;
- (c) the facts on which the Discloser's belief that a breach has occurred, and has been committed by the person named, are founded;
- (d) the nature and whereabouts of any further evidence that would substantiate the Discloser's allegations, if known.

Evidence to support such concerns should be brought forward at this time if it exists. The absence of such evidence will be a factor in subsequent consideration of whether to open an investigation into the matter. However, absence of such evidence is not an absolute bar to the activation of the organisation's investigative procedures. The existence of a concern is sufficient to trigger reporting responsibilities.

### Anonymity

If the Discloser decides to make their report anonymously, this will be respected except insofar as it may be overridden by due process of law.

The Discloser should, however, be informed that the maintenance of such anonymity may make it difficult to follow up for further information, meaning it is less likely that the alleged breach can be substantiated in any subsequent investigation. To assist the Discloser in maintaining anonymity, they may wish to adopt a pseudonym or an anonymous email address to maintain two-way communication throughout the investigation.

Where anonymity has been requested, the Discloser is required to maintain confidentiality outside of the investigation and to refrain from discussing the matter with any unauthorised persons.

### Receiving a report of a breach

On receiving a report of a breach, the person to whom the disclosure is made shall:

- (a) if they believe the behaviour complained of to be unquestionably trivial, fanciful or malicious, dismiss the allegation and notify the person making the allegation of their decision; or
- (b) if they believe the behaviour complained of to be neither trivial, fanciful nor malicious, put in motion the investigation process described below, ensure that a finding is made and that the person making the allegation is informed of the finding.

If the report is dismissed, the Discloser may choose to report to another appropriate person as per the reporting procedure.

## Investigation process

The person to whom the disclosure was made shall notify the CEO, who shall be responsible for acknowledging receipt of a disclosure within a reasonable period and ensuring that an investigation of the allegations is established and adequately resourced.

Investigations, where appropriate, will be undertaken by the WPO. The terms of reference for the investigation will be prepared, in consultation with the CEO, to clarify the key issues to be investigated.

## Information to Discloser

Subject to considerations of the privacy of those against whom the allegations are made, customary practices of confidentiality and other circumstances where it is not appropriate to provide details of the outcome to the Discloser, the Discloser will be kept informed of:

- (a) relevant progress of an investigation; and
- (b) relevant outcomes of an investigation.

## Protection of Discloser

Whistleblower protections make it unlawful for a person to engage in threats or detrimental conduct against another person because they suspect that another person has or might be about to report Disclosable Conduct.

This applies regardless of whether the threat or detriment is direct or indirect, such as altering an employee's position or duties to their detriment because they have made a disclosure under this Policy.

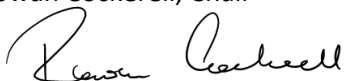
## Definitions

| Term                       | Meaning  |
|----------------------------|--|
| <b>Disclosable Conduct</b> | <p>means any matter/information that the whistleblower has "reasonable grounds" to suspect:</p> <ul style="list-style-type: none"> <li>(a) concerns misconduct or an 'improper state of affairs or circumstances' in relation to CHF;</li> <li>(b) indicates that CHF, or any of its officers or employees, has engaged in conduct that: <ul style="list-style-type: none"> <li>• breaches the <i>Corporations Act 2001</i> (Cth), <i>Australian Securities and Investments Commission Act 2001</i> (Cth), <i>Banking Act 1959</i> (Cth), <i>Financial Sector (Collection of Data) Act 2001</i> (Cth), <i>Insurance Act 1973</i> (Cth), <i>Life Insurance Act 1995</i> (Cth), <i>National Consumer Credit Protection Act 2009</i> (Cth) or <i>Superannuation Industry (Supervision) Act</i></li> </ul> </li> </ul> |

|                                  |  |
|----------------------------------|--|
|                                  | <p>1993 (Cth) (or regulations made under those laws);</p> <ul style="list-style-type: none"> <li>constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;</li> <li>represents a danger to public safety or the stability of the financial system; or</li> <li>is otherwise prescribed by regulation; or</li> </ul> <p>(c) may be of a serious enough nature to warrant disclosure even though it may not be in breach of particular laws (for example conduct that, whilst not unlawful, may indicate a 'systemic issue'),</p> <p>but excludes most personal work-related grievances, as outlined in the policy.</p> |
| <p><b>Discloser</b></p>          | <p>means a person (being a director, manager, employee, contractor, or volunteer of CHF) who, whether anonymously or not, makes attempts to make or wishes to make a report in connection with Disclosable Conduct and wishes to avail themselves of protection against reprisal for having made the report.</p>   |
| <p><b>Whistleblower Laws</b></p> | <p>the Australian whistleblower laws under the <i>Corporations Act 2001</i> (Cth) (including Part 9.4AAA "Protection for Whistleblowers") and the <i>Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019</i> (Cth), and other associated regulations and/or instruments.</p>  |

Authorisation

Rowan Cockerell, Chair



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