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Responsible person:	Chief Executive Officer	Approved by Board on:	18 December 2019
Date written:	December 2019	Scheduled review date:	December 2022

Purpose

The purpose of this policy is:

1. To encourage directors, employees, suppliers, contractors, tenderers (Personnel) or any person who has business dealings with Rural Lifestyle Options Australia (RLOA), to raise any concerns and report any instances of misconduct, illegal, fraudulent or other unethical conduct where there are reasonable grounds to suspect such conduct has occurred;
2. To provide an appropriate procedure for individuals to report such conduct in the knowledge they can act without fear of intimidation, disadvantage or reprisal; and
3. To ensure that any person who makes a report in accordance with this Policy (a Whistleblower) is appropriately protected from any Detrimental Action (as defined in this Policy).

Scope

This policy applies to all RLOA staff, volunteers, consultants, contractors and suppliers and their employees, and any person who has business dealings with RLOA.

Principles

The principles that underpin the RLOA Whistleblower Policy and Procedure include:

- Respect – demonstrating high level ethical practice, and unbiased workplace with protections in place.
- Non-disclosure – not disclosing information unless prior permission is granted.
- Professional Conduct – maintaining a high level of professionalism, competence and reliability to follow guidelines without exception.
- Diligence – thoroughness, meticulous with detail and compliant with relevant regulatory requirements.
- Integrity – demonstrating reliability, trustworthiness, truthfulness and honesty.
- Transparency – open and honest and consistent practice, documentation and information security.

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Definitions and Terms

The following definitions and terms apply to this procedure:

Reportable Conduct means conduct on the part of a RLOA director, officer, employee, contractor, or any person who has business dealings with RLOA (in the context of those dealings with RLOA), whether actual or suspected, which an individual suspect on reasonable grounds:

- is dishonest, fraudulent or corrupt, or involves bribery or corruption, or an improper state of affairs or otherwise amounts to an abuse of authority;
- is illegal, including theft, drug sale or use, violence, or threatened violence, harassment, intimidation, or criminal damage to property;
- is in breach of Commonwealth or state legislation or local authority by-laws;
- is unethical, including dishonestly altering company records or data, adopting questionable accounting practices, or the unauthorised disclosure of confidential information;
- breaches RLOA's Code of Conduct or other RLOA policies;
- is potentially damaging to RLOA, a RLOA employee or a third party, or the public or the financial system, such as unsafe work practices, environmental damage, health risks or substantial wasting of company resources;
- amounts to an improper state of affairs or circumstances, in relation to the tax affairs of RLOA, a related company or associated entity and this information may assist the recipient to perform their functions or duties in relation to those tax affairs;
- may cause financial or non-financial loss to RLOA, damage its reputation or be otherwise detrimental to RLOA's interests; or
- is an attempt to conceal or delay disclosure of any of the above conduct.

Policy Statement

Rural Lifestyle Options Australia (RLOA) are committed to maintaining a high standard of corporate governance through a culture of strong ethical behaviour and corporate compliance. Employees and subcontractors must fulfil their roles and responsibilities with honesty and integrity.

In Australia, the various pieces of legislation that protect whistleblowers from negative treatment include the Corporations Act 2001 (Cth) and Taxation Administration Act 1953 (Cth) (Whistleblower Protection Laws). Other jurisdictions have their own whistleblowing regimes which need to be complied with to the extent they apply.

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Where relevant, this Policy distinguishes between disclosures made under this Policy and protected disclosures made under Whistleblower Protection Laws, for example in the case of disclosures made to regulators, and disclosures made by persons external to RLOA.

One of the aims of this Policy is to comply with our legislative obligation to provide information about the protections available to whistleblowers, including the protections under the Whistleblower Protection Laws.

RLOA's employees and officers are required to comply with any lawful directions made by RLOA in respect of this Policy. This Policy is not intended to be contractually binding and does not form part of any employment contract with RLOA. RLOA may amend this Policy at any time in its sole discretion.

This Policy is not designed to replace normal communication channels between management and employees to address questions, concerns, suggestions or complaints. If employees have any concerns about what is proper conduct for themselves or others, it is expected they will raise their concern. In most instances, the employee's immediate supervisor is in the best position to address an area of concern. Serious matters or matters not satisfactorily resolved should be escalated through appropriate management channels in the normal course of business.

Procedural Steps

1) Individuals Reporting Conduct

- a) RLOA supports measures enabling disclosure of Reportable Conduct based on honesty, integrity and ethical behaviour. A Whistleblower who has not him or herself engaged in serious misconduct or illegal conduct may be provided with immunity from disciplinary proceedings.
- b) RLOA cannot provide immunity from civil penalties or criminal prosecution.
- c) Before conduct is reported, the Whistleblower must have reasonable grounds to suspect that Reportable Conduct has occurred. Individuals must not make baseless reports or knowingly provide false or misleading information regarding Reportable Conduct or Detrimental Action. Doing so may result in disciplinary action up to and including termination of employment.

2) Making a Report

- a) Reportable Conduct can be reported to RLOA Whistleblower Protection Officer (WPO) via Stopleveline, a confidential, independent provider of whistleblowing services who will take full details of your concerns via telephone, mail, email, fax or the specifically created website.
- b) Phone: 1300 30 45 50
- c) Website and Online Reporting Form: <https://rloa.stoplinereport.com>

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- d) Stopline will review reports and direct those that require further investigation to the Whistleblower Investigations Officer (WIO) which may be the Chief Executive Officer of RLOA, or Executive Leader People and Culture of RLOA.
- e) If Whistleblower wishes to remain anonymous, he or she may do so.

3) Other Reporting

- a) It is RLOA preference that reports follow the process set out in 5a below. For other reporting options see Schedule 1.

4) Whistleblower Protection

- a) Victimization is prohibited to a Whistleblower who:
 - suspects on reasonable grounds that a RLOA officer, employee or contractor has engaged, or plans to engage, in Reportable Conduct; and
 - reports that matter in accordance with section 4 of this Policy.
 - Must not be subjected to Detrimental Action for reporting the Reportable Conduct.
- b) In this Policy, Detrimental Action includes the following (even if done unintentionally):
 - action causing injury, harm, loss or damage (including psychological harm);
 - damaging a person's property, reputation, business or financial position or causing any other damage to a person;
 - intimidation, bullying or harassment;
 - discrimination or other adverse treatment in relation to the Whistleblower's employment, career, profession, trade or business, including dismissal, demotion or the taking of other disciplinary action;
 - current or future bias;
 - action that constitutes the making of a threat to cause any such Detrimental Action to another person; or
 - any conduct which incites others to subject the Whistleblower to any of the above conduct.

5) Confidentiality of Disclosures

- a) All information provided by a Whistleblower will be treated as confidential and maintained securely. Any breach of confidentiality will be treated as a serious disciplinary matter.
- b) The identity of a Whistleblower (or information that is likely to lead to them being identified as a Whistleblower) will be kept confidential, unless any of the following apply:
 - they consent to this information being disclosed;

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- during the investigation of a report, RLOA needs to disclose information that may lead to the Whistleblower being identified. All reasonable steps will be taken to ensure that the Whistleblower's identity is not disclosed;
 - RLOA needs to disclose this information to obtain legal advice or representation;
 - RLOA is required to do so by law (for example where RLOA needs to disclose this information to an external regulator or RLOA is ordered to do so by a court);
 - The information is provided to APRA, ASIC or a member of the police; or
 - RLOA needs to disclose the information to prevent a serious and imminent threat to life, health or property.
- c) If any Personnel receives information about Reportable Conduct, and does not keep that information confidential or discloses any information that is likely to lead to the Whistleblower being identified (except in the circumstances permitted above):
- If they are RLOA employees – they will be subject to disciplinary action, which may include a formal written warning, or termination of employment with RLOA;
 - If they are not a RLOA employee – RLOA may take other corrective action; and
 - They may be subject to criminal and civil penalties, including substantial fines and / or jail. This applies even if they did not receive the disclosure but received the information indirectly.

6) Support and Protection of Whistleblowers

- a) Part of the role of the WPO is to safeguard the interests of Whistleblowers, to assist them to understand the process and the available protections and to ensure the integrity of the whistleblowing mechanism. Whistleblowers who are an employee or officer of RLOA:
- are entitled to support through the WPO;
 - may explore options such as taking leave, relocation to another area of business, or a secondment arrangement while the concern is being investigated.

7) Whistleblower Protection Laws

- a) If Whistleblowers make a protected disclosure under the Whistleblower Protection Laws, these laws provide that:
- they cannot be subject to any civil, criminal or administrative liability, for making a protected disclosure;
 - they may be subject to civil, criminal or administrative liability for conduct that is revealed by their disclosure;

Please note: if the disclosure is made to ASIC, APRA or the Commissioner of Taxation, or is an Emergency Disclosure as permitted under the *Corporations Act*, the information is not admissible in evidence against the Whistleblower in criminal proceedings, or in proceedings for the imposition of a penalty, except for proceedings in respect of providing false information.

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- b) If a Whistleblower is victimised as a result of making a disclosure of Reportable Conduct, there are possible remedies available under the Whistleblower Protection Laws (where they apply) and include reinstatement, compensation, an order prohibiting the victimisation, or an apology.
- c) The victimiser can be ordered to pay substantial monetary fines or imprisoned. Protections for RLOA employees also exist under the *Fair Work Act*. These are enforceable as a matter of statute and do not form part of this Policy.

Related Legislation and Documentation

Fair Work Act

Corporations Act 2001 (Cth)

Taxation Administration Act 1953 (Cth) (Whistleblower Protection Laws)

Quality Standards

NDIS Quality and Safeguarding Framework

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