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Developed by: Company Secretary	
Authorised by: Board of Directors	Issued To: All Staff

## 1. TITLE

Whistleblower Protection Policy

## 2. PURPOSE

Regis Healthcare Limited and its subsidiaries (**Regis**) will not tolerate unlawful or unacceptable conduct by any Workplace Participant so we encourage and support the disclosure of such conduct by providing protections to Eligible Whistleblowers who make Protected Disclosures.

This Whistleblower Protection Policy documents Regis' commitment to maintaining a working environment in which Workplace Participants are encouraged to speak up about:

- instances of misconduct
- an improper state of affairs or circumstances;
- conduct which constitutes an offence against an Applicable Law;
- conduct which constitutes Elder Abuse or a breach of Regis' obligations towards its residents or clients.

The purpose of this Policy is to assist Regis to detect and resolve unlawful and unacceptable conduct by encouraging the prompt reporting of such conduct by identifying:

- who can be an Eligible Whistleblower;
- what will constitute a Protected Disclosure;
- who is an Eligible Recipient;
- the support and protection available to Eligible Whistleblowers;
- how Regis will afford fair treatment to Eligible Whistleblowers and any person who is the subject of a Protected Disclosure; and
- the steps Regis will take to investigate Protected Disclosures.

The Whistleblower Protection Policy is a key element of Regis' Corporate Governance program. A copy of this Policy will be available on the Regis website, the Quality Intranet and in hard copy at facilities, home care services and state and head office locations.

## 3. SCOPE

This policy applies to all Workplace Participants.


## 4. RESPONSIBILITIES

**CEO** has responsibility for determining corrective action in relation to Protected Disclosures.

**Company Secretary** has responsibility for determining whether a Disclosure constitutes a Protected Disclosure, conducting or delegating investigations into Protected Disclosures, making recommendations to the CEO where appropriate and ensuring the welfare of Eligible Whistleblowers.

**Eligible Recipient** has responsibility for:

- receiving Disclosures from Disclosers;

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- maintaining the confidentiality of the identity of the Discloser and confirming their welfare until they have notified the Company Secretary etc; and
- notifying the Company Secretary or, if appropriate, the CEO or Executive General Manager – People & Culture of the Disclosure

**Eligible Whistleblower** has responsibility for making disclosures about Reportable Conduct to Eligible Recipients where there is reasonable grounds to do so

**Workplace Participants** have responsibility for:

- speaking up and identifying any Reportable Conduct;
- refraining from engaging in Reportable Conduct;
- not taking any Detrimental Action against an Eligible Whistleblower because the Eligible Whistleblower has, may have made, proposes to make or could make a Protected Disclosure;
- participating openly, honestly and to the best of their ability in an investigation into a Protected Disclosure.

## 5. DEFINITIONS

**Applicable Law** means:


- Corporations Act 2001 (Cth)*
- Australian Securities and Investment Commission Act 2001 (Cth)*
- Banking Act 1959 (Cth)*
- Financial Sector (Collection of Data) Act 2001 (Cth)*
- Insurance Act 1973 (Cth)*
- Life Insurance Act 1995 (Cth)*
- National Consumer Credit Protection Act 2009 (Cth)*
- Superannuation Industry (Supervision) Act 1993 (Cth)*
- Any instrument made under any of the Acts specified above*

**Associate** has the meaning given to it under sections 10-17 of the *Corporations Act 2001 (Cth)*.

**Company Secretary** means the Company Secretary of Regis Healthcare Ltd. In the event that a disclosure is in relation to the actions of the Company Secretary, this policy should be read as if references to the Company Secretary are to the Executive General Manager – People & Culture.

**Corruption** means dishonest activity in which a director, employee or contractor of Regis acts contrary to the interests of Regis and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.

**Detrimental Action** includes, but is not limited to, any of the following:

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- dismissal of an Eligible Whistleblower;
- injury of an Eligible Whistleblower in their employment with Regis;
- alteration of an Eligible Whistleblower's position or duties to their disadvantage;
- discrimination between an Eligible Whistleblower and other employees of Regis;
- harassment or intimidation of an Eligible Whistleblower;
- harm or injury to an Eligible Whistleblower, including psychological harm;
- damage to an Eligible Whistleblower;
- damage to an Eligible Whistleblower's business or financial position;
- any other damages to an Eligible Whistleblower.

**Discloser** means a person who makes a Disclosure about what they believe to be Reportable Conduct.

**Disclosure** means a disclosure about what is believed to be Reportable Conduct.

**Elder Abuse** means any behaviour or pattern of behaviour by a person/s with whom an older person has a relationship implying trust (including Workplace Participants), which results in harm to the older person and can include (but is not limited to): physical, sexual or financial abuse.

**Eligible Recipient** means:

- a director of Regis;
- the CEO, CFO or CCO of Regis;
- the Company Secretary of Regis;
- an auditor or member of an audit team conducting an audit on Regis;
- an actuary of Regis or a related body corporate;
- the Independent Reporting Line.


**Eligible Whistleblower** means any of:

- an Officer, Employee, Supplier, Associate of Regis
  - a relative of an Officer, Employee, Supplier or Associate of Regis
  - dependant (or dependent of a spouse) of an Officer, Employee, Supplier or Associate of Regis
- who makes a Protected Disclosure in accordance with this Policy.

**Employee** means any current and former employee of Regis.

**Fraud** means dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by directors or employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. It also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.

**Independent Reporting Line** means The STOPline, whose contact details are:

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- Phone 1300 30 45 50
- Email: [regis@stopline.com.au](mailto:regis@stopline.com.au)
- Website: <http://regis.stoplينerreport.com>
- Post: Regis c/o The STOPline, Locked Bag 8, Hawthorn VIC 3122
- Fax (attention Regis Case Manager) +61 3 9882 4480

**Officer** has the meaning given to it by section 9 of the *Corporations Act 2001* (Cth).

**Personal Work Related Grievances** means a grievance about a matter in relation to the Eligible Whistleblower's employment, or former employment. Personal Work Related Grievances do not include allegations of bullying, sexual harassment, harassment, victimisation or unsafe work practices.

**Protected Disclosure** means a Disclosure made by an Eligible Whistleblower to an Eligible Recipient.

**Reportable Conduct** means conduct by a person or persons connected with Regis which the Eligible Whistleblower has reasonable grounds to suspect constitutes misconduct or an improper state of affairs or circumstances or conduct which is:


- dishonest;
- fraudulent;
- corrupt;
- Elder Abuse including physical, sexual or financial abuse of a resident;
- illegal (including theft, drug sale/use, violence or threatened violence and criminal damage against property);
- in breach of Applicable Law;
- unethical conduct including not appropriately dealing with a conflict of interest;
- gross mismanagement or serious or substantial waste of Regis resources;
- other serious improper conduct such as bullying, sexual harassment, harassment or victimisation;
- an unsafe work practice;
- any other conduct which may cause financial or non-financial loss to Regis or be otherwise detrimental to the interests of Regis;
- conduct which otherwise contravenes the Regis Code of Conduct; or
- any other conduct with in the view of the Company Secretary should be dealt with under this Whistleblower Protection Policy.

Reportable Conduct **does not** include complaints regarding Personal Work Related Grievances.

**Supplier** means a person or entity that supplies goods or services to Regis and their employees.

**Whistleblowing** means the deliberate, voluntary disclosure of Reportable Conduct by a person.

**Workplace Participant** means any current employees, agents, contractors (including temporary

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contractors) and volunteers of Regis, as well as students completing a placement with Regis.

## 6. INSTRUCTIONS / INFORMATION

### 6.1 Disclosing Information on Reportable Conduct

In order to be a Protected Disclosure, a Disclosure must be made to an Eligible Recipient, whether orally or in writing, and can be made anonymously.

Any Eligible Recipients must notify the Company Secretary of any Disclosures made to them. If the Reportable Conduct relates to the conduct of the Company Secretary, the Eligible Recipient must be made to the Executive General Manager – People & Culture or the CEO. The Eligible Recipient must maintain the confidentiality of the Discloser and should ensure any welfare concerns of the Discloser are noted and either addressed or passed onto the Company Secretary, or Executive General Manager – People & Culture as appropriate.

The company managing the Independent Reporting Line will report disclosures to the Company Secretary or the Executive General Manager – People & Culture as appropriate.

#### 6.1.1 Assessment of Disclosure

The Company Secretary must impartially assess any Disclosure and determine whether:

- (1) the Disclosure relates to a Personal Work Related Grievance;
- (2) the Discloser was an Eligible Whistleblower;
- (3) the Disclosure was made to an Eligible Recipient; and
- (4) the Disclosure relates to Reportable Conduct.

In the event that the Disclosure is determined **not to be** a Protected Disclosure, the Company Secretary will:

- (a) determine whether the matter should be referred for attention under another Regis policy (for example the Grievance Policy); and
- (b) advise the person making the disclosure that the disclosure is not a Protected Disclosure and any referral of the Disclosure for attention under another Regis policy.


In the event that the Disclosure is determined to be a Protected Disclosure, clause 6.2 will apply.

### 6.2 Investigation

If following assessment of the disclosure, the Company Secretary determines the Disclosure constitutes a Protected Disclosure, the Company Secretary or their nominee will carry out an investigation into the Protected Disclosure.

In carrying out the investigation, the investigator will:

- subject to clause 6.4, protect the confidentiality of the Eligible Whistleblower;
- confirm the need for confidentiality around all aspects of the investigation, including the identify of participants and the details of the Protected Disclosure with the Eligible Whistleblower, any witnesses and any identified in the Protected Disclosure;
- collate relevant information as quickly as possible, including through interviews, reviews of documents, emails, voicemails, text messages and other forms of communication;

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- objectively consider the information to determine whether it substantiates the allegations contained in the Protected Disclosure are substantiated;
- as far as possible, maintain procedural fairness in the treatment of the Eligible Whistleblower, witnesses and any person identified in the Protected Disclosure;
- report the findings to the CEO, including making a recommendation as to corrective action where appropriate; and
- where appropriate, advise the Eligible Whistleblower whether or not the investigation substantiated the disclosure.

It is important that Protected Disclosures are investigated as thoroughly as possible, including by speaking with any relevant people who may have information regarding the content of the Protected Disclosure.

Regis may direct a person to participate in the investigation of a Protected Disclosure. A failure to comply with a direction to participate in an investigation of a Protected Disclosure will be treated as a failure to comply with a lawful and reasonable direction and may result in disciplinary action being taken against the person who refuses to comply with such a direction, including up to termination of employment.

People who participate openly, honestly and to the best of their ability as witnesses in an investigation of a Protected Disclosure will be protected from Detrimental Action being taken because of their involvement as a witness to the investigation of a Protected Disclosure.

### 6.3 Corrective Action

The CEO is ultimately responsible for determining, with input from advisers and management as necessary, the appropriate corrective action for any Protected Disclosure.

### 6.4 Confidentiality of Identity of Eligible Whistleblower

Regis will use all reasonable efforts to protect the identity of the Eligible Whistleblower. Regis will only disclose the identity of the Whistleblower and/or the information disclosed by the Eligible Whistleblower where:


- it is made to ASIC, APRA, a member of the Australian Federal Police, to a legal practitioner for the purpose of obtaining advice or legal representation about the operation of Part 1 of the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth); or
- is made to a person of a kind prescribed by regulations for the purpose of section 1317AAE of the *Corporations Act 2001* (Cth); or
- the Eligible Whistleblower has consented to the disclosure.

### 6.5 Protection of the Eligible Whistleblower

It is unlawful for a person to take or threaten to take, Detrimental Action against an Eligible Whistleblower because the Eligible Whistleblower has, may have made, proposes to make or could make a Protected Disclosure. The taking of Detrimental Action against an Eligible Whistleblower will constitute serious misconduct, for which disciplinary action, up to dismissal, may be taken.

### 6.6 Welfare of the Eligible Whistleblower

The Company Secretary or their nominee is responsible for ensuring the general welfare of the

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Eligible Whistleblower. To this end, the Company Secretary or their nominee will:

- examine the immediate welfare and protection needs of an Eligible Whistleblower;
- listen and respond to any concerns of Detrimental Action, taken because the Eligible Whistleblower made a Protected Disclosure;
- advise management on any action necessary to protect the Eligible Whistleblower; and
- ensure the expectations of the Eligible Whistleblower are realistic.

With the consent of the Eligible Whistleblower, the Company Secretary may nominate another person to act to ensure the welfare of the Eligible Whistleblower.

#### **6.7 Person Against Whom the Disclosure is Made**

Regis will endeavour to ensure that, where practicable, procedural fairness is afforded to the person who is identified as the subject of a Protected Disclosure.

The subject of any Protected Disclosure has the right, where practicable, to:

- i. be informed as to the substance of the allegations (subject to the confidentiality protections for an Eligible Whistleblower);
- ii. be given the opportunity to answer the allegations;
- iii. be informed as to the substance of any adverse comment that may be included in any report arising from the investigation; and
- iv. have his or her defence set out fairly in any report.

However, where an investigation does not substantiate a Protected Disclosure, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the Protected Disclosure will remain confidential as far as possible.

#### **6.8 Malicious, deliberately misleading or frivolous reports**

Whistleblowing is not about airing a grievance. It is about reporting conduct of a significant or serious nature that is actually or reasonably believed to be Reportable Conduct.

A Disclosure made without a reasonable basis may damage the reputation and livelihood of a person who is the subject of the disclosure. Therefore, where it is established that a Discloser has made a deliberately false or unfounded Disclosure, then the act of making the deliberately false or unfounded report of Reportable Conduct will itself be considered a serious misconduct, for which disciplinary action, up to dismissal, may be taken.

In addition, the act of whistleblowing does not shield Eligible Whistleblowers from the reasonable consequences flowing from any involvement in improper conduct. An Eligible Whistleblower's liability for their own involvement in Reportable Conduct is not affected by any disclosure by the Eligible Whistleblower of that Reportable Conduct. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.


#### **6.9 Storage of Records and Access**

Regis will ensure that all records relating to a Disclosure about Reportable Conduct are stored securely.

### **7. REPORTING TO THE BOARD**

The Company Secretary will report to the Board not less than six monthly summarising activities



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under this Policy, but without disclosing the identity of any Eligible Whistleblower.

## **8. REVIEW OF OPERATION OF POLICY**

The policy will be reviewed for effectiveness on an annual basis.

## **9. REFERENCES**

Regis Staff Handbook

Regis Code of Conduct