

Activ8me Whistleblower Policy

1 Introduction

- 1.1 Australian Private Networks Pty Ltd (**Activ8me**) is committed to the highest standards of conduct and ethical behaviour, integrity, and good corporate governance. APN is also committed to protecting whistleblowers.
- 1.2 APN recognises that an effective whistleblower protection program is beneficial and important for:
- (a) more effective compliance with relevant laws;
 - (b) more efficient fiscal management through, for example, the reporting of waste and improper tendering practices;
 - (c) a healthier and safer work environment through the reporting of unsafe practices;
 - (d) more effective management;
 - (e) improved morale within the organisation; and
 - (f) an enhanced perception that APN is taking its governance obligations seriously, resulting in a culture of compliance with community standards of good conduct and behaviour.
- 1.3 This Whistleblower Policy (**the Policy**) is available on our website at <https://www.activ8me.net.au/policy/whistleblower-policy/>

2 Scope and purpose of the Policy

- 2.1 This Policy summarises the protections offered by APN to Whistleblowers, including key provisions under Part 9.4AAA of the Corporations Act 2001 (Cth) (**Corporations Act**). It also sets out APN's internal processes for making and handling reports of Reportable Conduct.
- 2.2 The purpose of this Policy is to encourage, facilitate and support the disclosure by individuals of serious wrongdoing and misconduct without fear of reprisal. It also seeks to provide appropriate protections for individuals who make disclosures under the Policy and in accordance with Part 9.4AAA of the Corporations Act.
- 2.3 To achieve this, the Policy had adopted the following principles:
- (a) ensure APN complies with applicable laws and practices and maintains the highest standards of ethical behaviour and integrity;
 - (b) define who can make a protected disclosure and be considered a Whistleblower;
 - (c) define matters about which a protected disclosure can be made (otherwise known as Reportable Conduct);
 - (d) identify who can receive a protected disclosure;
 - (e) encourage the reporting of Reportable Conduct through appropriate channels;

- (f) establish a process for APN to deal with reports from Whistleblowers;
- (g) we will conduct investigations into alleged Reportable Conduct in an objective and confidential manner. We will take appropriate corrective action as warranted by the results of an investigation;
- (h) ensure APN protects the identity (including the disclosure of information that could lead to the identity) of a Whistleblower;
- (i) provide for the secure storage of the information provided by Whistleblowers under APN's processes; and
- (j) protect Whistleblowers against Detrimental Conduct. Any victimisation of, or retaliation against, any person for providing information or otherwise assisting in an investigation of alleged Reportable Conduct may result in disciplinary action, including termination of employment or engagement;
- (k) we will support and protect Whistleblowers who act honestly, reasonably and with genuine belief of any alleged Reportable Conduct from any Detrimental Conduct that stems from making a Disclosure of Reportable Conduct. However, we are not able to extend the full level of protections and support set out in this Policy to Whistleblowers who are not employed by APN;
- (l) we will not take any action against a Whistleblower where a Disclosure regarding alleged Reportable Conduct is unable to be substantiated or is found to be untrue, provided the Disclosure was made with an honest, genuine or reasonable belief regarding the conduct alleged; and
- (m) we may pursue legal or disciplinary action against a Whistleblower acting with malicious intent or who knowingly provides any part of a false Disclosure.

2.3 This Policy applies to all directors, officers and employees of APN, as well as to all suppliers, employees of suppliers, associates of APN, contractors, consultants, joint venture partners, third party providers, secondees, labour hire workers, former employees and their relatives, spouses and dependants, to the extent that it summarises rights and obligations that also apply to them under the Corporations Act, and requires them to assist APN in the discharge of its obligations under that Act.

2.4 This Policy does not form part of any employee's contract of employment.

2.5 APN may vary, replace, or terminate this Policy from time to time at its sole discretion.

2.6 Note that separate whistleblowing protections may apply under the Taxation Administration Act 1953 (Cth) in relation to disclosures concerning Reportable Conduct in relation to the tax affairs of APN. These are not covered in this Policy. Please refer to the relevant legislation for more detail. *What is excluded from this Policy?*

- 2.7 This Policy does not apply to a Disclosure by a Whistleblower to the extent that the information disclosed concerns a Personal Work-Related Grievance of the Whistleblower.
- 2.8 This Policy does not apply to a complaint or report of an incident that does not relate to Reportable Conduct.

3 Definitions

- 3.1 **Activ8me** means Australian Private Networks Pty Ltd.
- 3.2 **Compliance Officer** is Denise Abdallah
- 3.3 **Detrimental Conduct** includes but is not limited to:
 - (a) dismissal of an employee
 - (b) injury of an employee in their employment
 - (c) alteration of an employee's position or duties to their disadvantage
 - (d) discrimination
 - (e) harassment or intimidation of a person
 - (f) harm or injury to a person, including psychological harm
 - (g) damage to a person's property
 - (h) damage to a person's reputation
 - (i) damage to a person's business or financial position
 - (j) any other damage to a person
- 3.4 **Disclosure** is a deliberate and voluntary disclosure or attempted disclosure of information that alleges the existence of Reportable Conduct and **Disclose** has a corresponding meaning.
- 3.5 An **Eligible Recipient** is:
 - (a) an officer or senior manager of APN or a related body corporate;
 - (b) an auditor, or a member of an audit team conducting an audit of APN or a related body corporate;
 - (c) an actuary of APN or a related body corporate;
 - (d) a Whistleblower Protection Officer;
 - (e) a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the Whistleblower protection regime;
 - (f) Australian Securities and Investment Commission;
 - (g) Australian Prudential Regulation Authority;
 - (h) another Commonwealth Body prescribed by regulation;

- (i) a journalist or parliamentarian in the event of a public interest or emergency disclosure; or
- (e) any other person prescribed by the Corporations Regulations.

3.6 An **Eligible Whistleblower** includes the following people who are eligible for protection as Whistleblowers under the Corporations Act and other legislation protecting Whistleblowers:

- (a) an officer or employee of APN (including current and former);
- (b) an individual who supplies services or goods to APN (whether paid or unpaid)
- (c) an employee of a person that supplies services or goods to APN (whether paid or unpaid, current or former);
- (d) an individual who is an associate of APN;
- (e) a relative of an individual referred to in paragraphs (a) to (d) above;
- (f) a dependent of an individual referred to in paragraphs (a) to (d) above or of such an individual's spouse

3.7 **Personal Work-Related Grievances** are grievances that:

- (a) are about any matter in relation to the discloser's employment, or former employment, which have or tend to have personal implications for the discloser;
- (b) do not have significant implications for the company or entity to which they relate, that are unrelated to the discloser; and
- (c) are not about conduct, or alleged conduct, that:
 - (i) constitutes an offence against, or a contravention of, a provision of the Corporations Act (including its regulations, the Insolvency Practice Rules and the Passport Rules), the Australian Securities and Investments Commission Act 2001 (Cth) and the regulations made under it, the Banking Act 1959 (Cth), the Financial Sector (Collection of Data) Act 2001 (Cth), the Insurance Act 1973 (Cth); the Life Insurance Act 1995 (Cth), the National Consumer Credit Protection Act 2009 (Cth), the Superannuation Industry (Supervision) Act 1993 (Cth), or an instrument made under any of those Acts;
 - (ii) constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
 - (iii) represents a danger to the public or the financial system; or
 - (iv) is prescribed by the Corporations Regulations.

Personal Work-related Grievances may include but are not limited to interpersonal conflicts between the discloser and another employee, a decision relating to the engagement, transfer or promotion of the discloser, a decision relating to the terms and conditions of engagement of the discloser; a decision to suspend or terminate the engagement of the discloser or otherwise to discipline the discloser.

3.8 Reportable Conduct is misconduct or an improper state of affairs or circumstances in relation to APN.

Without limitation, Reportable Conduct includes:

- (a) conduct that constitutes an offence against, or contravention of a provision of the Corporations Act or the Corporations Regulations, the *Australian Securities and Investments Commission Act 2001*, the *Banking Act 1959*, the *Financial Sector (Collection of Data) Act 2001*, the *Insurance Act 1973*, the *Life Insurance Act 1995*, the *National Consumer Credit Protection Act 2009*, the *SIS Act*; or
- (b) conduct that constitutes an offence against a law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
- (c) conduct that represents a danger to the public or the financial system; or
- (d) conduct which is dishonest, fraudulent or corrupt, including financial fraud or bribery, negligent, breach of trust and breach of duty; or
- (e) illegal activity; or
- (f) official misconduct or maladministration; or
- (g) unethical conduct or conduct in breach of APN's policies, including but not limited to dishonestly altering company records or data, adopting questionable accounting practices or wilfully breaching any applicable Code of Conduct or other policies or procedures; or
- (h) conduct that could be damaging to APN, an APN employee or a third party, including but not limited to unsafe work practices, environmental damage, health risks or abuse of APN property or resources; or
- (i) conduct which amounts to an abuse of authority; or
- (j) conduct which may cause financial loss to APN, damage its reputation or be otherwise detrimental to APN's interests; or
- (k) conduct which involves harassment, discrimination, bullying or victimisation; or
- (l) conduct which involves any other kind of serious impropriety; or
- (m) any other conduct that is prescribed under the Corporations Regulations.

Reportable Conduct does not include Personal Work-related Grievances, unless the grievance concerns conduct that is or is alleged to be victimisation

- 3.9 A **Whistleblower** is a person (whether anonymously or not) who:
- (a) makes, may have made, proposes to make, or could make a report of Reportable Conduct; and
 - (b) is or has been an officer, employee, supplier, employee of a supplier, or associate of APN, or is or has been a relative, dependant or spouse of such a person; or
 - (c) such other person as prescribed by the Corporations Regulations 2001 (Cth) (**Corporations Regulations**) from time to time.
- 3.10 A **Whistleblower Protection Officer (WPO)** is an officer or employee of APN who is authorised and trained by APN to receive Disclosures that may be protected. Employees in the following senior management positions are WPOs:
- Martin Camilleri – CEO
 - Denise Abdallah – Compliance and Risk Manager

WPOs are responsible for:

- (a) receiving and assessing reports from Whistleblowers to determine whether further investigation is appropriate;
- (b) protecting and supporting Whistleblowers from any Detrimental Conduct that may arise as a result of disclosing alleged Reportable Conduct; and
- (c) providing advice to APN employees, prior to, during or after a Disclosure of alleged Reportable Conduct is made.

4 What obligation do I have to report Reportable Conduct?

All people who become aware of any information that gives them reasonable grounds to suspect concerns of Reportable Conduct relating to APN, must report that information.

Where the person qualifies for protection under the Corporations Act or any other law as an Eligible Whistleblower, the WPOs are responsible for ensuring that that protection is provided to them.

Disclosures that are not disclosable matters (Reportable Conduct) do not qualify for protection under the Corporations Act, but those disclosures may be otherwise subject to other legislative protections under the *Fair Work Act 2009* (Cth).

5 How do I report information about Reportable Conduct?

Things to consider before making a Disclosure

- 5.1 Disclosure of alleged Reportable Conduct must be based on information that is directly known to the Whistleblower. You must have reasonable grounds to suspect the alleged Reportable Conduct has occurred or is likely to occur. This does not include rumours of alleged Reportable Conduct or hearsay.
- 5.2 APN takes all reports made under this Policy very seriously. If any Disclosure made by a Whistleblower is found to have been made with malicious intent or was knowingly false then the Whistleblower may be subject to disciplinary action, up to and including termination of their employment or engagement with APN.

Making the Disclosure

- 5.3 If a Whistleblower become aware of any information that they have **reasonable grounds to suspect** concerns Reportable Conduct relating to APN, they should make a report to:
 - (a) an Eligible Recipient;
 - (b) the Australian Securities and Investments Commission (**ASIC**); or
 - (c) the Australian Prudential Regulation Authority (**APRA**).
- 5.4 Although not a requirement in order for the protections to apply, where possible, a report of Reportable Conduct should be made in writing and should contain, as appropriate, details of:
 - (a) the nature of the alleged Reportable Conduct;
 - (b) the person or persons responsible for the Reportable Conduct;
 - (c) the facts on which the Whistleblower's belief that Reportable Conduct has occurred are based;
 - (d) the names of possible witnesses;
 - (e) the nature and whereabouts of any further evidence that would substantiate the Whistleblower's allegations, if known; and
 - (f) any steps that have been taken to disclose the matter elsewhere in an attempt to resolve the concern.
- 5.5 A Whistleblower is not required to disclose their identity when making a report, although failure to do so may affect the extent to which APN may effectively investigate the report.
- 5.6 A Whistleblower may also disclose information about Reportable Conduct to a lawyer for the purpose of obtaining legal advice or legal representation in relation to the protections under Part 9.4AAA of the Corporations Act. This type of disclosure will also be protected, even to the extent it includes information about a Personal Work-related Grievance.
- 5.7 Although not a requirement in order for the protections to apply, a report of Reportable Conduct may be made (anonymously or otherwise) via our website <https://www.activ8me.net.au/policy/whistleblower-policy/>.

- 5.8 Please be advised, however, that a report made to the website is monitored by the WPOs and will be received by them. Accordingly, if you wish to make an anonymous complaint about a WPO, you should consider speaking to an alternative Eligible Recipient.

6 What protections are afforded to Whistleblowers and other persons who are involved?

Protection of Whistleblower's identity

- 6.1 Subject to certain legal requirements, the identity of a Whistleblower who has made a report in accordance with this Policy, including information that is likely to lead to the identification of the Whistleblower, must not be disclosed without the consent of the Whistleblower. An unauthorised disclosure of a discloser's identity may be a criminal offence.
- 6.2 Where anonymity has been requested, the Whistleblower is also required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.
- 6.3 APN will protect an Eligible Whistleblower's identity by:
- (a) all personal information or reference to the discloser witnessing an event will be redacted;
 - (b) the discloser will, where possible, be referred to in a gender-neutral context;
 - (c) where possible, the discloser will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them;
 - (d) disclosures will be handled and investigated by qualified staff wherever possible; and
 - (e) secure record-keeping and information-sharing practices – such as limiting access to information relating to a disclosure about Reportable Conduct to only those directly involved in managing and investigating the disclosure.
- 6.4 An Eligible Whistleblower acknowledges and consents that in raising Reportable Conduct, certain information in connection with the matter may be disclosed for the purposes of complying with this Policy. This includes the disclosure of information to those assisting or otherwise involved with the investigation and for the following purposes:
- (a) assessing whether the allegation is Reportable Conduct under the Policy (including to a subject matter expert engaged to understand the nature of the reported conduct);
 - (b) investigating an allegation or making a determination in relation to the allegation;

- (c) obtaining independent financial, legal and / or operational advice as required; and
 - (d) reporting to the Board and senior management of APN for the purpose of reporting trends and insights.
- 6.5 Further, an Eligible Whistleblower may acknowledge and consent to their name and contact details being disclosed to the WPO. The WPO will seek the consent of the Whistleblower prior to their name and contact details being disclosed to any other party.
- 6.6 It is, however, possible that someone might deduce a person's identity without there having been a breach of confidentiality, if the nature of the report points to one particular individual having made it, or otherwise as a consequence of the nature of the investigatory process.

Protection against liability and Detrimental Conduct

- 6.7 If a person makes a report in accordance with this Policy that qualifies for protection:
 - (a) they will not be held liable (in a civil, criminal, or administrative sense) for doing so;
 - (b) no contractual or other right or remedy may be exercised against them for doing so; and
 - (c) in some cases, the information may not be admissible as evidence against the Whistleblower in proceedings.
- 6.4 If an Eligible Whistleblower makes a report in accordance with this Policy, APN strictly prohibits all forms of Detrimental Conduct against them as a direct result of making their disclosure.

Protection against Victimisation

- 6.5 A person must not subject another person to Detrimental Conduct because they believe or suspect that a report of Reportable Conduct was made, may have been made, is proposed to be made or could be made in accordance with this Policy.
- 6.6 A person must not threaten to cause detriment to another person because a report of Reportable Conduct was made or may be made in accordance with this Policy.
- 6.7 The Corporations Act specifically allows Eligible Whistleblowers to claim compensation or other remedies through the courts where:
 - (a) they suffer Detrimental Conduct;
 - (b) they suffer from loss, damage or injury because of a disclosure of Reportable Conduct; or
 - (c) APN failed to take reasonable precautions and exercise due diligence to prevent Detrimental Conduct.

- 6.8 APN will take all reasonable steps to protect Eligible Whistleblowers from Detrimental Conduct and includes (but is not limited to) protection from:
- (a) dismissal of an employee;
 - (b) injury of an employee in his or her employment;
 - (c) alternation of an employee's position or duties to his or her disadvantage;
 - (d) discrimination between an employee and other employees of the same employer;
 - (e) harassment or intimidation of a person;
 - (f) harm or injury to a person, including psychological harm;
 - (g) damage to a person's property, reputation, financial position, or business; or
 - (h) any other damage to the person.

Detrimental Conduct also specifically includes threats to engage in any of the above types of conduct.

- 6.9 Any APN officer or employee who engages in Detrimental Conduct against an Eligible Whistleblower will be treated seriously and will be subject to disciplinary action, up to and including termination from office or termination of employment, as the case may be.

7 Will I be protected if I disclose Reportable Conduct to Regulators, a Member of Parliament or a journalist?

- 7.1 Nothing in this Policy is intended to restrict a person from disclosing Reportable Conduct, providing information to, or communicating with a government agency, law enforcement body or a regulator in accordance with any relevant law, regulation, or prudential standard in all jurisdictions in which APN conducts business.
- 7.2 In certain instances, whistleblower disclosures can be protected where made to a Member of Parliament (**MP**) or journalist of concerns about Reportable Conduct if it is a Public Interest Disclosure or an Emergency Disclosure.
- 7.3 A **Public Interest Disclosure** occurs when:
- (a) the Whistleblower previously reported information about Reportable Conduct to ASIC or APRA, in accordance with this Policy;
 - (b) at least 90 days have passed since the report was made;
 - (c) the Whistleblower does not have reasonable grounds to believe that action is being, or has been, taken to address the report;
 - (d) the Whistleblower has reasonable grounds to believe that making a further report to an MP or a journalist would be in the public interest;

- (e) after at least 90 days have passed since the previous report, the Whistleblower gives ASIC or APRA a written notice that identifies their earlier report and stating their intention to make a Public Interest Disclosure;
- (f) the Whistleblower then reports the information about the Reportable Conduct to an MP or journalist; and
- (g) the information the Whistleblower discloses to the MP or journalist is no greater than necessary to inform the MP or journalist of the Reportable Conduct.

7.4 An **Emergency Disclosure** occurs when:

- (a) the Whistleblower previously reported information about Reportable Conduct to ASIC or APRA, in accordance with this Policy;
- (b) the Whistleblower has reasonable grounds to believe that the information in their report concerns substantial and imminent danger to the health or safety of one or more people or to the natural environment;
- (c) the Whistleblower then gives ASIC or APRA a written notice identifying their earlier report and stating their intention to make an Emergency Disclosure;
- (d) the Whistleblower then reports the information about the Reportable Conduct to an MP or journalist; and
- (e) the information the Whistleblower discloses to the MP or journalist is no greater than necessary to inform the MP or journalist of the Reportable Conduct.

Prescribed Recipients of Public Interest Disclosures and Emergency Disclosures

7.5 Public Interest and Emergency Disclosures made to the following people qualify for protection under the Corporations Act:

- (a) a Member of Parliament of the Commonwealth or of a State or Territory Parliament; or
- (b) a journalist who meets the definition of section 1317AAD(3) of the Corporations Act.

8 Can I make an anonymous disclosure?

- 8.1 You can choose to make a Disclosure anonymously and APN will respect your right to not identify yourself.
- 8.2 Whistleblowers who prefer to make an anonymous disclosure can do so by calling a WPO from an unlisted phone number or emailing a WPO from an email address which does not identify the Whistleblower.

- 8.3 However, if you choose to make a Disclosure anonymously, this may hinder APN's ability to fully investigate the matter Disclosed, as the WPO will be unable to contact you to obtain further information.
- 8.4 It is illegal for a person to identify a Whistleblower, or disclose information which is likely to lead to the identification of the Whistleblower, unless the identity is disclosed in the following circumstances:
- (a) to ASIC, APRA, or a member of the Federal Police
 - (b) to a legal practitioner, for the purpose of obtaining legal advice or legal representation about whistleblower laws; or
 - (c) with the consent of the Discloser.

8 How will my Disclosure be dealt with and investigated?

Investigations generally

- 8.1 APN will treat seriously and thoroughly investigate all Disclosures of alleged Reportable Conduct to locate evidence that either substantiates or refutes the allegations made by the Whistleblower.
- 8.2 Investigations will be conducted by appropriately qualified internal or external investigators depending on the nature of the allegations in a timely, thorough, confidential, and unbiased manner in accordance with best practice. Appropriate records and documentation will be maintained and kept confidential at all stages of the investigation. The WPOs are responsible for the coordination and management of the investigation unless the complaint involves their alleged conduct.
- 8.3 To avoid jeopardising an investigation, a Whistleblower must keep the fact that a report has been made confidential (subject to any legal requirements).
- 8.4 Any Whistleblower who makes a report of Reportable Conduct in accordance with this Policy must be informed that:
- (a) APN will take all reasonable steps to ensure that the Whistleblower will not be disadvantaged for the act of making such a report;
 - (b) the Whistleblower can remain anonymous and still receive protection; and
 - (c) the Whistleblower will not necessarily be absolved from the consequences of their involvement in any misconduct complained of.
- 8.5 Whistleblowers are not expected to investigate their concerns to prove their validity prior to make a Disclosure. APN values and appreciates all genuine Disclosures from Whistleblowers, even if those reports are not confirmed or substantiated by subsequent investigations.
- 8.6 APN must investigate all matters reported in accordance with this Policy.

- 8.7 If a Whistleblower makes a report to an Eligible Recipient who is not authorised and trained as a WPO, the Eligible Recipient must forward the report on to a WPO who will handle the report and any associated investigation process. An Eligible Recipient must not forward a report on to a WPO to handle if that WPO is implicated in the report. In this case the Eligible Recipient must manage the report and liaise with either the Compliance Officer at first instance (if they are not implicated) or engage a legal advisor to assist with appointing an investigator. If a legal advisor is required to assist, please contact Lisa Anaf of Mills Oakley on (03) 9605 0857.
- 8.8 The Whistleblower must grant their consent to this action being performed if they wish for their report to be dealt with and investigated (unless the report is anonymous).
- 8.9 The WPO may only dismiss the Whistleblower's complaint, if on reasonable grounds, the WPO has a high degree of confidence there is no substance to the complaint.
- 8.10 Otherwise the WPO must, on receiving a report of a breach, and ideally with the Whistleblower's consent (unless the report is anonymous):
- (a) notify:
 - (i) APN's CEO; or
 - (ii) if the CEO is implicated in the disclosure or is the WPO in question, notify the APN's Compliance Officer; or
 - (iii) if APN's Compliance Officer is implicated in the disclosure, then the WPO has the authority to move directly to the appointment of an investigator via Mills Oakley (who is the company's legal advisors);
 - (b) appoint a Whistleblower Investigations Officer to investigate the reported breach (**WIO**) – depending on the nature of the Reportable Conduct and the circumstances, this may be an internal or external investigator, but must not be the WPO that received the report;
 - (c) ensure the Terms of Reference provided to the WIO include:
 - (i) all relevant questions;
 - (ii) provision for sufficient resources to be allocated to allow the investigation to be effectively conducted, having regard to the seriousness of the allegation(s);
 - (iii) a requirement that confidentiality of all parties, including witnesses, is maintained;
 - (iv) a requirement that procedural fairness be applied to all parties;
 - (v) a requirement that strict security is maintained during the investigative process;

- (vi) a requirement that information obtained is properly secured to prevent unauthorised access;
 - (vii) a requirement that all relevant witnesses are interviewed, and documents examined;
 - (viii) a requirement that contemporaneous notes of all discussions, phone calls and interviews must be made; and
 - (ix) a requirement that the investigation's report of findings comply with this Policy; and
 - (d) provide feedback to the Whistleblower regarding the investigation's progress and/or outcome (subject to considerations of the privacy of those against whom allegations are made, and provided that the Whistleblower's identity is known).
- 8.11 The investigation must 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.
- 8.12 Where anonymity has been requested, the Whistleblower is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.
- 8.13 Information concerning Reportable Conduct that has been reported in accordance with this Policy must be kept confidential and secure and must not be disclosed to anyone unconnected to the investigation unless the Whistleblower has provided consent, or the disclosure is required by law.

9 Investigation findings

- 9.1 A report of findings must be prepared by the WIO when an investigation is complete. This report must include:
- (a) the allegations;
 - (b) a statement of all relevant findings of fact and the evidence relied upon to reach conclusions on each allegation;
 - (c) the basis for each conclusion reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis; and
 - (d) recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.
- 9.2 The WIO must provide the report to the WPO and to any other person who has been notified under paragraph 8.15, after which APN will then make a decision as to what should be done to address the findings.
- 9.3 The WPO or other person who is coordinating the investigation must provide feedback to the Whistleblower regarding the investigation's findings and any

subsequent decision made by APN to address those findings (subject to considerations of the privacy of those against whom allegations are made, and provided that the Whistleblower's identity is known).

What actions may be taken after an investigation?

- 9.4 Where investigations substantiate an allegation arising from a Disclosure of alleged Reportable Conduct, the matter will be dealt with in accordance with established administrative or disciplinary procedures, which may result in disciplinary action, including termination of employment or engagement. In all instances, the findings from an investigation will be documented and reported to the WPOs, with a focus on maintaining confidentiality.

10 How will the Whistleblower be protected for making a Disclosure?

- 10.1 APN will not tolerate any Detrimental treatment, directly or indirectly, against anyone who makes a Disclosure of Reportable Conduct, provided the Disclosure is made honestly, reasonably and with a genuine belief about the Reportable Conduct. It is a breach of this Policy for any employee to subject a Whistleblower to Detrimental Conduct for making a Disclosure under this Policy.

- 10.2 APN might protect Whistleblowers from Detrimental treatment by:

- (a) implementing processes for assessing the risk of detriment against a Whistleblower and other persons which will commence as soon as possible after receiving the Disclosure;
- (b) ensuring support services are available to the Whistleblower;
- (c) implementing strategies to help the Whistleblower minimise and manage stress or other challenges arising from the Disclosure or its investigation;
- (d) taking preventative action to protect the Discloser from the risk of Detriment where possible;
- (e) intervening where Detrimental Conduct has already occurred.

- 10.3 in addition to the protections described in this Policy, Whistleblowers may have the benefit of protections available under legislation in relation to whistleblowing. For example, there are broad whistleblower protection regimes under Commonwealth legislation, including the following:

- (a) the Corporations Act
- (b) *Taxation Administration Act 1953* (Cth)
- (c) *Banking Act 1959* (Cth)
- (d) *Insurance Act 1973* (Cth)
- (e) *Life Insurance Act 1995* (Cth)
- (f) *Superannuation Industry (Supervision) Act 1993* (Cth)

- 10.4 Disclosures which are not about “disclosable matters” such as Reportable Conduct, may not qualify for protection under legislation.
- 10.5 APN is required to ensure the fair treatment of employees who are mentioned in a protected Disclosure, including those who are the topic of a Disclosure. APN commits to ensuring the objective, fair and independent assessment of Disclosures, and investigating in line with the principles of natural justice and procedural fairness. Employees who are the subject of a disclosure may contact Assure Programs Ph:1800 808 374.

11. How will this Policy be communicated?

- 11.1 All APN officers, employees, contractors, and suppliers are required to undergo annual training on APN’s whistleblowing program.
- 11.2 The Policy will be available on APN’s Employee Self Portal – ConnX and on request from the Human Resources Department.

12. How will compliance with this Policy be monitored?

- 12.1 If a Whistleblower considers that their Disclosure of alleged Reportable Conduct has not been dealt with in accordance with this Policy, or that they have been the subject of Detrimental Conduct as a result of making the Disclosure, the matter should be escalated to one of the WPOs in the first instance. The WPO in consultation with the Human Resources Manager will determine the most appropriate course for handling the matter, which may include informal resolution options or a formal investigation.
- 12.2 Any matters of a criminal nature will be reported by the WPOs to the police, and if appropriate, other relevant authorities.
- 12.3 APN employees who cause or threaten to cause Detrimental Conduct to a Whistleblower, or who directly or indirectly cause the identity of a Whistleblower to be made known, may be subject to disciplinary action up to and including termination of employment or engagement. Such persons may also be found to be civilly or criminally liable

13. Further questions

Any questions, comments, or concerns about the contents of this policy should be directed to Human Resources.