



Whistleblower Policy

APM Human Services International Limited (ACN 639 621 766)

Adopted by the Board on 21 October 2021



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1. Policy Statement

Advanced Personnel Management (APM) sees whistleblowing as a valuable tool to alert us to potential wrongdoing throughout the business. It is our policy to comply with all laws and regulations applicable to our business, and a culture of listening to current or former employees, contractors or other third parties (“**stakeholders**”) can help us to do this.

2. Purpose

The purpose of this policy is to provide APM stakeholders with a means to report misconduct, malpractice or illegal acts or omissions suspected of being committed by APM officers, employees or contractors. The policy also serves to provide stakeholders with a level of protection from potentially unfair treatment as a consequence of the reporting of genuine concerns regarding misconduct or malpractice.

3. Scope

This policy applies to all APM employees and contracted staff (permanent, temporary and casual) employed in APM’s divisions and business units. It also applies to all contractors, former staff, and other stakeholders of APM who wish to report conduct they are concerned with.

The Policy does not form part of any contract of employment with APM. Nor does it form part of any contract for service with APM.

4. Roles and Responsibilities

It is the responsibility of all APM stakeholders to report incidents or suspicion of misconduct, malpractice or illegal acts or omissions, pursuant to Section 5 of the APM Code of Conduct.

It is not the role or responsibility of APM stakeholders to undertake investigations, report incidents or suspicions to ‘ineligible third party recipients’, form conclusions or to take action against a person or persons who they suspect of misconduct or malpractice. Undertaking such investigations may inadvertently tip off the suspected wrongdoer and / or lead to the forming of incorrect opinions and disclosure of personal information about the suspected wrongdoer which may be a breach of their right to privacy.

5. Internal Reporting and Investigations

In the first instance, APM encourages employees and contractors to report suspected misconduct, malpractice or illegal acts or omissions internally. This enables the organisation to investigate the suspicion in a timely manner, and where appropriate, resolve such suspected actions with the minimum of cost and disruption to the business. It also enables APM to offer employees and contractors the protections set out in the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth) (“**Whistleblower Act**”)

To report suspected misconduct, malpractice, illegal acts or omissions, APM stakeholders are to contact APM via:

Email: Please email your concern to: whistleblower@apm.net.au, an address which is monitored by the APM Legal Team.

Mail: Please address your post to:

Whistleblowing

APM

58 Ord Street West Perth WA 6005.

If you would like to keep your identity anonymous when sending an email, we recommend you create a new unidentifiable "pseudonym" address on a publicly available email service provider (such as "gmail" etc) so that we can continue to communicate with you about the ongoing investigation.

Reports of incidents or suspicion of misconduct, malpractice, illegal acts or omissions will be treated seriously and will be investigated initially by APM's Legal Team. The APM Legal Team will acknowledge all disclosures within 2 working days of receipt and investigate and notify the relevant Executive Leadership Team member immediately upon receipt of disclosure (unless that individual is implicated in the wrongdoing, in which case the CEO will be notified). The disclosure and report findings and recommendations will be provided to the appropriate Executive Leadership Team member within 20 working days of the date of receipt of the report (although for investigations of more serious conduct, this time period may be extended with an update provided to the whistleblower). The APM Legal Team will present the findings of the initial investigation to the appropriate member of the Executive Leadership Team for further action, where required. Where the initial investigation indicates evidence of illegality, the APM Legal Team may instruct an external law firm or other specialist to conduct further investigations. If the APM Legal Team is implicated in the whistleblowing activity, you can contact the HR team on HR@apm.net.au who will assist instead. Or, you can communicate with any member of the APM Executive Team, whose details can be found on our website.

Where a whistleblower is not satisfied with the outcome of the initial investigation, concerns can be raised with APM's General Counsel, Matthew Flood, or Cait Hayes our Global People & Culture Leader.

Reporting of incidents or suspected incidents can be made anonymously. However, in the interests of there being an effective investigation, the whistleblower is encouraged to identify him/herself to the APM Legal Team via the means identified above. Where a whistleblowing employee or contractor does disclose his/her identity, the identity of the whistleblower will not be revealed in the consequent investigation report, without prior notice to the whistleblower.

Whistleblowers will not be subjected to retribution, harassment, bullying or other unfair treatment as a consequence of reporting matters of concern. However, just as all reports will be treated seriously; any reports found to be vexatious, frivolous or malicious will be notified to the appropriate member of the Executive Leadership Team for the consideration of appropriate management action. If you do feel you are being subjected to detriment either during the investigation or after your whistleblowing complaint has been investigated, please advise the investigation lead who will assist you.

6. External Reporting

If an employee or contractor has reported suspected misconduct, malpractice, illegal acts or omissions internally and are unsatisfied with the response, or at any other time, APM encourages the employee or contractor to disclose the suspected behaviour to a relevant 'eligible recipient' including:

- Australian Securities and Investment Commission (ASIC);
- Australian Prudential Regulation Authority (APRA);
- A prescribed Commonwealth authority.

A disclosure may also lawfully be made to a legal practitioner for the purposes of obtaining legal advice or legal representation.

A public interest disclosure may also be made to a parliamentarian, media or a journalist where:

- At least 90 days have passed since the discloser made the disclosure to ASIC, APRA or another prescribed body;
- The discloser does not have reasonable grounds to believe that action is being or has been taken in relation to disclosure;
- The discloser has reasonable grounds to believe that making the disclosure is in the public interest, and
- Before making the disclosure, the discloser notifies the body to which the previous disclosure was made that:
 - Includes sufficient information to identify the previous disclosure; and
 - States that the discloser intends to make a public interest disclosure.

Shorter time periods may also apply where there is a need to make an emergency disclosure.

We would always recommend that a discloser seeks independent legal advice before making a public interest disclosure.

Who can make a disclosure

A disclosure can be made by an 'eligible whistleblower'. An 'eligible whistleblower' can be:

- a) An officer of APM (the 'regulated entity');
- b) An employee of APM;
- c) An individual who supplies services or goods to APM (whether paid or unpaid), e.g. sub-contractor / supply chain partner of APM;
- d) An employee of a person who supplies services or goods to APM (whether paid or unpaid), e.g. employee of sub-contractor / supply chain partner of APM;
- e) A relative of an individual referred to in any of points a) to d);
- f) A dependent of an individual referred to in any of points a) to d) (above), or of such an individual's spouse.

The law enables the whistleblower to make the disclosure anonymously if desired.

What can be disclosed?

An 'eligible whistleblower' can disclose information about suspected wrongdoing by APM, or an officer(s) or employee(s) of APM, where the whistleblower has reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances in relation to APM that:

- a) Constitutes an offence against, or contravention of, a provision of the:
 1. *The Corporations Act*;
 2. *ASIC Act 2001 (Cth)*;
 3. *Taxation Administration Act 1953*
- a) Constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment of 12 months or more;
- b) Represents a danger to the public or the financial system; or
- c) Is prescribed by legislation.

Such a disclosure is considered a 'protected disclosure' if the whistleblower is an 'eligible whistleblower' (see above) and the disclosure is made to an 'eligible recipient' (see above).

What cannot be disclosed

A disclosure is not considered a 'protected disclosure' if it:

- a) Concerns a personal work-related grievance of the whistleblower; and
- b) Does not concern a contravention, or an alleged contravention, of any the matter referred to in points a) to d) of the above section 'What can be disclosed?'

A personal, work-related grievance would include matters such as an interpersonal conflict between the discloser and another employee, a decision that does not involve a breach of workplace laws (punishable by more than 12 months' imprisonment), a decision about engagement, promotion or transfer of the discloser, a decision about other conditions of employment, or a decision to discipline the discloser (except where this has arisen as a result of victimisation following a valid prior disclosure).

What protection is offered to a 'eligible whistleblower'

If an eligible whistleblower, who is an employee of APM, makes a 'protected disclosure' about APM's affairs, or the work-related affairs of its officer(s) or employee(s), APM will not pursue civil, criminal or administrative liability (including disciplinary action) for making the disclosure. Specifically, APM will not pursue, or threaten, action against an employee for a 'protected disclosure' including:

- a) Dismissal;
- b) Injury of an employee in his or her employment;
- c) Alteration 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;
- h) Damage to a person's reputation;
- i) Damage to a person's business or financial position;
- j) Any other damage to a person;
- k) Disclosing the identity of the whistleblower (except to certain regulatory authorities in very limited circumstances);
- l) Disclosing information which would reasonable lead to the identification of the whistleblower.

This means that where the discloser wants to remain anonymous, we will redact from reports any information which might assist in their identification, we will refer to them in a gender neutral way, and we will only provide reports to those who need to take action (e.g. senior management / HR function etc). All files and documents associated with investigations will be stored separately and securely by the investigation team.

What protection is offered to employees of APM mentioned in disclosures?

APM will treat employees mentioned in disclosures as innocent of any wrongdoing until proven otherwise. APM observes the concepts of procedural fairness and natural justice in addition to the due process of the law. No action will be taken against an employee in such circumstances unless the organisation reasonably believes that a failure to take action may have a detrimental effect on the organisation or any of its stakeholders.

7. Communication and Review

This policy is to be made available to all staff via APM’s internal staff intranet, ‘Our Place’, and provided to contractors and suppliers upon commencement of work for APM. A version redacted for privacy information is also made available on our external website.

This policy is to be reviewed in accordance with APM’s Control of Documented Information Procedure and when a change to relevant legislation occurs. Reviews are to examine the appropriateness of the policy taking into consideration corporate, system and compliance requirement changes since the last review was undertaken.

8. Monitoring and Training

Compliance with this policy is subject to internal and regulatory audit.

APM will comply with all relevant statutory and contract reporting requirements and will inform authorities as necessary where a situation arises that demands it.

All APM staff and contractors receive training with regard to whistleblowing as part of their corporate induction.

9. Review

This policy will be reviewed at least every 2 years.

10. Definitions

Definitions of terms used in this policy and supporting documents

Term	Definition / Explanation / Details
Disclosure	The act or process of revealing or uncovering
Eligible Recipient	An agency or authority sanctioned to authorised to receive protected disclosures.
Eligible Whistleblower	See definition in the section “Who Can Make a Disclosure” on page 3 (above)
Malpractice	immoral, illegal, or unethical professional conduct or neglect of professional duty
Misconduct	Behaviour not conforming to prevailing standards or laws; impropriety
Protected Disclosure	A disclosure, made by an eligible whistleblower to an eligible recipient, where the eligible whistleblower has reasonable grounds to suspect that information concerning misconduct, or an improper state of affairs or circumstances, in relation to APM, has occurred
Whistleblowing	refers to the disclosure, internally or externally, by employees and contractors of misconduct, malpractice, illegal acts or omissions at work
Vexatious	instituted without sufficient grounds, especially so as to cause annoyance or embarrassment