# Australian Whistleblower Policy – Capricorn Society Ltd

**Policy Owner:** Chief Legal, Risk & Governance Officer
**Business Unit:** Legal Risk and Governance
**Last Approved:** 15 August 2026
**Approval Level:** CSL Board

**Capricorn has three Policies available for you to report concerns under. These are 1) this Australian Whistleblower Policy, 2) the New Zealand Whistleblower Policy and 3) the Grievance Policy. The following table explains which of these three Policies you should report under:**

| **Australian Whistleblower Policy** | **New Zealand Whistleblower Policy** | **Grievance Policy** |
|---|---|---|
| Report under the **Australian Whistleblower Policy**, if you reside in Australia and<br>• your disclosure meets the definition of a '**Disclosable Matter**' (see section 3 of the Australian Whistleblower Policy for Capricorn Society); and<br>• you come within the definition of an '**Eligible Whistleblower**' (see section 4 of the Australian Whistleblower Policy for Capricorn Society).<br><br>Typically, disclosures that you make under the Australian Whistleblower Policy will relate to concerns regarding serious misconduct such as fraud, bribery or corruption involving Capricorn's Australian operations.<br><br>An example is reporting a concern that an employee within the Australian business is creating false accounting records. | Report under the **New Zealand Whistleblower Policy**, if you reside in New Zealand and<br>• your disclosure meets the definition of a '**Serious Wrongdoing**' (see Appendix C of the New Zealand Whistleblower Policy for Capricorn Society); and<br>• you come within the definition of a '**Discloser**' (see Appendix C of the New Zealand Whistleblower Policy for Capricorn Society).<br><br>Typically, disclosures that you make under the New Zealand Whistleblower Policy will relate to concerns regarding serious misconduct such as fraud, bribery or corruption involving Capricorn's New Zealand operations.<br><br>An example is reporting a concern that an employee within the New Zealand business is paying bribes. | Report under the **Grievance Policy** if your disclosure:<br>• relates to a work related problem, such as inappropriate workplace behaviour; and<br>• is not otherwise caught by the Australian or New Zealand Whistleblower Policies.<br><br>Typically, disclosures that you make under the Grievance Policy will relate to concerns regarding inappropriate workplace behaviour such as discrimination, bullying and harassment.<br><br>An example is reporting a concern that an employee within the office is being harassed or bullied by a senior manager. |

If you have any questions about which policy you should report under please contact the Whistleblower Investigation Officer (whose contact details are set out in Appendix B).

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## 1 PURPOSE/SCOPE

Capricorn Society Limited (ACN 008 347 313) (**Capricorn**) is committed to maintaining the highest standard of ethical and moral behaviour in its business activities across its corporate group of companies (collectively, the **Capricorn Group**, and each a **Capricorn Group Membe**r).

This Whistleblower Policy (**Policy**) applies to each Capricorn Group Member in Australia. A complete list of the Australian Capricorn Group Members that this Policy applies to can be found at Appendix A to this Policy. This Policy does not apply to Capricorn Mutual Limited (ACN 104 601 194), which has its own whistleblower policy available on https://www.capricornmutual.com/).

This Policy reflects Capricorn's commitment to the highest standards of ethical conduct in its activities by:

(a) promoting and contributing to a culture of honesty, ethical behaviour, corporate compliance and continuous improvement; and

(b) encouraging the reporting of suspected misconduct and illegal behaviour.

This Policy is important to Capricorn's risk management and corporate governance framework. It is also intended as a practical tool to help Capricorn to:

(a) identify, address and deter wrongdoing; and

(b) ensure that individuals that report wrongdoing can do so safely, securely and with confidence that they will be protected and supported.

A person who raises a concern under this Policy may qualify for special protections under the Corporations Act 2001 (Cth) (**Corporations Act**) and the Taxation Administration Act 1953 (Cth) (**Tax Act**).

Appendix C to this Policy sets out the legal requirements of this Policy in further detail. It is important that you also read this Appendix prior to raising a concern under this Policy.

If you have any questions about how this Policy operates and the circumstances in which the special protections will apply, please contact the Whistleblower Investigation Officer (whose contact details can be found in Part 1 of Appendix B to this Policy). The Whistleblower Investigation Officer can provide you with additional information regarding the process for making a disclosure and the protections that might be available to you prior to you making a formal disclosure.

## 2 QUALIFICATION FOR PROTECTION

To be able to make a disclosure and be protected under this Policy and the Corporations Act or Tax Act (whichever is applicable to your circumstances) (a **Protected Disclosure**), you must:

(a) report a matter or issue covered by this Policy (see section 3 below and paragraph 3 of Appendix C to this Policy) (**Disclosable Matter**);

(b) be a person who is covered by this Policy (see section 0 below) (**Eligible Whistleblower**); and

(c) report the matter to the correct person or organisation (see section 5 below and paragraph 2 of Appendix C to this Policy) (**Eligible Recipient**).

If you fail to satisfy any one of the above requirements, you will not be eligible for the protections and support offered under this Policy and under the Corporations Act or Tax Act.

If you are considering making a disclosure under this Policy, you can seek advice or representation from a legal practitioner who is external to Capricorn in relation to the operation of the whistleblowing provisions under the Corporations Act and/or Tax Act. In these circumstances, any communications with your legal practitioner will be confidential and will be protected. If, after speaking with your legal advisor, you elect to make a disclosure under this Policy, that disclosure will only qualify as a Protected Disclosure if it satisfies the criteria outlined in paragraph 0 above.

## 3 DISCLOSABLE MATTERS

A Disclosable Matter relates to misconduct, or an improper state of affairs or circumstances, in relation to a Capricorn Group Member (that this Policy applies to), which the Eligible Whistleblower has reasonable grounds to suspect has occurred or is occurring or will occur (with such conduct being further described in section 3 of Appendix C to this Policy).

A report of a Disclosable Matter can, for example, include conduct such as:

(a) fraud (eg misappropriation of trust funds or fraudulent fabrication of data provided to a client);

(b) offering or accepting a bribe (eg bribing a government official for access to sensitive data);

(c) corruption (eg providing sensitive government data obtained through a retainer to an overseas government without authorisation);

(d) illegal activity (eg theft, drug sale or use, violence, criminal damage to property or a failure to comply with, or breach of, legal or regulatory requirements);

(e) a concern that might harm Capricorn or an employee of a Capricorn Group Member or third party (eg unsafe work practices); or

(f) a concern that may endanger the public or Australia's financial system.

Capricorn will treat all reports of Disclosable Matters seriously and will endeavour to protect anyone who raises concerns in line with this Policy. Importantly, a report can still qualify for the special protections even if it turns out to be incorrect.

However, the protections available under this Policy and under the Corporations Act or Tax Act will not extend to deliberately false or vexatious reports. Depending on the circumstances, if anyone is found making a deliberately false claim or report, it may be appropriate for Capricorn to take disciplinary action, which could include dismissal.

Notably, disclosures that relate to personal work-related grievances (that do not also involve serious misconduct, like the examples discussed above) do not qualify for protection under this Policy. Further detail on what may or may not constitute personal work-related grievances and when they may be covered by this Policy can be found in paragraphs 3.2 to 3.5 of Appendix C to this Policy.

If you raise a concern about a personal work-related grievance, while you may not qualify for the special protections outlined in this Policy, the procedure explained in Capricorn's Grievance Policy will apply.

## 4 ELIGIBLE WHISTLEBLOWER

For a report to be a Protected Disclosure it must be made by an Eligible Whistleblower.

Eligible Whistleblowers are listed in section 1 of Appendix C. However, it may for example, include someone who is (or has been):

(a) an officer of a Capricorn Group Member, such as a director or company secretary;

(b) an employee of a Capricorn Group Member;

(c) an individual (whether paid or unpaid) who supplies goods or services to a Capricorn Group Member (or an employee of that individual); or

(d) a relative or dependant of an individual above (including but not limited to, a spouse, parent, child, grandchild or sibling).

## 5 REPORTING WRONGDOING

For a report to be a Protected Disclosure it must be made to an Eligible Recipient. A full list of these persons are listed in section 2 of Appendix C to this Policy.

While all Eligible Recipients are able to receive Protected Disclosures, Capricorn would like to identify and address any wrongdoing as early as possible. Therefore, in order to ensure that your concern is handled in the most effective and efficient manner, Capricorn encourages you to raise your concern internally in the first instance (see paragraphs 0 to 0 below).

You are, however, able to report concerns externally (see paragraph 0 below) and still qualify for the special protections.

A report can be made on an anonymous or named basis and will qualify for protection if all other criteria is met.

As already noted, a report can still qualify for the special protections even if it turns out to be incorrect.

**Internal**

Capricorn's preferred method of receiving disclosures is through Your Call Whistleblowing Solutions (**Your Call**). Your Call is Capricorn's independent whistleblowing service provider that is authorised by Capricorn to receive disclosures. Reporting options to Your Call are set out in Part 1 of Appendix B to this Policy. Those reports will then be provided to Capricorn's Whistleblower Investigation Officer.

Alternatively, disclosures can be made directly to the Whistleblower Investigation Officer. Part 1 of Appendix B to this Policy sets out the contact details for the Whistleblower Investigation Officer.

You can raise your concern with the Whistleblower Investigation Officer in a number of ways, including by:

(a) meeting in person;

(b) email, marked "strictly private and confidential" in the subject line; or

(c) telephone call; or

(d) Your Call whistleblowing hotline.

In your communication with the Whistleblower Investigation Officer, please advise whether you would like your identity to remain confidential. If you are reporting on an anonymous basis, please give consideration as to how the Whistleblower Investigation Officer might be able to contact you in the future (for example, you might decide to provide an unlisted telephone number but not your name).

Once the Whistleblower Investigation Officer has had an opportunity to consider your report, the Whistleblower Investigation Officer will advise you whether your report qualifies as a Protected Disclosure. If appropriate, the Whistleblower Investigation Officer will also advise you of likely next steps (for example, whether there will be an investigation) and an estimate of the anticipated timeline.

If you do not consider that it is appropriate for you to raise your concern with the Whistleblower Investigation Officer (e.g. if there is a conflict of interest), you may report your concern to the Alternative Whistleblower Investigation Officer (either anonymously or using your name, and via the same methods discussed at paragraphs 0 and 0 above). In these circumstances, the Alternative Whistleblower Officer will perform the functions of the Whistleblower Investigation Officer (including those referred to in paragraph 0 above).

**Part 1** of Appendix B to this Policy sets out the contact details for the Alternative Whistleblower Investigation Officer.

If you raise your concern with one of the other Eligible Recipients, where it is appropriate to do so, they will ask that you raise your concern with the Whistleblower Investigation Officer (remembering that your concern can be raised on an anonymous basis and using Capricorn's whistleblowing hotline, Your Call). This is because, in most cases and so long as there is no conflict of interest, it will be the Whistleblower Investigation Officer who will be responsible for considering the concern, determining whether it is a Protected Disclosure and what steps should be taken to investigate it. In these circumstances, unless you provide the Eligible Recipient with consent to reveal your identity, they will keep your identity confidential.

**External**

As alerted to previously, Protected Disclosures may also be made to parties outside of the Capricorn Group.

Disclosable Matters:

(a) under the Corporations Act, may be reported by Eligible Whistleblowers to either ASIC or APRA; and

(b) under the Tax Act, may be reported by Eligible Whistleblowers to the Commissioner of Taxation.

Those external parties, and how a disclosure may be made to them, are outlined in further detail in **Part 2** of Appendix B to this Policy.

In limited circumstances, an Eligible Whistleblower who makes a Protected Disclosure under the Corporations Act may also have the right to raise their concern with a Member of Parliament (Federal, State or Territory) or a journalist. This is explained in further detail in section 4 of Appendix C to this Policy. Please read this carefully and if necessary, seek independent legal advice so that you understand the criteria for making these types of Protected Disclosures.

## 6 INVESTIGATING PROTECTED DISCLOSURES

Where a Protected Disclosure is made internally, Capricorn will consider the report and, if appropriate, conduct an objective investigation have regard to the nature and circumstances of the reportable conduct.

**Fair Treatment of those to whom the Disclosure Relates**

Capricorn will treat the person(s) to whom the Protected Disclosure relates fairly and any findings will be made on reliable evidence. The investigation will be conducted independently of the person or persons referred to in the report. Section 6 of Appendix C to this Policy provides examples of the steps that Capricorn may take in order to ensure the fair treatment of anyone mentioned in the report.

**The Investigation Process**

While the particulars of each investigation will vary depending on the nature of the report, a summary of the typical investigation process is set out in section 5 of Appendix C to this Policy.

All investigations will be conducted in a timely manner. Throughout the investigation, where appropriate, Capricorn will provide feedback to the Eligible Whistleblower who has made the Protected Disclosure regarding the investigation's progress and/or outcome (subject to considerations relating to the privacy against those whom allegations are made, and being conscious of not prejudicing the investigation or other matters arising from a report being made).

## 7 WHISTLEBLOWER PROTECTIONS

Capricorn is committed to providing support and protection in response to genuine reports of wrongdoing and will not tolerate any retaliations, or threats of retaliation.

**Protecting your identity**

There is no requirement for a Whistleblower to identify themselves in order to qualify for protection.

If you choose to identify yourself to an Eligible Recipient but otherwise want your identity to remain confidential, your identity (or information that is likely to lead to identity being known) will not be disclosed. This is subject only to certain specific exceptions which are explained at paragraph 7.1 of Appendix C to this Policy.

Any release of information in breach of this Policy will be regarded as a serious matter and may result in disciplinary action together with possible legal consequences (such as fines and, in extreme cases, imprisonment).

**Protecting you from legal action**

Eligible Whistleblowers who make a Protected Disclosure cannot have:

(a) court proceedings commenced against them for making the report; and

(b) the information they have reported used as evidence against them, in court proceedings.

Whistleblowers will not, however, receive protection for their own misconduct or wrongdoing.

**Protecting you from detriment**

Where an Eligible Whistleblower has made a Protected Disclosure in line with this Policy, Capricorn will take all reasonable steps to ensure appropriate treatment of that person, including protecting that person from victimisation or detrimental conduct.

Further detail on what may (or may not) constitute detrimental conduct is described in section 9 of Appendix C.

If such conduct is found to occur, it may result in disciplinary action being taken, up to and including termination of employment. There are also separate and serious legal consequences for causing detriment to an Eligible Whistleblower who has made a Protected Disclosure (such as fines and, in extreme cases, imprisonment).

Capricorn will thoroughly investigate reports of any victimisation or detrimental conduct related in any way to a Protected Disclosure being made. An Eligible Whistleblower who is subjected to detrimental treatment (or a threat to cause detriment) should report this immediately to the Whistleblower Investigation Officer so that Capricorn can provide them with the necessary support (including the examples discussed at paragraph 0 below).

**Compensation and other remedies**

A Whistleblower who makes a Protected Disclosure may also be entitled to court ordered remedies, some of which are listed in section 10 of Appendix C to this Policy.

**Support for whistleblowers**

Capricorn will take appropriate measures to support the wellbeing and protect an Eligible Whistleblower who has made a Protected Disclosure including in circumstances where they may be the victim of detrimental conduct.

In addition to matters already discussed in this section, this support may be in the form of:

(a) Assigning a support person to the Eligible Whistleblower who has made the Protected Disclosure. This person will be the Eligible Whistleblower's point of contact while a matter is investigated and available to the Eligible Whistleblower to discuss any concerns that they may have, and to help arrange additional support where needed;

(b) monitoring and managing the behaviour of other employees;

(c) considering whether the Eligible Whistleblower who has made the Protected Disclosure should be:

(i) offered flexible working arrangements;

(ii) permitted paid time off work;

(iii) reassigned to another role of the same level; and/or

(iv) able to work from an alternative location,

while a matter is investigated;

(d) access to Capricorn's employee assistance program for current employees.

## 8 ACCESSING THE POLICY

A copy of this Policy and training on this Policy will be provided to all new employees of a Capricorn Group Member during their induction.

A copy of the Policy will also be available on Capricorn's website.

## 9 GOVERNANCE

Subject to confidentiality requirements, Capricorn's board will be kept informed of emerging themes and trends by way of Board reports and regular refresher training.

This Policy will be reviewed and, if required, updated every two years.

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| Owner: | Chief Legal, Risk & Governance Officer | Approved on: | 15/10/2025 |
| Last Approved by: | Capricorn Board | Next review date: | 15/08/2026 |

| **POLICY TITLE** | **WHISTLEBLOWING POLICY** | | |
|---|---|---|---|
| **POLICY OWNER** | Chief Legal, Risk & Governance Officer | | |
| **BUSINESS UNIT** | Legal, Risk and Governance | | |
| **CREATED BY** | Head of Risk, Assurance and Compliance | **DATE CREATED** | 08/08/2018 |
| **AREA/S OF BUSINESS APPLICABLE TO** | Capricorn Society Limited and subsidiaries (not including CML) | | |
| **LAST REVIEWED BY** | Chief Legal, Risk & Governance Officer | **DATE REVIEWED** | 20/7/2026 |
| **LAST APPROVED BY** | CSL Board | **DATE APPROVED** | 15/8/2026 |
| **CURRENT VERSION #** | V4.1 | | |

| **RELATED POLICIES** | **OWNER** |
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| **RELATED PROCEDURES** | **OWNER** |
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## Appendix A – Capricorn Group Members - Australia

1 Capricorn Society Ltd (ACN 008 347 313)

2 Capricorn Risk Services Pty Ltd (ACN 111 632 789)

3 Capricorn Society Financial Services Pty Ltd (ACN 129 134 667)

4 Capricorn Mutual Management Pty Ltd (ACN 129 143 479)

5 Capricorn Insurance Services Pty Ltd (ACN 154 801 377)

6 Capricorn Travel Australia Pty Ltd (ACN 008 926 645)

7 Capricorn 1974 Pty Ltd (ACN 600 112 829)

## Appendix B – Eligible Recipients

### Part 1 Internal

| Name | Position | Contact details |
|---|---|---|
| Your Call Whistleblowing Solutions (**Your Call**) | Independent whistleblowing service provider | Website (24/7): https://yourcall.com.au/capricorn<br><br>Telephone (9 am to 12 am AEST, recognised business days): 1300 790 228 |
| Chief Legal, Risk and Governance Officer | Whistleblower Investigation Officer | René Batchelor |
| Chief People and Experience Officer | Alternative Whistleblower Investigation Officer | Tracy Newman |

### Part 2 External

| Regulatory authority | Contact details |
|---|---|
| Office of the Whistleblower, Australian Securities and Investment Commission (ASIC) | Lodging a report via ASIC's online reporting form at: http://www.asic.gov.au/report-misconduct<br>Writing to ASIC at:<br>Australian Securities and Investments Commission<br>GPO Box 9827<br>Brisbane QLD 4001 |
| Commissioner of Taxation, Australian Taxation Office (ATO) | Lodging a report via the tax evasion reporting form (available at, https://www.ato.gov.au/Forms/Tax-evasion-reporting-form/)<br>Through the tip-off form in the contact section of the ATO app, downloadable from: https://www.ato.gov.au/General/Online-service/ATO-app/<br>By telephone on the confidential hotline to report tax avoidance schemes: 1800 060 062<br>By email to reportataxscheme@ato.gov.au<br>By Writing to:<br>Australian Taxation Office |

| Regulatory authority | Contact details |
| --- | --- |
| | Tax Evasion<br>Locked Bag 6050<br>Dandenong VIC 3175 |
| Australian Prudential Regulation Authority (APRA) | By email to: whistleblower@apra.gov.au |

## Appendix C – Legal requirements

### 1 Eligible Whistleblower under the Corporations Act and Tax Act

1.1 An Eligible Whistleblower is someone who is (or has been) any of the following:

(a) an officer (including a director or company secretary – hereon defined as **officer**) of a Capricorn Group Member;

(b) employee of a Capricorn Group Member;

(c) an individual who supplies services or goods to a Capricorn Group Member (paid or unpaid) (or an employee of that individual);

(d) an individual who is an associate of a Capricorn Group Member, such as a shareholder;

(e) a relative or dependent of an individual above (including, but not limited to, a spouse, parent, child, grandchild, or sibling); or

(f) an individual prescribed as such by the relevant regulations to the Corporations Act or Tax Act as the case may be.

### 2 Eligible Recipients

2.1 Under the Corporations Act, an Eligible Recipient is any of the following:

(a) an officer or senior manager of a Capricorn Group Member;

(b) an auditor or a member of an audit team conducting an audit of a Capricorn Group Member;

(c) an actuary of a Capricorn Group Member;

(d) any other person authorised by Capricorn to receive eligible disclosures under the Corporations Act. Capricorn's authorised people are those listed in Part 1 of Appendix B to this Policy and includes Your Call, the Whistleblower Investigation Officer and the Alternative Whistleblower Investigation Officer; or

(e) a person or body prescribed in the regulations to the Corporations Act.

2.2 Under the Tax Act, an Eligible Recipient is any of the following:

(a) an officer or senior manager of a Capricorn Group Member;

(b) any employee or officer who has functions or duties that relate to the entity's tax affairs;

(c) an auditor, or a member of an audit team conducting an audit of a Capricorn Group Member;

(d) a registered tax agent or BAS agent who provides tax agent or BAS services to a Capricorn Group Member;

(e) a person authorised by Capricorn to receive eligible disclosures. Capricorn's authorised people are those listed in **Part 1** of Appendix B to this Policy and includes Your Call, the Whistleblower Investigation Officer and the Alternative Whistleblower Investigation Officer; or

(f) a person or body prescribed in the regulations to the Tax Act.

## 3 Disclosable Matters

### 3.1 Under the Corporations Act:

(a) A Disclosable Matter is a report that relates to misconduct, or an improper state of affairs and circumstances, in relation to a Capricorn Group Member, which the Eligible Whistleblower has reasonable grounds to suspect has occurred or is occurring or will occur.

(b) This can include, but is not limited to, information that indicates that a Capricorn Group Member or an officer or employee of a Capricorn Group Member has engaged in conduct that:

(i) is an offence, or contravention, of:

(A) the Corporations Act;

(B) the *Australian Securities and Investments Commission Act 2001*;

(C) the *Banking Act 1959*;

(D) the *Financial Sector (Collection of Data) Act 2001*;

(E) the *Insurance Act 1973*;

(F) the *Life Insurance Act 1995*;

(G) the *National Consumer Credit Protection Act 2009*;

(H) the *Superannuation Industry (Supervision) Act 1993*; or

(I) an instrument made under those laws;

(ii) constitutes an offence against any other Commonwealth law that incurs a punishment of up to 12 months or more;

(iii) represents a danger to the public or the financial system; or

(iv) is prescribed by regulations for the purposes of the Corporations Act.

3.2 A personal work-related grievance, which does not otherwise constitute a Disclosable Matter, is not a Disclosable Matter covered by this Policy.

3.3 Examples of personal work-related grievances include:

(a) interpersonal conflict with an employee;

(b) decisions relating to engagement, transfer or promotion of an employee;

(c) decisions regarding an employee's terms and conditions of employment; or

(d) decisions to suspend or terminate an employee or contractor.

3.4 If you raise a concern about a personal work-related grievance, while you may not qualify for the special protections outlined in this Policy, the procedure explained in Capricorn's Grievance Policy will apply.

3.5 However, if you raise a concern that includes a personal work-related grievance, that disclosure may still qualify for protection under this Policy if:

(a) the disclosure includes information about misconduct of the type referred to in paragraph 3.1 of this Appendix (ie a mixed report); or

(b) the entity has breached employment or other laws punishable by imprisonment for a period of 12 months or more.

3.6 **Under the Tax Act**, a disclosure will be a Disclosable Matter if:

(a) you have reasonable grounds to suspect that the information indicates misconduct, or an improper state or affairs or circumstances in relation to the tax affairs of a Capricorn Group Member or an associate of a Capricorn Group Member; and

(b) you consider that this information may assist the Eligible Recipient to perform functions or duties that relate to the tax affairs of a Capricorn Group Member.

3.7 A hypothetical example of a Disclosable Matter under the Tax Act would be if there were a failure by the Capricorn Group to report certain income, subject to taxation in Australia, to the Commissioner of Taxation.

## 4 "Emergency" and "public interest" disclosures

4.1 In certain limited circumstances relating to a Protected Disclosure under the Corporations Act, an Eligible Whistleblower may make an "emergency" or "public interest" disclosure of information to a member of a Parliament (Commonwealth, State or Territory) or to a journalist.

4.2 Capricorn encourages employees to make use of the whistleblowing procedures set out in this Policy such that it is not necessary to make an

Emergency Disclosure or a Public Interest Disclosure. If you intend to make an Emergency or Public Interest Disclosure, Capricorn strongly encourages you to seek independent legal advice so that you understand the criteria for making these types of Protected Disclosures.

4.3 However, Capricorn acknowledges that in some circumstances, it may be necessary for individuals to make such disclosures and will comply with all legislative requirements, as set out in this Policy, in respect of such disclosures.

4.4 **Emergency Disclosure** means a disclosure where:

(a) the discloser has previously made a disclosure of that information that qualifies for protection under the Corporations Act; and

(b) the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health and safety of one or more persons or to the natural environment; and

(c) the discloser notified (in writing) the body to which it made the disclosure that:

(i) includes sufficient information to identify the previous disclosure; and

(ii) states that the discloser intends to make an emergency disclosure; and

(d) disclosure is made to:

(i) a member of Parliament (Commonwealth, State or Territory); or

(ii) a journalist; and

(e) the extent of the information disclosed in the emergency disclosure is no greater than necessary to inform the recipient in paragraph (d) of the substantial and imminent danger.

4.5 Public Interest Disclosure means disclosure where:

(a) the discloser has previously made a disclosure of that information that qualifies for protection under the Corporations Act; and

(b) at least 90 days have passed since the previous disclosure; and

(c) the discloser does not have reasonable grounds to believe action is being taken in relation to the disclosure; and

(d) the discloser has reasonable grounds to believe that making a further disclosure is in the public interest; and

(e) following 90 days, the discloser notified (in writing) the body to which it made the disclosure that:

(i) includes sufficient information to identify the previous disclosure; and

(ii) states that the discloser intends to make a public interest disclosure; and

(f) the public interest disclosure is made to:

(i) a member of Parliament (Commonwealth, State or Territory); or

(ii) a journalist; and

(g) the extent of the information disclosed in the public interest disclosure is no greater than necessary to inform the recipient in paragraph (f) of the misconduct or the relevant information.

4.6 **Note:** for the purpose of this Policy and the Corporations Act, a "journalist" is a person who is professionally working for a newspaper, magazine, radio or television broadcasting service, or commercial electronic services (including a service provided through the internet) which are operated similar to a newspaper, magazine, or radio or television broadcast.

## 5 Investigation

5.1 Where a disclosure is made internally under this Policy, Capricorn will consider the disclosure and if appropriate, conduct an objective investigation as is reasonable and appropriate having regard to the nature and circumstances of the reportable conduct.

5.2 While the particulars of each investigation will vary depending on the nature of the disclosure, a synopsis of the overall investigation process is as follows:

(a) the disclosure should be made to the Whistleblower Investigation Officer in the first instance;

(b) the Whistleblower Investigation Officer will undertake a preliminary review of the allegations raised in the disclosure as soon as reasonably possible after its receipt. This may include collecting further material in order to consider the allegations;

(c) after this preliminary review, the Whistleblower Investigation Officer will decide whether the disclosure is a Protected Disclosure and whether an in-depth investigation is required. If so, the Whistleblower Investigation Officer will determine:

(i) the nature and scope of the investigation;

(ii) the person(s) within and/or outside Capricorn that should lead the investigation;

(iii) the nature of any technical, financial or legal advice that may be required to support the investigation; and

(iv) the anticipated timeframe for the investigation.

(d) at this stage, unless the disclosing person has elected to remain anonymous and/or it is not appropriate to do so, the Whistleblower Investigation Officer will advise that individual of the decision as to whether:

(i) the disclosure is a Protected Disclosure; and

(ii) a further investigation will be carried out;

(e) all material collected or received for the purpose of the investigation must be stored in a secure, confidential location, which is accessible only to the persons (and, if applicable, their advisers – subject to confidentiality requirements) that are conducted/conducted the investigation;

(f) subject to confidentiality requirements:

(i) the Whistleblower Investigation Officer will maintain a register with details of any disclosure that has been made under this Policy (the **Whistleblower Register**). If an in-depth investigation is carried out, the Whistleblower Register will also record details of the progress of any investigation and the outcome; and

(ii) Capricorn will periodically update its executives and board members on this Policy and any reports made under it. When making these reports it will ensure that it does not breach its obligations of confidentiality.

5.3 Should a Protected Disclosure relate to allegations about the Whistleblower Investigation Officer, the Alternative Whistleblower Investigation Officer will carry out the steps referred to in this section – and the Whistleblower Investigation Officer will not be involved in conducting or receiving reports of any investigation of the concerns.

## 6 Fair Treatment

6.1 Capricorn will ensure fair treatment of employees of the company who are referred to in Protected Disclosures that qualify for protection, including any employees to whom such disclosures relate, by:

(a) ensuring any investigations are free from bias, appropriately resourced and made in a timely fashion; and

(b) allowing people who are named in disclosures an opportunity to respond to allegations against them at an appropriate time during any investigation.

## 7 Protections

7.1 The identity of a person that has made a Protected Disclosure (ie the Eligible Whistleblower) will remain confidential unless it is revealed to:

(a) ASIC or APRA (in relation to disclosures protected under the Corporations Act);

(b) the Commissioner of Taxation (in relation to disclosures under the Tax Act);

(c) a member of the AFP;

(d) a legal practitioner for the purposes of obtaining legal advice or representation; or

(e) with the consent of the discloser.

7.2 There is no requirement for an Eligible Whistleblower to identify themselves in order for that whistleblower's disclosure to qualify as a Protected Disclosure.

7.3 If an Eligible Whistleblower wishes to remain anonymous, Capricorn will, in practice, take all reasonable steps to protect their confidentiality including, but not limited to, the following:

(a) the whistleblower will be referred to in a gender-neutral context;

(b) where possible, the whistleblower will be contacted to help identify certain aspects of the disclosure that could inadvertently identify them;

(c) all paper and electronic documents and other materials relating to disclosures under this Policy will be stored securely; and

(d) access to all information relating to a disclosure under this Policy will be limited to those directly involved in managing and investigating the disclosure.

7.4 A discloser's identity may be revealed to a court where it is necessary to:

(a) give effect to the Tax Act or Corporations Act; or

(b) in the interests of justice to do so.

7.5 Under no circumstances does this Policy allow for or condone the disclosure of the actual identity of a whistleblower who has made a Protected Disclosure other than as set out above (and it would be illegal to do otherwise). However, for the purposes of an investigation, information that is likely to or may lead to the identification of the whistleblower (but is not their identity) may be disclosed if it is reasonably necessary for the purpose of the investigation concerning the subject matter of the Protected Disclosure. Capricorn will take all reasonable steps to reduce the risk that the whistleblower will be identified as a result of that disclosure of information.

7.6 Capricorn is able to disclose the subject matter of the Protected Disclosure without the Eligible Whistleblower's consent as appropriate.

7.7 Any release of information in breach of this Policy will be regarded as a serious matter and may result in disciplinary action. There also may be serious consequences under the Corporations Act or Tax Act.

## 8 Protecting Whistleblowers who have made Protected Disclosures from legal action

8.1 Eligible Whistleblowers who make a Protected Disclosure are protected as follows:

(a) they are protected from any civil, criminal or administrative liability (including disciplinary action) for making the disclosure;

(b) no contractual or other remedy may be enforced and no contractual or other right may be exercised, against the discloser on that basis; and

(c) the information they have disclosed is not admissible in evidence against the person in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.

8.2 Whistleblowers will not receive protection for their own misconduct or wrongdoing.

## 9 Protecting against victimisation and detriment

9.1 Where an Eligible Whistleblower has made a Protected Disclosure, Capricorn will take all reasonable steps to ensure appropriate treatment of that person, including protecting that person from detrimental conduct.

9.2 Detrimental conduct might include, for example:

(a) dismissal;

(b) a change in duties or a demotion;

(c) a transfer to another office or location;

(d) harassment, bullying or intimidation;

(e) harm or injury;

(f) reputational damage;

(g) damage to property; or

(h) damage to person's financial position.

9.3 Detrimental conduct is unlikely to include, for example, administration action that is taken to protect an Eligible Whistleblower who has made a Protected Disclosure from detriment (such as enabling them to work from home).

9.4 Eligible Whistleblowers may seek independent legal advice or contact the relevant regulatory body (such as ASIC for Disclosable Matters under the Corporations Act) if they believe they have suffered detriment. However, individuals are encouraged to inform Capricorn in the first instance.

## 10 Compensation and other remedies

10.1 A whistleblower who makes a Protected Disclosure may also be entitled to court ordered remedies, including:

(a) compensation for any loss or damage suffered;

(b) injunctive relief restraining a person from engaging in detrimental conduct, or to prevent the effects of the detrimental conduct;

(c) an order requiring an apology be given;

(d) any other order that the court thinks is appropriate.