

Title	Whistleblower Policy		
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1 Purpose

Opal HealthCare's purpose is to bring joy to those we care for. We are committed to the highest standards of conduct and ethical behaviour, as outlined in our code of conduct and policies, and to fostering a work environment and culture that aligns with our values of Compassion, Accountability, Respect and Excellence.

In line with this commitment, we require and encourage each of our team members and stakeholders to report any misconduct of which they become aware. This policy describes how to make a whistleblower report, how it will be actioned, and protections and support available.

Terms that are in *italics* are explained in the Dictionary at the end of this policy.

2 Accessing this policy

This policy is available to team members on our intranet (the Village). Copies are also available on the Opal HealthCare's website and on request from the Whistleblower Governance Officer by emailing speakup@opalhealthcare.com.au.

3 Who is a whistleblower?

You can be a whistleblower, and be eligible for protection under this policy and the *Whistleblower Laws*, if you are a current or former:

- (a) corporate officer or director or employee of any Opal HealthCare company; or
- (b) supplier of goods or services to any Opal HealthCare company (whether paid or as a volunteer) or an employee of such a supplier;
- (c) relative, dependent or spouse of any of the people listed in (a) or (b); or
- (d) an individual who is an corporate associate of Opal HealthCare

4 What constitutes a whistleblower report?

4.1 What is reportable conduct?

Reportable conduct is anything the whistleblower has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances, in relation to any Opal HealthCare Group company or its operations. This might include, for example, information about dishonesty, illegality, serious breach of Opal HealthCare's code of conduct or other Opal HealthCare policies, or behaviour that poses a significant risk to the health and safety of a resident of any Care Community or any other person.

4.2 What conduct is not a whistleblower matter?

Personal work-related grievances, including interpersonal conflicts between team members and performance/disciplinary matters, will generally not constitute reportable conduct.

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This means that (unless there are significant implications for Opal HealthCare and the conduct otherwise meets the definition of reportable conduct set out above) *personal workplace grievances* will not fall within the scope of this policy and will not qualify for protections under the *Whistleblower Laws* (though rights and protections may arise under other legislation such as the Fair Work Act 2009).

Team members should instead raise concerns of this kind with their manager or Human Resources Business partner (or by calling the Opal HealthCare HR Advice Line on 1300 337 341) in accordance with the Complaints & Grievance Handling Policy.

5 How to make a whistleblower report

5.1 Making a whistleblower report

If you wish to make a whistleblower report under this policy, our preferred channel for receiving that report is via our Whistleblower Governance Officer

- by emailing speakup@healthcare.com.au; or
- by calling 1300 190 420_

5.2 Other reporting options

This policy will also apply where whistleblower reports are made to an Opal HealthCare corporate officer (such as the Company Secretary), a director, senior management or auditors (who are “eligible recipients” for the purposes of the *Whistleblower Laws*).

Whistleblower reports can also be made directly to certain regulators or a lawyer, or in very limited circumstances to the media or a member of parliament. If you do this, your report will not be handled in accordance with this policy, but you may still receive protections under the *Whistleblower Laws*.

6 How are whistleblower reports managed by Opal HealthCare?

6.1 Key roles and responsibilities

The key Opal HealthCare roles (and a high-level overview of the respective responsibilities) under this policy are set out in the table below.

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Role	Appointee	Overview of role
Whistleblower Governance Officer	Opal HealthCare's General Counsel or if General Counsel is away from the office on leave, a nominated member of Opal HealthCare's internal legal team.	<p>Opal HealthCare's preferred channel for receiving whistleblower reports.</p> <p>Records reports and refers them to the Whistleblower Committee; oversees confidentiality and other aspects of policy compliance; manages governance reporting; ensures (where possible) that the whistleblower receives feedback.</p> <p>For the purpose of this policy, the Whistleblower Governance Officer reports directly to the Chair of the Audit & Risk Committee.</p>
Whistleblower Committee	<p>Includes the following members:</p> <ul style="list-style-type: none"> ○ Whistleblower Governance Officer (Chair); ○ Director of People and Culture (or delegate) ○ Chief Operating Officer (or delegate) ○ General Counsel (if not the Whistleblower Governance Officer). 	<p>Reviews and assesses reports referred by Whistleblower Governance Officer; assesses the risk of <i>Detrimental Conduct</i> to the whistleblower; appoints a Whistleblower Protection Officer (as appropriate); appoints Investigator as appropriate; oversees investigation</p>
Whistleblower Protection Officer	If/as appointed by the Whistleblower Committee in response to a whistleblower report by an identified Opal HealthCare team member, corporate officer or director.	Monitors the wellbeing of the whistleblower; assists the Whistleblower Committee to monitor the risk of <i>Detrimental Conduct</i> to the whistleblower
Investigator	If/as appointed by the Whistleblower Committee in response to a whistleblower report. (May be internal or external)	Investigates and reports back to the Whistleblower Committee

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6.2 Management of whistleblower reports

The Whistleblower Governance Officer will record and manage whistleblower reports in accordance with agreed protocols, including confidentiality requirements.

Where the whistleblower report concerns the conduct of a corporate officer, director or a member of the Opal HealthCare executive team, the Whistleblower Governance Officer will refer that report to the Chair of the Audit & Risk Committee (or if it pertains to that person, to the Chair of the Opal HealthCare Boards). Where the whistleblower report concerns the conduct of the Whistleblower Governance Officer, the matter will be referred to the Chair of the Audit & Risk Committee and Opal HealthCare CEO. The Whistleblower Governance Officer will otherwise refer the report to the Whistleblower Committee, which will:

- review the report and:
 - make an assessment of whether the matter reported falls within the scope of this policy; and
 - determine appropriate actions (including, where investigation is required, the appointment of an internal or external Investigator);
- oversee the management of the investigation so that it is procedurally fair and adheres to the principles of natural justice;
- assess the risk of *Detrimental Conduct* to the whistleblower; and
- as appropriate, nominate a Whistleblower Protection Officer to monitor the wellbeing of a whistleblower who is an identified Opal HealthCare team member.

The Whistleblower Governance Officer will record findings of any investigation and other action taken in relation to a report that falls within the scope of this policy, and report those findings and actions to Opal HealthCare's Audit & Risk Committee.

The whistleblower will (to the extent possible) receive feedback on actions taken in relation to their report.

7 **Anonymity and confidentiality**

If you make a whistleblower report under this policy, it will be treated confidentially. Identifying information in that report will only be shared if:

- you give your consent for us to do so; or
- the disclosure is allowed or required by law, which may be the case, for example, if:
 - there is a threat to life or property;
 - Opal HealthCare has a legal obligation to make a disclosure, including to certain regulators or law enforcement agencies; or
 - the disclosure is required so that Opal HealthCare can obtain legal advice

While it is your right to remain anonymous (and protections under *Whistleblower Laws* will still be available if you choose to make a report anonymously), requiring complete anonymity over your report may make it more difficult for us to investigate the issue. If you are a current team member, letting us know who you are will also enable us to monitor your wellbeing.

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Even where you report anonymously, information that may lead to your identification may need to be disclosed where reasonably necessary to conduct the investigation. We will take all reasonable steps to reduce the risk of identification.

The non-identifying content of your report may also be disclosed for the purpose of reporting to Opal HealthCare's governance bodies, such as the Audit & Risk Committee.

8 Protection and support

8.1 Protections under the Whistleblower Laws

The *Whistleblower Laws* provide special protections for eligible whistleblowers in respect of disclosures that qualify for protection under those laws. These include:

- the right to have their identity as a whistleblower protected;
- the right to have information provided as part of the disclosure handled appropriately;
- the right to be protected from civil, criminal or administrative liability for making the disclosure; from contractual or other remedies based on the disclosure, and from the admissibility of the information provided in evidence against them; and
- the right to be protected from detrimental treatment or victimisation.

Opal HealthCare is committed to ensuring that these legislative protections are complied with.

a. How Opal HealthCare protects and supports whistleblowers

Opal HealthCare will not tolerate *Detrimental Conduct* towards whistleblowers, and will take all reasonable steps to ensure that whistleblowers are protected and supported. We will do so by appointing Whistleblower Protection Officers, by conducting an investigation process which is procedurally fair, and by respecting whistleblowers' rights to confidentiality.

Independent support and counselling for team members is also available through Opal HealthCare's Employee Assistance Program, LifeWorks, by calling 1300 361 008.

b. Illegal or improper conduct

While the *Whistleblower Laws* offer protection from a range of civil and criminal liability and contractual actions as described above, becoming a whistleblower does not mean you are immune from the reasonable consequences of being involved in illegal activity or improper conduct yourself. If this is of concern to you or if you are unclear about the extent of your legal rights and protections, we encourage you to seek independent legal advice.

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9 What happens if this policy is breached?

It is the responsibility of all Opal HealthCare team members to understand and comply with this policy. Behaviours that are inconsistent with this policy should be immediately reported to the Whistleblower Governance Officer (whose contact details appear above). Whistleblowers can also raise concerns of this kind with the relevant Whistleblower Protection Officer (where appointed).

Actual or threatened *Detrimental Conduct* and confidentiality breaches, are particularly serious, and may result in disciplinary action (including dismissal). Behaviour of that kind is also unlawful. Significant civil and criminal penalties apply for both Opal HealthCare and individuals, including significant fines and imprisonment. There may be civil remedies, including compensation, for whistleblowers who experience *Detrimental Conduct*.

If you have made a whistleblower report under this policy and have suffered *Detrimental Conduct*, you should report the relevant behavior to the Whistleblower Governance Officer. Nothing in this policy prevents you from seeking independent legal advice in relation to your rights and remedies under the *Whistleblower Laws*.

10 Further information?

If you have questions, or require more information, about this policy or how whistleblower reports are handled by Opal HealthCare, please contact the Whistleblower Governance Officer, by:

- emailing speakup@opalhealthcare.com.au; or
- calling 1300 190 420

11 Policy review

The Whistleblower Governance Officer will coordinate a periodic review of this policy by our executives, with any material proposed changes to be approved by Opal HealthCare Audit & Risk Committee.

12 Dictionary

Term	What it means
Detrimental Conduct	<p>Any actual or threatened conduct that could cause detriment to a whistleblower as a result of making a report under this policy, including</p> <ul style="list-style-type: none"> ○ termination of employment/appointment; ○ personal or financial disadvantage; ○ unlawful discrimination; ○ harassment or intimidation; ○ harm or injury to a person (including psychological harm); ○ damage to a person, including to their property, reputation, business or financial position.
Personal work-related grievance	<p>A grievance about any matter concerning a person’s current or former employment, that has implications for that individual personally but does not have significant implications for Opal HealthCare that do not relate to him/her. This could include:</p> <ul style="list-style-type: none"> ○ an interpersonal conflict between that person and another team member; ○ a decision about employment, transfer or promotion; ○ a decision about the terms and conditions of employment; ○ a decision to suspend or terminate employment or to take disciplinary action. <p>Personal grievances that also have significant implications for Opal HealthCare and otherwise meet the definition of reportable conduct should be reported under this policy.</p>
Whistleblower Laws	<p>Relevant provisions of the Corporations Act 2001 and Tax Administration Act 1953 as amended by the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019.</p>