



KIDSXPRESS WHISTLEBLOWER POLICY

1. Policy Brief & Purpose

KidsXpress (Company) is committed to providing a safe and supportive workplace and to carrying out its activities honestly, fairly and with integrity. We want you to feel safe to tell us about serious wrongdoing if you become aware of it.

This policy sets out:

- a. what disclosures will ensure protection to a whistleblower;
- b. who can be a whistleblower;
- c. what protections are available to whistleblowers; and
- d. how to make a disclosure and what the Company will do.

2. Who can be a whistleblower

These people may receive protection as a whistleblower:

- current and former employees and officers;
- volunteers;
- contractors or suppliers (including employees of contractors or suppliers); and
- associates, for example directors or secretaries of the Company or its related bodies corporate.
- Whistleblowers may also be relatives, family members and dependents of the people listed above.

3. Protected Reports of Wrongdoing

3.1 Reportable Wrongdoing

Protections will apply to a whistleblower reporting serious misconduct, or an improper or illegal state of affairs or circumstances, in relation to the Company (or a related body corporate of the Company) (**Reportable Wrongdoing**).

For example, conduct that is:

- a. dishonest, unethical or fraudulent;
- b. illegal (including theft, drug sale or use, violence or threatened violence and property damage);
- c. corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
- d. endangering health and safety;
- e. damaging, or substantially risking damaging, the environment;
- f. unauthorised use of the Company's confidential information;
- g. likely to damage the Company's financial position or reputation; and
- h. concealing any Reportable Wrongdoing.



3.2 Personal work-related grievances

- a. Reports of personal work-related grievances generally do not provide a whistleblower with protection.
- b. Personal work-related grievances are those that relate to your current or former employment with the Company that might have implications for you personally, but do not have other significant implications for the Company or relate to any Reportable Wrongdoing. For example:
 - i. interpersonal conflicts;
 - ii. decisions about promotions;
 - iii. decisions that do not involve a breach of workplace laws;
 - iv. terms or conditions of employment.
- c. However, reports of personal work-related grievances may be protected where they include:
 - i. information about a Reportable Wrongdoing;
 - ii. an allegation that the Company has broken employment laws which are punishable by imprisonment for 12 months or more, or acted in a way that is a threat to public safety; or
 - iii. victimisation or harassment due to whistleblowing.
- d. We encourage you to resolve personal work-related grievances by raising them with the relevant human resources representative.

4. Reporting a Reportable Wrongdoing

4.1 What to report

Provide as much information as possible about the Reportable Wrongdoing, including:

- a. date;
- b. time;
- c. location;
- d. people involved;
- e. possible witnesses to the events; and
- f. any other information or documents that may be relevant.



4.3 Who to report to

Under the Corporations Act, eligible recipients include officers (i.e. directors or the company secretary), senior managers and people that have been authorised by the Company to receive disclosures.

- a. You can report Reportable Wrongdoing to any of the Eligible Recipients listed in the table below. The report can be made verbally or in writing.

Recipient Name	Contact details
Kirsty Walker – Head of Business Services and Company Secretary	02 9380 9220 kirsty.walker@kidsxpress.org.au Level 2, 50 Waterloo Rd Macquarie Park 2113
Rana Ensor – HR and Finance Manager	02 9380 9220 rana.ensor@kidsxpress.org.au Level 2, 50 Waterloo Rd Macquarie Park 2113
Margo Ward – Founder and CEO	02 9380 9220 margo.ward@kidsxpress.org.au Level 2, 50 Waterloo Rd Macquarie Park 2113

- b. Eligible Recipients will ensure the report is taken seriously by the Company and proper follow-up occurs.
- c. Eligible Recipients will also ensure you are supported and protected.
- d. We encourage you to report to an Eligible Recipient in the first instance (rather than to an external regulator), as it means the Company can address any Reportable Wrongdoing as soon as possible.
- e. You can also report any Reportable Wrongdoing to any of:
- the Australian Securities and Investments Commission (**ASIC**);
 - the Commissioner of Taxation (**ATO**);
 - a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections; or
 - a journalist or parliamentarian, providing that the report qualifies as an emergency or public interest disclosure under the Corporations Act. We recommend that you contact an independent legal adviser before making a public interest disclosure or an emergency disclosure.
- f. Please note that the whistleblower protections do not extend to reports made to the Australian Charities and Not-for-profits Commission (**ACNC**).

4.4 Anonymous reporting

- a. You can make an anonymous report if you do not want to reveal your identity, but we encourage you to provide your name because it will make it easier for the Company to



address your report and communicate with you. However, you are not required to provide your name.

- b. If you do not provide your name, the Company will assess your report in the same way as if you had revealed your identity. However, please be aware that an investigation may not be possible where insufficient information is provided, and it may be difficult to offer the same level of practical support or protect you if the Company does not know your name.

5. How will you be protected?

5.1 Who is protected?

- a. You will be a Protected Whistleblower, and protected from harm, by law, if you:
 - i. know of, or have reasonable grounds to suspect Reportable Wrongdoing; and
 - ii. report that Reportable Wrongdoing to an Eligible Recipient listed in or to an external person listed under e.
- b. You will still qualify for protection even if the information turns out to be incorrect, or if you were mistaken, provided the report was made honestly and you honestly and reasonably suspected the Reportable Wrongdoing. However, if you knowingly make a false report, or otherwise fail to act honestly, you may be subject to disciplinary action, including dismissal.

5.2 What is protected?

If you are a Protected Whistleblower (as defined in 5), the Company will:

- a. protect your identity; and
- b. ensure that you are not subject to harm or disadvantage in connection with the disclosure.

5.3 Identity protection

- a. As soon as you report Reportable Wrongdoing, the Company will make sure immediate steps are taken to protect your identity. This includes redacting your name and position from any written record of the report and implementing appropriate document security.
- b. It is illegal for a person to identify a Protected Whistleblower or disclose information that is likely to lead their identification. As a Protected Whistleblower, your identity will only be shared by the Company if:
 - i. you consent in writing to the disclosure of your identity;
 - ii. it is to ASIC or the Australian Federal Police;
 - iii. it is allowed or required by law (for example, disclosure to a legal practitioner for the purpose of obtaining advice relating to the law on whistleblowing); or
 - iv. it is necessary to prevent or lessen a threat to a person's health, safety or welfare.
- c. If you feel that your confidentiality has been breached outside the exceptions allowed by law, you can lodge a complaint with the Company, ASIC or the ATO for investigation.

5.4 Protections against unfavourable treatment

- a. It is illegal to treat a Protected Whistleblower unfavourably in connection with their reporting of Reportable Wrongdoing. Examples of unfavourable treatment include:
 - i. dismissal, demotion, bias or disciplinary action;
 - ii. causing harm or injury, including psychological harm;



- iii. bullying, discrimination, harassment, threats or intimidation;
 - iv. damage or threats to property, business, financial position or reputation; and
 - v. revealing the Protected Whistleblower's identity without their consent or contrary to law.
- b. The Company does not tolerate this type of behaviour. You should tell an Eligible Recipient if you or someone else is being, or has been, subject to unfavourable treatment in connection with the reporting of Reportable Wrongdoing. Any person involved in unfavourable treatment will be subject to disciplinary action, including, but not limited to, termination of employment or engagement.

5.5 Other protections

- a. Protected Whistleblowers may also be entitled to the following legal protections:
 - i. protection from civil, criminal or administrative legal action;
 - ii. protection from having to give evidence in legal proceedings;
 - iii. compensation or other remedies.
- b. The Company encourages you to seek independent legal advice about any compensation or other remedies that may be available to you.

6. How will the Company investigate reports of Reportable Wrongdoing?

6.1 Investigation process

- a. The Company will treat all reports made under this policy sensitively and seriously, and will deal with them promptly, fairly and objectively.
- b. The following steps will apply:
 - i. The Company will assess a report as soon as practicable after it has been made to the Eligible Recipient to determine if it is Reportable Wrongdoing.
 - ii. If the Company determines that the information disclosed does not amount to Reportable Wrongdoing, you will be, if practicable, informed of that decision. This will not be possible where the report was made anonymously.
 - iii. Investigations will be conducted fairly and in a timely manner.
 - iv. The Company will inform the person against whom an allegation has been made and that person will have an opportunity to respond, unless there is a restriction or reasonable basis preventing the Company from informing that person (eg public safety concerns).
 - v. The Company will conduct investigations with regard to the nature of the allegation and the rights of the people involved in the investigation. The Company recognises the importance of balancing the rights of the Protected Whistleblower against the rights of people against whom an allegation has been made.
 - vi. The Company will ensure that, provided the report was not made anonymously, the Protected Whistleblower is kept informed of the outcomes of the investigation. This is subject to the privacy concerns of those against whom allegations have been made.
 - vii. If the Protected Whistleblower is not an employee of the Company, the Protected Whistleblower will be kept informed of the investigative outcomes after agreeing in writing to maintain confidentiality in relation to any information provided to them regarding the disclosure made by them.



- c. If you are not satisfied with the outcome of an investigation, you can:
 - i. *request a review of the investigation by the Company; or*
 - ii. *lodge a complaint with a regulator, such as ASIC or the ATO.*
- d. If you request a review of the investigation, the Company will consider your request. However, the Company is not obliged to reopen an investigation if it concludes that:
 - i. *the investigation was conducted properly;*
 - ii. *new information is either not available or would not change the findings of the investigation.*

6.2 Reporting

The Company's policy must outline how the findings from an investigation will be documented and reported to those responsible for oversight of the policy.

The board will receive a summary of reports made under this policy on a quarterly basis.

7. Further information

The Company is required under the Corporations Act to provide information about how the policy will be made available to its officers and employees.

We strongly advise that the Company make the whistleblower policy available on its external website to ensure external whistleblowers can access the policy. This is in line with ASIC's guidance in RG 270.

This policy is available on Employment Hero and our website.