

**Protected  
Disclosure**

**This document outlines how to make a protected disclosure complaint (previously known as whistleblowing) to Zenitas Healthcare and its associated businesses about improper conduct.**

Here, we run you through how reportable / improper conduct is defined, who is eligible to make a protected disclosure complaint, the process for disclosing, and how you're protected if you choose to make a disclosure.

These guidelines apply to both Zenitas Healthcare staff and customers.

### **The basics: What you should know about protected disclosure**

Zenitas Healthcare is committed to the highest standards of conduct and ethical behaviour, and to promoting and supporting a culture of honesty, strong corporate compliance and governance.

We encourage the reporting of any instances of unethical, illegal, fraudulent or undesirable conduct involving our businesses, and will ensure that if you decide to make such a report, you are able to do so without fear of intimidation, disadvantage or reprisal.

## What is reportable conduct?

Reportable conduct refers to the actions of a company director, officer, employee, contractor, supplier or tenderer who has business dealings with Zenitas Healthcare, and who has engaged in conduct which:

- is dishonest, fraudulent or corrupt, including bribery and money laundering
- is illegal activity - such as theft, drug sale or use, violence, harassment or intimidation, criminal damage to property, or other breaches of state or federal law
- is unethical or in breach of Zenitas' policies - such as dishonestly altering company records or data
- is potentially damaging to Zenitas, an employee or third party - such as knowingly conducting unsafe work practices, environmental damage, health risks, or abuse of company property or resources
- amounts to an abuse of authority
- could cause financial loss to Zenitas, damage its reputation, or be otherwise detrimental to its interests
- involves harassment, discrimination, victimisation or bullying
- involves any other kind of serious impropriety

For employees, it should be noted that personal or professional work-related grievances do not fall within the scope of reportable conduct or protected disclosure.

## Who can make a protected disclosure?

You are considered to be an 'eligible whistle-blower' if you are:

- a current or former officer or employee of Zenitas Healthcare
- a current or former individual who provides services or goods to the company (paid or unpaid)
- a current or former employee of an individual who provides services or goods to the company (paid or unpaid)
- a client of Zenitas Healthcare and its associated businesses
- a current or former associate of the company
- a relative or dependent of a person who meets this criterion

Note that disclosure can be anonymous. There is no requirement for you to identify yourself to qualify for protection. However, if you choose to remain anonymous, we may not be able to provide you with the outcomes of any relevant investigation.

You should also know that at this time, you are responsible for ensuring you can provide adequate proof that a reportable conduct has occurred. Once the disclosure has been made, we will become responsible for gathering any further evidence through our investigation.

## Will my disclosure be protected?

A disclosure qualifies for protection if:

- it is made by an eligible whistleblower (as per the criteria above),
- the disclosure relates to a reportable conduct (as above), and
- the disclosure is made to an eligible recipient, such as:
  - » ASIC (Australian Investment and Securities Commission)
  - » APRA (Australian Prudential Regulation Authority)
  - » a Commonwealth/Federal authority such as:
    - NDIS Quality & Safeguards Commission
    - Aged Care Quality & Safety Commission
    - AHPRA (Australian Health Practitioners Regulatory Authority)
  - » an external auditor or member of auditing team
  - » a director, secretary or senior manager of the company
  - » a person authorised by the company to receive disclosures
  - » a legal practitioner

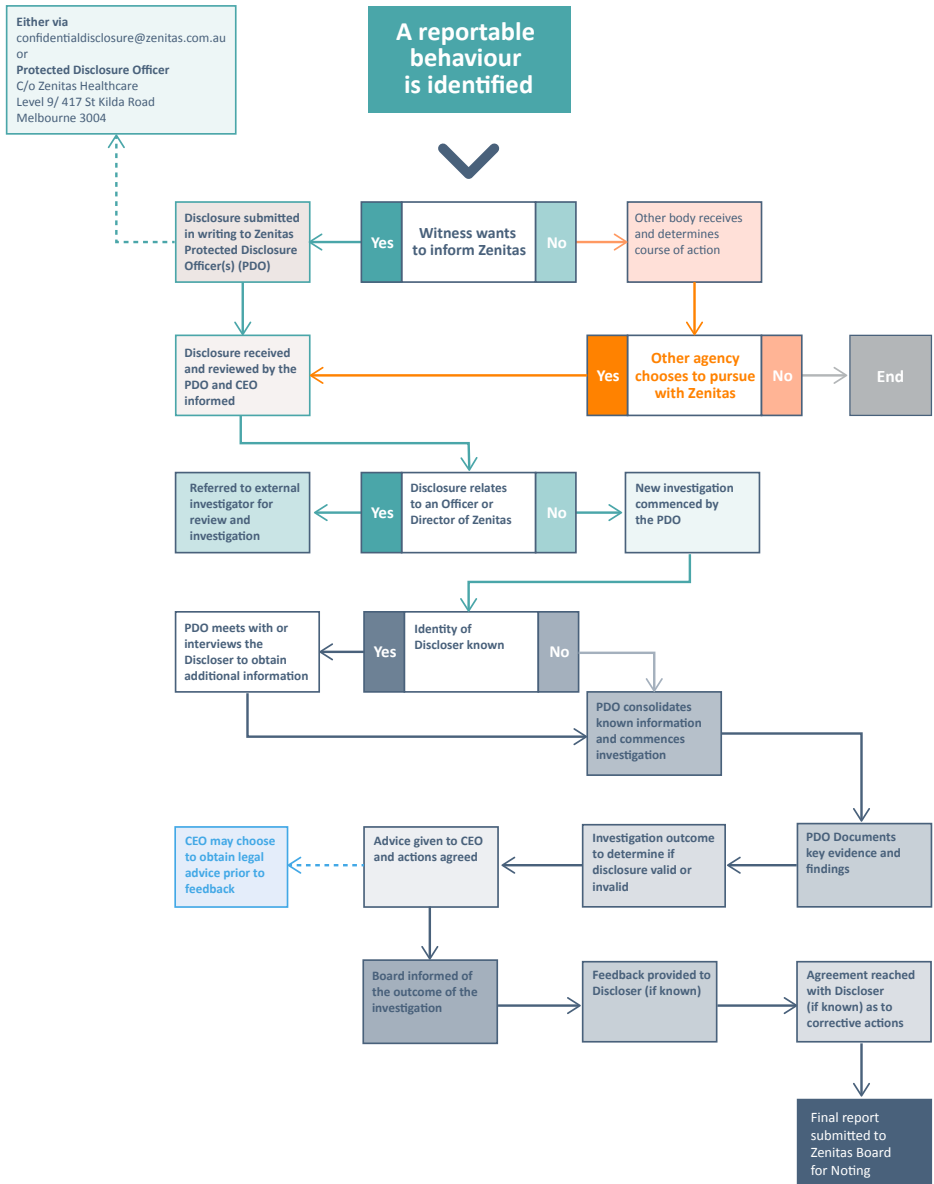
You can read more on disclosure protection on the following pages.

## The process: How to make a disclosure

If you want to disclose information to Zenitas, you will need to do so in the following ways.

- If you are a **staff member, practitioner or contractor**, you should raise the matter with your immediate supervisor, manager, or another senior supervisor within your division/business unit.
- The supervisor who receives your report must take the matter to a Zenitas Protected Disclosure Officer.
- Alternatively, you can also refer the matter directly to a Zenitas Protected Disclosure Officer.

# Protected Disclosure Flow Chart



## **The Zenitas Protected Disclosure Officers are:**

For internal reports (Zenitas staff):

**General Manager Quality, Risk & Compliance**

Level 9, 417 St Kilda Road Melbourne VIC 3004

or

**General Manager People & Culture**

Level 9, 417 St Kilda Road Melbourne VIC 3004

on +61 3 9821 3701

or

[confidentialdisclosure@zenitas.com.au](mailto:confidentialdisclosure@zenitas.com.au)

If you are a **client** or **external party/agency**, reports can be made to:

C/O Protected Disclosure Officer

Zenitas Corporate

Level 9, 417 St Kilda Road Melbourne VIC 3004

or

[confidentialdisclosure@zenitas.com.au](mailto:confidentialdisclosure@zenitas.com.au)



## **‘Public interest’ disclosure: disclosing to the media or member of Parliament**

After 90 days, you can also make a ‘public interest’ protected disclosure to the media or a member of Parliament only if all of the following occur:

- It relates to the disclosure you have already told us about
- You have reasonable grounds to believe we have taken the appropriate actions to address the matter and that making a further disclosure would be in the public interest
- After the 90 days, and before you notify the media or member of Parliament, you have advised Zenitas in writing in relation to the previous disclosure that:
  - » includes sufficient information to ensure we are aware of which disclosure you are referring to,
  - » you state you intend to make a public interest disclosure, as well as who the public interest disclosure is made to (i.e. a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory, or to a journalist), and
  - » advises that you will only provide information related to the disclosure and the perceived misconduct of Zenitas in the handling of your disclosure.

You can also make an ‘emergency disclosure’ to the media or a member of Parliament on the same grounds, with the exception of the 90 days duration. In this case, you must have reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of a person or to the natural environment. Again, you will also need to provide Zenitas with written notification, as above.

If Zenitas receives written notification of a discloser’s intent to notify the media or member of Parliament, they will also ensure the notification is immediately made known to the CEO and Marketing Manager.

## How investigation of a report works

- Zenitas will investigate all reported matters as soon as possible. A Protected Disclosure Officer might appoint someone to assist in the investigation if needed.
- Where appropriate, Zenitas will provide feedback to you regarding the investigation's progress or outcome if your identity is known. This feedback will also take into account the privacy of the person against whom the allegations are made.
- The investigation will be conducted in an objective and fair manner, and in a way that is reasonable regarding the nature of the reportable conduct and the circumstances.

## Reporting to the CEO and Board

Serious reportable conduct will be considered by the Protected Disclosure Officers for immediate referral to the CEO and Board Chair.

If a disclosure is made regarding a member of the company executive, the Protected Disclosure Officer must raise the matter with the CEO.

In the event that the disclosure is made regarding the CEO, the Protected Disclosure Officer must raise this with the Chair of the Board.

Legal advice regarding the investigation of a protected disclosure can only be sought with the permission of the CEO or their delegate, or, where relevant, the Chair of the Board.

## What you should know about whistleblower protections

Zenitas is committed to ensuring confidentiality in relation to this policy, and that you are treated fairly and are not disadvantaged.

Subject to compliance with legal requirements, Zenitas will not disclose any particulars that would reveal your identity as a whistleblower without first obtaining your consent. Any disclosure that is consented to will be disclosed on a strictly confidential basis.

All files and records created from an investigation will be retained under strict security. Any unauthorised release of information to someone uninvolved in the investigation (other than senior managers or directors who need to know to take appropriate action, or for corporate governance purposes) without the consent of the discloser will be in breach of this policy, and will be taken seriously.

If at any time you are subjected to detrimental treatment as a result of making a report, you should inform the Protected Disclosure Officer immediately.

Detrimental treatment includes dismissal, demotion, harassment, intimidation, discrimination, disciplinary action, physical or psychological harm or injury, bias, damage to the person's property, threats, or other unfavourable treatment connected with making a report.

If you make a disclosure that qualifies for protection:

- no legal or disciplinary action can be taken against you for making the disclosure
- no changes to any contract or service agreement with you can be enforced on the basis of the disclosure
- the information disclosed is not admissible in evidence against the person in criminal proceedings or in proceedings for the imposition of a penalty

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