



Whistleblower Policy

Owner	Company Secretary
Approver	Columbus Capital Board
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Version	3.0
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Frequency	Every 2 years (or earlier if required)
Legislation	<i>Corporations Act 2001</i> (Cth) and the <i>Taxation Administration Act 1953</i> (Cth)
Distribution	General Use
Application	<p>This Policy applies to all Employees across the ColCap Group where they are not covered by a separate Policy that is applicable to their jurisdiction. This Policy also applies to ColCap's Counterparties, Suppliers and Service Providers.</p> <p>This Policy does not apply to customer complaints. If you are a client or customer and wish to report a complaint or dispute, please do so in accordance with ColCap's Dispute Resolution Policy.</p>

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POLICY OVERVIEW

1. Background

01.01 ColCap Financial Limited (ACN 650 487 353) and its related bodies corporate, majority owned subsidiaries, branches and controlled entities (collectively, **ColCap** or **the Group**) is a non-bank financial institution. ColCap is in the business of providing primarily mortgage loan products through wholesale, retail and broker distribution channels as well as portfolio management for numerous Residential Mortgage-Backed Securities (**RMBS**).

This Whistleblower Policy (the **Policy**) has been drafted in accordance with the Australian Whistleblower provisions outlined in the *Corporations Act 2001* (Cth) (the **Act**) and the *Taxation Administration Act 1953* (Cth) and to demonstrate ColCap’s commitment to fostering a culture that encourages people to speak up and raise concerns.

01.02 A separate Whistleblower Policy applies to Molo Tech Ltd (UK Company Number: 10510180) (**Molo**), a wholly owned subsidiary of ColCap Financial UK. All Employees of Molo should refer to the Molo Whistleblower Policy for information on making a Disclosure (as defined in clause 4 below), which can be found at [About Us - Online mortgages the easy way | Molo Finance](#).

2. Purpose

02.01 The purpose of this Policy is to outline the way in which ColCap receives, investigates and addresses wrongdoing that may not otherwise be uncovered. ColCap supports and protects those who speak up and make a Disclosure in accordance with this Policy and will maintain confidentiality and fairness in relation to all matters raised.

This Policy forms a fundamental component of ColCap’s governance framework and is designed to:

- Deter wrongdoing in line with ColCap’s risk management and governance frameworks
- Promote better compliance with the law and promote a more ethical, positive and open culture;
- Uphold high cultural standards in the ColCap workplace;
- Support ColCap’s reputation and long-term sustainability;
- Outline the ways in which a Disclosure can be made, including anonymously; and
- Increase transparency by outlining the internal mechanisms to ensure Disclosures are dealt with by ColCap in an appropriate and timely manner.

3. Roles & Responsibilities

ColCap Board	<ul style="list-style-type: none">• Approve this Policy and material changes to this Policy.• Maintain confidentiality at all times.
Audit & Risk Committee	<ul style="list-style-type: none">• Review any material incidents reported under this Policy and receive periodic updates on reported matters.• Monitor and receive reporting on the effectiveness of this Policy.• Recommend the ColCap Board approve material changes to this Policy.• Maintain confidentiality at all times.
Company Secretary	<ul style="list-style-type: none">• Recommend the Policy to the Audit & Risk Committee and Board for approval.• Promote awareness and regular training on this Policy for employees, including role-specific training as required.• Review legislation and ensure this Policy is updated to reflect any changes in obligations.• Monitor indicators of Policy operating effectiveness and address gaps or weaknesses.• Provide oversight on adherence to this Policy including monitoring compliance with legal and regulatory obligations and report compliance with the Policy to the Board.

	<ul style="list-style-type: none"> • Maintain confidentiality at all times.
Whistleblower Investigation Officer	<ul style="list-style-type: none"> • Carry out the initial and formal investigation process of a Disclosable Matter in accordance with section 7 of this Policy in a manner that is thorough, objective, independent and fair. • Maintain confidentiality at all times.
Whistleblower Protection Officer	<ul style="list-style-type: none"> • Support the health and wellbeing of parties involved, including protecting and safeguarding a Discloser to ensure the integrity of the reporting mechanism under this Policy. • Assess, review and monitor any actual or risks of detrimental conduct to protect the Discloser. • Maintain confidentiality at all times.
Risk & Compliance Team	<ul style="list-style-type: none"> • Assist the Company Secretary with overseeing and reporting compliance with the Policy to the Board. • Assess issues, incidents and breaches associated with this Policy.
Eligible Recipient	<ul style="list-style-type: none"> • Receive a Disclosure in accordance with this Policy. • Where required, provide details of the Disclosable Matter to the Whistleblower Investigation Officer. • Maintain confidentiality at all times.
HR Team	<ul style="list-style-type: none"> • Manage any disciplinary action associated with breaches or false Disclosure under this Policy. • Maintain confidentiality at all times.
ColCap Executive Team	<ul style="list-style-type: none"> • Proactively promote compliance with this Policy to ensure a whistleblowing culture is embedded across the business • Assist the Whistleblower Investigation Officer where required
ColCap Employee	<ul style="list-style-type: none"> • Understand obligations and procedures associated with this Policy.

4. Definitions

Discloser	Any person who makes a Disclosure under this Policy.
Disclosure	A concern, issue or matter reported by a Discloser under this Policy.
Disclosable Matter	A concern, issue or matter reported by a Discloser under this Policy that has been assessed by ColCap as qualifying for protection under the Corporations Act.
Eligible Person	Any person referred to in section 06.01 who is eligible to make a Disclosure under this Policy.
Eligible Recipient	A person or body authorised under this Policy or the Act to received Disclosures on behalf of ColCap (refer Appendix 1).
Employees	All directors, officers, staff members, contractors, consultants, advisors, and other individuals engaged by ColCap Financial Limited and ColCap Financial UK and their related bodies corporate, majority owned subsidiaries, branches and controlled entities.
Whistleblower Investigation Officer	The General Counsel and Company Secretary who carries out and supervises the Disclosure investigation process or, where they are unable to oversee the investigation due to a conflict or unavailability, the Chief Operating Officer (COO), Head of Risk and Compliance or appropriate external party.

**Whistleblower
Protection
Officer**

The individual appointed by ColCap to protect and safeguard a Discloser and to ensure the integrity of the reporting mechanism.

5. Non-Compliance

05.01

This Policy must be complied with at all times. ColCap takes breaches of this Policy very seriously. There may be consequences associated with a breach of this Policy, such as training, education, redeployment or, in the case of a serious and/or intentional breach, disciplinary action.

POLICY REQUIREMENTS

6. Making a Disclosure under this Policy

06.01 Can I make a Disclosure under this Policy?

The following people are considered an Eligible Person who can make a Disclosure under this Policy:

- A full-time, part-time, or casual employee of ColCap;
- A director or officer of a ColCap entity;
- A contractor, consultant, supplier or service provider to ColCap (or one of their employees or subcontractors);
- A secondee, volunteer, associate, or licensee (or its authorised representative or their employee);
- A broker, auditor, trustee, custodian or investment manager (or one of their officers, employees, suppliers or supplier's employees) that has been engaged by ColCap;
- A relative, spouse or dependent of any of the above; or
- Anyone who previously held any of the above positions or functions.

To make a Disclosure under this Policy, your matter must be one outlined in section 06.02 of this Policy.

If you are a current employee of ColCap, please consider whether you would prefer to report your concern via another channel in the first instance, such as your Manager, the Company Secretary, the Head of Risk or the Head of Human Resources.

06.02 What Matters can be Disclosed?

In order for a Disclosure made under this Policy to be deemed a Disclosable Matter, you must have a reasonable and genuine concern about actual or suspected misconduct or an improper state of affairs within or by ColCap, its related entities, or anyone at or connected to ColCap.

A Disclosable Matter includes, but is not limited to, the following examples of wrongdoing:

- Information that ColCap (including their employees or offices) has engaged in conduct that:
 - Constitutes an offence against, or a contravention of, a provision of legislation including the *Corporations Act*, the *Australian Securities and Investments Commission Act 2001* (Cth), the *Financial Sector (Collection of Data) Act 2001* (Cth) and the *National Consumer Credit Protection Act 2009*;
 - Constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
 - Represents a significant risk to public safety or the stability of, or confidence in, the financial system.
- Illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- Fraud, money laundering or misappropriation of funds;
- Offering or accepting a bribe;
- Financial irregularities;
- Information that indicates a significant risk to public safety or the stability of, or confidence in, the financial system;
- Instances of modern slavery;
- Engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure; or
- Deliberate concealment of any of the above.

A Disclosable Matter does not need to involve a contravention of a particular law.

A Discloser can still qualify for legal protection (refer Appendix 2) even if their Disclosure relates to a Disclosable Matter that turns out to be incorrect, so long as you made the Disclosure with a reasonable and genuine concern. Disclosers must not make a Disclosure that they know, or

reasonably suspect, is untrue or misleading. Making a false Disclosure is a serious matter and may result in disciplinary action.

06.03 What Matters cannot be Disclosed?

A personal work-related grievance (**PWRG**) will not be deemed a Disclosable Matter under this Policy and does not usually qualify for legal protection under the Act.

A PWRG includes, but is not limited to:

- An interpersonal conflict between you and another employee;
- A complaint of bullying, harassment, discrimination or other unfair treatment;
- A decision relating to your employment, such as an investigation into your conduct, transfer, promotion, demotion or redundancy;
- A decision about the terms and conditions of your employment, such as your remuneration; or
- A decision to suspend or terminate your employment, or other disciplinary action.

You may raise a concern related to a PWRG in accordance with the ColCap Code of Conduct. You may have rights and/or protections under other legislation, such as under employment or contract law and ColCap encourages you to seek your own legal advice on such matters.

PWRG may still qualify for legal protection under the Act, and be a Disclosable Matter under this Policy, where:

- It includes information about misconduct, or information about misconduct includes or is accompanied by a PWRG (i.e. a mixed report);
- ColCap has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the Disclosure relates to information that suggests misconduct beyond your personal circumstances;
- You suffer from or have been threatened with detriment for making a Disclosure; or
- You have sought legal advice or representation about the operation of the whistleblower protections under the Act.

06.04 How do I make a Disclosure?

A Disclosure made under this Policy must be made to an Eligible Recipient in order to be deemed a Disclosable Matter and qualify for legal protection under the Act. A Disclosure can be made in person or via telephone, post or email to the following Eligible Recipients:

When reporting a Disclosure to an Eligible Recipient we encourage you to clearly state that you are raising the Disclosure under this Policy. In reporting a Disclosure to an internal Eligible Recipient, you consent to the Eligible Recipient providing that Disclosure (including any identifying information) to the Whistleblower Investigation Officer so it can be actioned in accordance with this Policy.

In Person	<p>Current employees are encouraged to make a Disclosure directly to an Eligible Recipient outlined in Appendix 1 or any Director, Company Secretary or Senior Manager of ColCap. ColCap is committed to identifying and addressing wrongdoing as early as possible and this process is intended to help build confidence and trust in its whistleblower processes.</p> <p>Disclosures can be made in person, or you can use the contact details outlined in Appendix 1. Please note, in person Disclosures cannot be anonymous.</p>
Post	<p>Attn: Whistleblower Investigation Officer</p> <p>PO Box A438</p> <p>Sydney South NSW 1235</p>
Email	<p>inconfidence@colcap.com.au</p>

	<i>Please note that any email sent to this address is sent to the General Counsel and Company Secretary and the Head of Risk & Compliance.</i>
Independent Whistleblower Hotline	<p>Disclosures can be made to Stopline, an independent and confidential reporting line, via the following channels 24 hours a day, 7 days a week:</p> <p>Telephone: Australia: 1300 304 550 United Kingdom: +44 8081 607 276 International: +61 1300 304 550</p> <p>Email: makeareport@stopline.com.au</p> <p>Website: http://www.colcap.stoplinereport.com</p> <p>Mobile App: Available on Google Play or the App Store</p> <p>Post: Attention ColCap c/o Stopline PO Box 403 Diamond Creek VIC 3089</p> <p>When a Disclosure is received by Stopline, it is reported to the General Counsel and Company Secretary and Head of Risk & Compliance within 24 hours. Where a Disclosure refers to either the General Counsel and Company Secretary or Head of Risk and Compliance, the Disclosure is sent to the Chief Operating Officer.</p>
Other Bodies	<p>Disclosures can be made to the following related and external bodies:</p> <ul style="list-style-type: none"> • An internal or external auditor of ColCap, or a member of an audit team conducting an audit of a ColCap entity; • Australian Securities Investment Commission (ASIC); • Australian Taxation Office (ATO), a registered tax agent or BAS agent who provides services to ColCap (for tax related matters only); • Any other Commonwealth body prescribed by regulation; • A journalist or parliamentarian in the case of an emergency or where the Disclosure is considered to be of public interest (refer Appendix 3); or • A legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Act.

06.05

Can I make an anonymous Disclosure?

Disclosures can be made anonymously (unless made in person) under this Policy and still qualify for legal protection under the Act. You can choose to remain anonymous while making a Disclosure, over the course of the investigation and after the investigation is finalised. You are entitled to refuse to answer questions that you feel could reveal your identity at any time, including during follow up conversations.

ColCap had adopted the following measures to protect anonymity:

- You can choose to make a Disclosure anonymously through the independent whistleblower hotline, Stopline (refer to section 05.04), noting that Stopline will not investigate your Disclosure;
- If you choose to make an anonymous Disclosure, your identity will not be passed on to us and ColCap will adopt a pseudonym during any investigation; and
- Information relating to your investigation will be kept confidential and secure in accordance with ColCap’s Information Security Policy.

ColCap is committed to addressing wrongdoing and encourages two-way communication with any Discloser, even where they choose to remain anonymous, to enable follow-up questions or provide feedback. There are also instances where the identity of a Discloser may be inferred based upon the details outlined in their Disclosure, if they have previously mentioned to others that they are going to

make a Disclosure, or if they are one of a very small number of people with access to the information within the Disclosure.

There are also instances where choosing to remain anonymous or declining to provide information may impact upon the investigation undertaken by ColCap or the ability of ColCap to take action to address the Disclosable Matter.

06.06 What should be included in a Disclosure?

When making a Disclosure you should include as much information as possible to enable a thorough investigation by ColCap. Information that could be included as part of the Disclosure includes:

- Whether you wish to remain anonymous when making your Disclosure;
- The background and reason behind the concern, including persons involved, any relevant dates, any evidence such as documents or photographs, possible witnesses and any other information that supports the Disclosure;
- Your personal details, where you feel comfortable to share them; and
- Whether you have already raised the concern with anyone else and their response.

06.07 What are my legal protections after making a Disclosure?

There are legal protections available to a Discloser whose Disclosure is deemed a Disclosable Matter and qualifies for protection as a whistleblower. These protections are set out in Appendix 2.

7. Investigating a Disclosure under this Policy

07.01 Receiving a Disclosure

When a Disclosure is received by ColCap, we will:

- Provide acknowledgment of receipt of the Disclosure as soon as practicable where possible;
- Provide details of the Disclosure to the Whistleblower Investigation Officer for investigation;
- Treat the Disclosure seriously and with the utmost sensitivity;
- Assess the Disclosure and consider whether it should be formally investigated.

07.02 How a Disclosure will be investigated

Initial Investigation

The Whistleblower Investigation Officer will assess the Disclosure and conduct an initial investigation within 3 business days of receiving the Disclosure..

As part of the initial investigation, the Whistleblower Investigation Officer may:

- Determine that more information is required to complete the assessment;
- Determine that the Disclosure qualifies as a Disclosable Matter under this Policy and determine the nature and scope of the formal investigation required, including preparation of a formal investigation plan;
- Appoint a Whistleblower Protection Officer to provide you with support throughout the investigation process; or
- Determine that the Disclosure does not qualify as a Disclosable Matter under this Policy.

Where a formal investigation plan is required to be prepared, it should include:

- Whether the formal investigation will be undertaken internally or externally;
- Who should be involved as part of the investigation;
- How long it is envisaged that the formal investigation will take and an expected completion date;
- The nature of any technical, financial or legal advice that may be required to support the investigation where additional specialist skills or expertise are necessary;

- Whether the appointment of a Whistleblower Protection Officer is appropriate in the circumstances or not;
- An assessment of the risk of detriment to the Discloser;
- Any potential conflicts associated with the Whistleblower Investigation Officer undertaking the formal investigation; and
- Any planned communication to the Discloser.

You will receive an update on the outcome of the initial investigation where you have provided your contact details. If your Disclosure does not qualify as a Disclosable Matter under this Policy, we will provide details to you explaining how this outcome has been reached and any other avenues available to you for dealing with your Disclosure.

Formal Investigation

Where deemed necessary, the Whistleblower Investigation Officer will conduct a formal investigation of the Disclosure in accordance with the prepared investigation plan. The Whistleblower Investigation Officer is responsible for undertaking the formal investigation in a thorough, objective, independent and fair manner.

The Whistleblower Investigation Officer must, at a minimum:

- Make an assessment of the risk of detriment to the Discloser;
- Uphold the confidentiality of the Discloser and ensure information related to the Disclosure is stored securely on the ColCap system;
- Determine where more information is required;
- Inform any ColCap employee that is the subject of Disclosure, unless there are confidentiality reasons to prevent this occurring, and advise of the appropriate support services available to them (e.g. counselling);
- Make recommendations to prevent future instances of misconduct occurring;
- Advise you of the protections available to you under the Act, including any support services that you can access; and
- Provide you with regular updates on the progress of the investigation where possible, depending upon the nature of the investigation being conducted, and provide a final outcome once the investigation is complete. There may, however, be instances where it is not appropriate to provide details of the outcome to the Discloser, where you will be notified that the investigation is complete and outline the reasons why the outcome cannot be disclosed.

The method for documenting and reporting the findings will depend on the nature of the Disclosure.

If you are not satisfied with the outcome of the investigation or believe there were issues with how the investigation was completed, you may lodge a complaint with a regulatory body, including ASIC or the ATO.

07.03 Internal reporting of a Disclosure

Regular updates on a Disclosure and the investigation process should be provided to the Audit & Risk Committee. This includes a report:

- Within 3 business days of receiving the Disclosure and upon completion of the initial investigation, including details of the Disclosure, the outcome of the initial investigation and, where a formal investigation is required, details of the prepared investigation plan; and
- Where applicable, within 48 hours of finishing the formal investigation, including the outcome of the investigation, any actions to be undertaken as a result of the investigation and any external reporting required.

Where a Disclosure relates to a Director or a member of the Executive Team, and where otherwise deemed appropriate by the Whistleblower Investigation Officer, an update will also be provided to the ColCap Board. Any report compiled by ColCap will be the property of ColCap and will remain confidential.

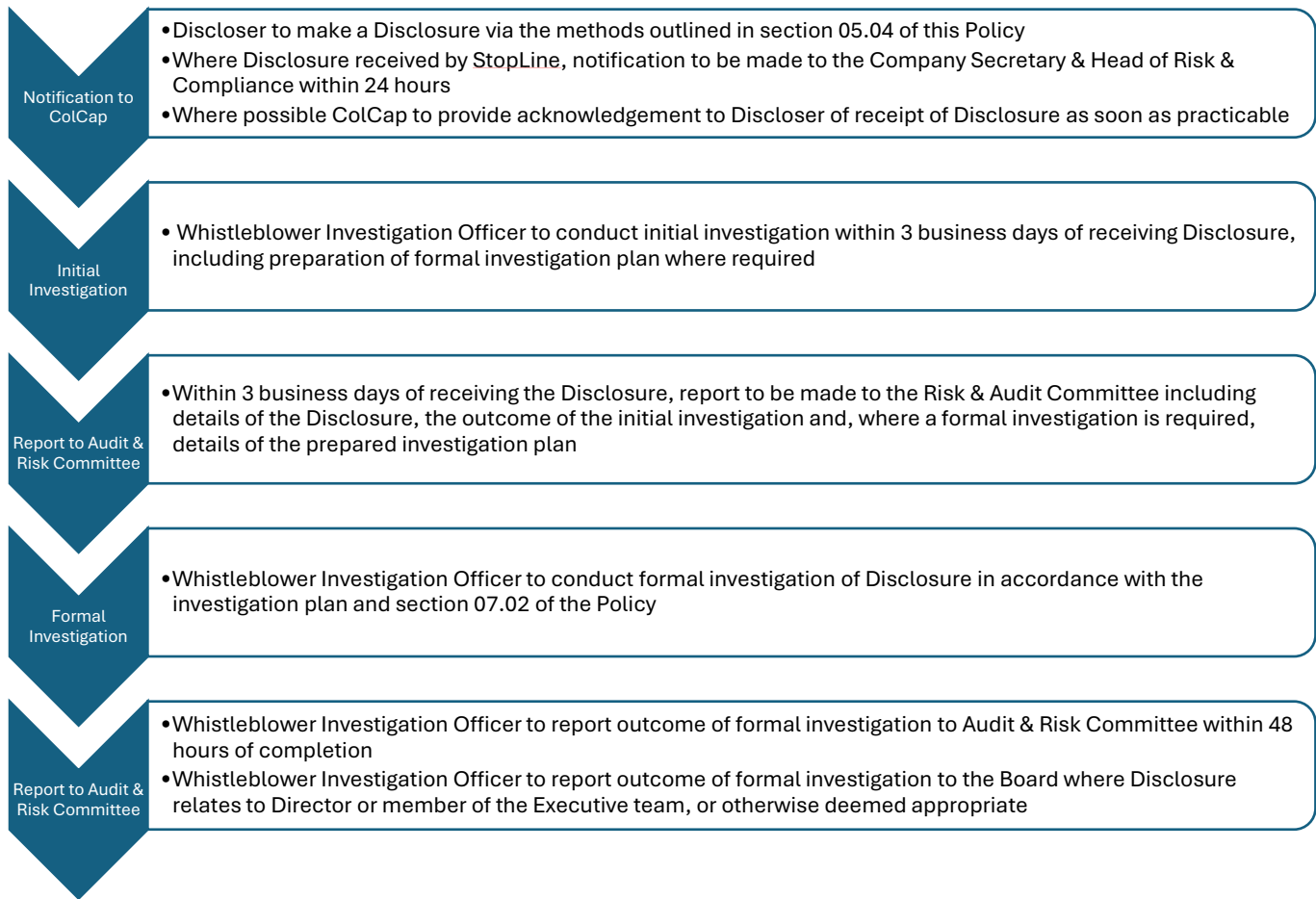
07.04 Conflict of Interest

The Whistleblower Investigation Officer will assess all Disclosures for any potential, perceived or actual conflicts of interest. Where a conflict of interest is identified, steps will be taken to ensure the conflict is effectively managed. The Whistleblower Investigation Officer will also monitor Disclosures for any potential, perceived or actual conflicts of interest during an investigation and will escalate when required.

How conflicts (actual, perceived or potential) are managed is determined on a case-by-case basis but may involve removing the conflicted individual from any involvement in the matter (including any investigation) and/or outsourcing the investigation to an external investigator.

Where the conflict involves the Whistleblower Investigation Officer concerns will be escalated to the COO or Head of People and Culture who may determine that an alternate Whistleblower Investigation Officer should be appointed in relation to the management of that individual Disclosure.

07.05 Investigation Flowchart



8. Policy Availability

08.01 This Policy will be made available to ColCap Non-Executive Directors and Staff via the Intranet page and is published on the ColCap webpage for access by external parties. Employees are advised of any significant changes to this Policy.

Induction and ongoing training on this Policy will be provided to ColCap Employees to ensure ongoing awareness, as well as role-specific training where required.

Appendix 1 – Eligible Recipients

Jane Tongs Chair of the Board	Email: jane.tongs@colcap.com.au
John Chauvel Chair of the Audit & Risk Committee	Email: john.chauvel@colcap.com.au
Leah Fricke Non-Executive Director	Email: leah.fricke@colcap.com.au
Nick Phillips Non-Executive Director	Email: nick.phillips@colcap.com.au
Andrew Chepul Chief Executive Officer	Email: andrew.chepul@colcap.com.au
Ilias Pavlopoulos Chief Operating Officer	Email: ilias.p@colcap.com.au
Johanna O'Shea General Counsel and Company Secretary	Email: johanna.oshea@colcap.com.au
Rachel Axton Head of Risk & Compliance	Email: rachel.axton@colcap.com.au
Aarthi Thanapalasingam Head of People and Culture	Email: aarthi.thana@colcap.com.au

Disclosers are also able to make their Disclosure to any Senior Manager or any other Eligible Recipient as outlined at section 06.04.

Appendix 2 – Legal Protections

This appendix sets out a summary of the legal protections that may be available to you under the Australian law when you make a Disclosure in accordance with this Policy. ColCap is unable to advise you on how the law applies to your specific circumstances we recommend you seek independent legal advice where required.

09.01 Eligibility for Statutory Protection

A Discloser will qualify for legal protection under the *Corporations Act 2001* (Cth) and the *Taxation Administration Act 1953* (Cth) when you meet each of the following conditions:

- You are an Eligible Person as defined in section 06.01;
- Your Disclosure is made to an Eligible Recipient as defined in section 06.04; and
- You have reasonable grounds to suspect that the information you disclose concerns misconduct or an improper state of affairs, in relation to ColCap or anyone connected with ColCap, and the report does not concern an excluded matter as defined in section 06.03.

09.02 Confidentiality & identity protection

Where a Disclosure is eligible for protection under Australian law, ColCap has a legal obligation to protect the confidentiality of a Discloser's identity. ColCap cannot disclose the identity of a Discloser or information that is likely to lead to the identification of the Discloser. ColCap shall ensure that it keeps the following information about a Discloser confidential:

- Their identity and personal information, including name, age, gender, religion and contact details;
- Any information that is likely to lead to the identification of the Discloser; and
- Any information obtained directly or indirectly as a result of the Disclosure, which reveals the Discloser's identity.

An identity of a Discloser may be disclosed only when ColCap discloses the identity to:

- ASIC, APRA or a member of the Australian Federal Police;
- A legal practitioner for the purposes of obtaining legal advice or legal representation about the whistleblower provisions in the Act;
- A person or body otherwise prescribed by regulations; or

The identity of a Discloser may be disclosed by ColCap only where explicit (verbal or written) consent has been provided to do so by the Discloser themselves. ColCap may disclose the information contained in a Disclosure with or without the Discloser's consent only if:

- The information does not include the Discloser's identity;
- ColCap has taken all reasonable steps to reduce the risks that the Discloser will be identified from the information disclosed; and
- It is reasonably necessary for the information to be disclosed in order to investigate the issues raised in the Disclosure.

It is illegal for ColCap to disclose information that is likely to lead to a Discloser's identity outside the above exceptions. Where a Discloser believes that there has been a breach of their confidentiality, they are able to lodge a complaint with a regulator such as ASIC or the ATO for investigation.

ColCap will take practical steps to protect the confidentiality of a Discloser's identity, including:

- Secure storage of all information, data and materials relating to the Disclosure, including limiting accessibility to the Whistleblower Investigation Officer and any others required to undertake the investigation;
- Redacting the Discloser's personal information, or reference to the Discloser witnessing an event, where appropriate;
- Referring to the Discloser in a gender-neutral context;
- Where possible, contacting the Discloser to help identify certain aspects of their Disclosure that could inadvertently identify them; and

- Disclosures will be handled and investigated by staff who are trained to handle such matters.

ColCap will also take practical steps to ensure secure record-keeping and information-sharing processes, including:

- All paper and electronic documents and other materials relating to Disclosures will be stored securely with access to such information will be limited to those directly involved in managing and investigating the Disclosure;
- Only a restricted number of people who are directly involved in handling and investigating a Disclosure will be made aware of the Discloser's identity, subject to the Discloser's consent, or information that is likely to lead to the identification of the Discloser;
- Communications and documents relating to a Disclosure will not be sent to an email address or printer that can be accessed by staff other than those directly involved in managing and investigating a Disclosure; and
- Each person involved in handling and investigating a Disclosure will be reminded about confidentiality requirements.

09.03 Protection from detrimental acts or omissions

Where a Discloser is eligible for protection under Australian law, ColCap has a legal obligation to protect a Discloser, or any other person, from detriment in relation to the matter outlined in a Disclosure. No person may victimise, or cause detriment to, someone else (or threaten to do so) because of a belief that a person has, or will, or could make a Disclosure.

Detrimental conduct (**Detrimental Conduct**) includes, but is not limited to:

- Dismissal of an employee;
- Injury of an employee in their employment;
- Alteration of an employee's position or duties to his or her disadvantage;
- Discrimination between an employee and other employees of ColCap;
- Harassment or intimidation of a person;
- Harm or injury to a person, including psychological harm;
- Damage to a person's property;
- Damage to a person's reputation;
- Damage to a person's business or financial position; or
- Any other damage to a person.

Anyone who engages in detrimental conduct may be guilty of an offence and may be liable for damages.

The Whistleblower Investigation Officer may appoint a Whistleblower Protection Officer to a Discloser where deemed appropriate to provide support and to review and limit any potential detrimental conduct.

ColCap will take practical steps to protect Disclosers from detriment, including:

- Implementing processes for assessing the risk of detriment against a discloser and other persons;
- Advising Disclosers of support services that are available to them and avenues for making a complaint if they believe they are suffered detriment as a result of their Disclosure;
- Implementing strategies to help a Discloser minimise and manage stress, time or performance impacts, or other challenges results from the Disclosure or its investigation; and
- Where management are involved in the investigation of a Disclosure, ensuring they are aware of their responsibilities to maintain the confidentiality of a Discloser.

A Discloser may seek independent legal advice or contact regulatory bodies, such as ASIC or the ATO, if they believe they have suffered from detriment as a result of their Disclosure.

The following are examples of conduct that is not considered detrimental and may be undertaken by ColCap even where a Discloser is eligible for protection under Australian law;

- Administrative action that is reasonable for the purpose of protecting a Discloser from detriment (e.g. moving a Discloser who has made a Disclosure about their immediate work area to another office to prevent detriment from occurring); and
- Managing a Discloser's unsatisfactory work performance, if the action is in line with ColCap's performance management framework.

09.04 Compensation and other remedies

A Discloser (or any other Employee or person) may seek compensation and other remedies through the courts if:

- They suffer loss, damage or injury because of a Disclosure; and
- ColCap failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

Disclosers are encouraged to seek independent legal advice where necessary.

09.05 Civil, criminal and administrative liability protection

Where a Discloser is eligible for protection under Australian law, they are also protected from:

Civil liability	Protection against the Discloser for breach of an employment contract, duty of confidentiality or another contractual obligation.
Criminal liability	Protection against attempted prosecution of the Discloser for unlawfully releasing information, or other use of the Disclosure against the Discloser in a prosecution (other than for making a false Disclosure).
Administrative action	Protection against disciplinary action for making the Disclosure.

Protections do not grant immunity for any misconduct a Discloser has engaged in that is revealed as part of their Disclosure.

Appendix 3 – Public Interest & Emergency Disclosures

09.05

A Discloser may also be eligible for protection under Australian law where they have made a public interest or emergency Disclosure to a journalist or a member of Parliament. The criteria for making such a Disclosure are as follows:

Public Interest Disclosure:

A public interest Disclosure is the Disclosure of information to a journalist or parliamentarian where:

- at least 90 days have passed since the Discloser made the Disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation;
- the Discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their Disclosure;
- the Discloser has reasonable grounds to believe that making a further Disclosure of the information is in the public interest; and
- before making the public interest Disclosure, the Discloser has given written notice to the body in RG 270.75(a) (i.e. 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

Emergency Disclosure:

An emergency Disclosure is the Disclosure of information to a journalist or parliamentarian where:

- the Discloser has previously made a Disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation;
- the Discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
- before making the emergency Disclosure, the Discloser has given written notice to the body in RG 270.76(a) (i.e. 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 an emergency Disclosure; and
- the extent of the information disclosed in the emergency Disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

It is important that a Discloser fully understands the criteria for making a public interest or emergency Disclosure. A Discloser should contact an independent legal adviser before making a public interest or emergency Disclosure.