



Whistleblower Protection Regime

Whistleblower Protection Regime - Policy

1. Why do we have this Policy?

Busy Bees Early Learning Australia Pty Ltd (ABN 20 168 187 979) and each of its subsidiary entities (together, **Busy Bees Australia**) is committed to operating at the highest standards in everything we do. The Busy Bees Australia, and the broader Busy Bees group, has a global "Speak Up" policy (**Speak Up Policy**) that encourages and enables all employees, and others acting on our behalf, to raise concerns about suspected misconduct, in the knowledge their concerns will be taken seriously, their confidentiality respected and without fear of reprisal.

Under Australian law, such reporting may be classified as "whistleblowing", and may be eligible for certain protections under the *Corporations Act 2001* (Cth) and the *Taxation Administration Act 1953* (Cth) (**Whistleblower Protection Regime**).

The purpose of this Whistleblower Statement is to supplement the Speak Up Policy and outline the legal protections available in Australia under the Whistleblower Protection Regime. Both the Speak Up Policy and this supplementary Whistleblower Protection Regime Policy will be made available to employees and officers of the Busy Bees Australia via its policy management system, Promapp.

It will also be made available via the Busy Bees Australia website, www.busybees.edu.au.

2. What is the Whistleblower Protection Regime?

For a disclosure to be a protected disclosure under the Whistleblower Protection Regime, it needs to satisfy all of the following (which are further defined in the table below):

1. It must be made by an Eligible Discloser;
2. It must be made to an Eligible Recipient; and
3. It must relate to a Disclosable Matter.

An Eligible Discloser who makes a report about a Disclosable Matter to an Eligible Recipient is herein referred to as a **Whistleblower**.

Who is an Eligible Discloser?	A person is an Eligible Discloser for the purposes of the Whistleblower Protection Regime if they are or have previously been: (a) an officer of the Busy Bees Australia; (b) an employee of the Busy Bees Australia (including without limitation a part time, fixed term or temporary employee); (c) a person who supplies goods or services to the Busy Bees Australia (whether paid or unpaid), and employees of those suppliers; (d) an individual who is an associate of the Busy Bees Australia;
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	<p>(e) a relative, dependent or a dependent of the spouse of any individual referred to in paragraphs (a) to (d) above;</p> <p>(f) as well as anonymous disclosers.</p>
<p>Who is an Eligible Recipient?</p>	<p>Where possible, disclosures should be made to Busy Bees Australia's "Safecall" service (in accordance with the Speak Up Policy).</p> <p>However, the following persons are also considered to be Eligible Recipients under the Whistleblower Protection Regime:</p> <ul style="list-style-type: none"> (a) an officer, director, company secretary or senior leader of the Busy Bees Australia; (b) auditors (or actuaries) or members of the audit team of the Busy Bees Australia; (c) the designated Whistleblower Officer for the Busy Bees Australia (see section 4 for contact details); or (d) a legal practitioner, ASIC, APRA, the ATO, the Australian Federal Police, or in limited circumstances to a journalist or member of parliament (see section 3 in relation to public interest and emergency disclosures)
<p>What is a Disclosable Matter?</p>	<p>A discloser must have reasonable grounds to suspect corporate misconduct, improper affairs or circumstances involving the Busy Bees Australia, its managers or employees or have concerns about tax matters or any other matters covered by financial sector law, or any Commonwealth law that is punishable by imprisonment for a period of 12 months or more, or that represents a danger to the public or to the financial system, as set out in the Whistleblower Protection Regime.</p> <p>A base allegation without supporting information is unlikely to be enough to demonstrate reasonable grounds.</p> <p>Disclosures need not identify breaches of laws or regulations. For example, a disclosure could be made a about operations or practices that may, for example, harm consumers, risk public safety or downgrade confidence in the financial system.</p> <p>Disclosures that are made about matters that do not qualify as a Disclosable Matter (including personal work-related grievances) will not qualify for the Whistleblower Protection Regime. However, if they are made in accordance with the Speak Up Policy, they may still be investigated and managed under that policy. Similarly, if you are concerned about being victimised about a report you have already made under the "Speak Up" policy then you are able to continue to report your concerns as a Whistleblower.</p> <p>Examples of Disclosable Matters could, for example, include tax avoidance, corruption or bribery, defrauding customers or suppliers, or money laundering.</p>





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3. Who can receive a disclosure under the Whistleblower Protection Regime, and how can a disclosure be made?

The Busy Bees Australia refers all potential Whistleblowers to our Speak Up Policy, under which reports can be made to our Speak Up Service, by phoning 1800 312 928 or making an online report via www.safecall.co.uk.

However, under the Whistleblower Protection Regime, you may also contact an Eligible Recipient of the Busy Bees Australia directly (by telephone, email or letter), or by contacting the Whistleblower Officer on the contact details set out in section 4.

4. How will Busy Bees handle and investigate Eligible Disclosures?

The role of the **Whistleblower Officer** for the Busy Bees Australia is either the Head of Legal ANZ, or the Head of People and Culture (depending on the nature of the disclosure).

The contact details for each Whistleblower Officer are:

Head of Legal ANZ
E: whistleblower@busybees.edu.au
T: 07 3632 1166

When an Eligible Disclosure is made to an Eligible Recipient, it will be referred to the Whistleblower Officer. The Whistleblower Officer will:

- determine whether the disclosure qualifies for protection under the Whistleblower Protection Regime;
- as soon as reasonably practicable, investigate the matter raised in the disclosure (which may include referring the matter to another appropriately skilled and qualified person or external party to carry out an investigation). This may involve collecting further information from the Whistleblower (where possible), interviewing witnesses and/or obtaining input from other relevant stakeholders;
- ensure the investigation is conducted in a fair and objective matter, applying the procedures of procedural fairness (where the matter involves an employee of the Busy Bees Australia);
- within a reasonable period of time, provide feedback to the Whistleblower on the progress or outcome of an investigation, to the extent possible. Sometimes updates about the process or outcome may not be able to be provided because it is not appropriate, it is confidential or it is not permitted by law; and
- upon completion of the investigation, prepare a report for the appropriate Busy Bees Australia Executive/s and/or Board. The report will include the outcome of the investigation and any recommendations or actions resulting from the investigation.

5. How are Whistleblowers protected?





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Confidentiality

Disclosures under the Whistleblower Protection Regime may be made on an anonymous basis. However, when a disclosure is made anonymously it may be more difficult for the Whistleblower Officer to carry out a thorough investigation, and the Whistleblower may not be given the opportunity to be advised of the process and outcome of the investigation.

Where a Whistleblower does provide their contact details and other information, the Busy Bees Australia will ensure the investigation is conducted in a way that maintains their confidentiality. This may include redacting documents, conducting the investigation in a manner that does not name the Whistleblower (where practicable), keeping records secure, restricting access to information and communicating through channels that cannot be inadvertently accessed by other staff (eg, printing to secure printers and communicating through confidential processes).

The Busy Bees Australia may refer Eligible Disclosures (which may include the identity of the Whistleblower):

- to the Australian Securities and Investments Commission (**ASIC**), Australian Prudential Regulation Authority (**APRA**), Australian Taxation Office (**ATO**) or the Australian Federal Police (**AFP**), or as otherwise required by law;
- to a legal practitioner for the purposes of obtaining advice or representation about the Whistleblower Protection Regime; or
- otherwise with their consent.

Protection from Victimisation

The Busy Bees Australia will take steps to protect a Whistleblower from being treated detrimentally, or being threatened with detriment or harm, because of a disclosure made (or that they propose to make), under the Whistleblower Protection Regime.

Public Interest Disclosures

Additional protections are available for Whistleblowers to make disclosures in the “public interest”. These protections allow information to be disclosed to a journalist and/or members of Parliament where the Whistleblower:

- has made a disclosure to an Eligible Recipient and at least 90 days has passed since the time the disclosure was made; and
- does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the disclosure relates; and
- has reasonable grounds to believe that making a public interest disclosure would be in the public interest; and
- after the end of the 90 day period referred to above, gives to the Eligible Recipient to which the disclosure was originally made, written notification that includes sufficient information to identify the previous disclosure and states the Whistleblower's intention to make a public interest disclosure.





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The extent of the information disclosed in the public interest disclosure must be no greater than to inform the journalist and/or member of Parliament of the misconduct or improper state of affairs or circumstances, or other conduct falling within the scope of the Whistleblower Protection Regime.

Emergency Disclosures

Additional protections are available for Whistleblowers to make disclosures that qualify as “emergency disclosures”. These protections allow information to be disclosed to a journalist and/or members of Parliament where the Whistleblower:

- has made a disclosure to an Eligible Recipient; and
- has reasonable grounds to believe that the disclosure concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment; and
- has reasonable grounds to believe that making a public interest disclosure would be in the public interest; and
- gives to the Eligible Recipient to which the disclosure was originally made, written notification that includes sufficient information to identify the previous disclosure and states the Whistleblower's intention to make an emergency disclosure.

The extent of the information disclosed in the emergency disclosure must be no greater than to inform the journalist and/or member of Parliament of the of the substantial and imminent danger.

Other rights and remedies

Information about the qualifying criteria and rights to report under the Whistleblower Protection Regime can be found on the [ASIC website](#), the [APRA website](#) and the [ATO website](#).

If a disclosure qualifies for protection under the Whistleblower Protection Regime, the Whistleblower may:

- have the right to seek compensation and other remedies for loss, damage or injury suffered because of the disclosure; and
- be protected from civil, criminal and administrative liability, and disciplinary action (in relation to employees) unless the discloser was involved in the reported misconduct (eg, charged with a criminal offence or private legal action such as a breach of contract or defamation).

In addition, if the disclosure qualifies for protection under the Whistleblower Protection Regime, the information disclosed by the Whistleblower will not be admissible in evidence against them in criminal proceeds or proceedings for the imposition of a penalty (other than proceedings which relate to the provision of false information).

Persons considering make a disclosure under the Whistleblower Protection Regime, including a public interest disclosure or an emergency disclosure, may wish to seek independent legal





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advice about whether the disclosure will be protection under the Whistleblower Protection Regime, and what remedies may be available to them.

6. How will we protect employees?

The Busy Bees Australia will try ensure that employees mentioned in any disclosure, or to whom a disclosure relates:

- are treated fairly during the course of any investigation; and
- are advised of any allegations made against them at the appropriate time, and are given the opportunity to respond.

Employees of the Busy Bees Australia, as well as their related family members, may access the Busy Bees Australia's EAP service on 1300 364 273 for support through this process.

7. How and when will this Policy be reviewed?

The Head of Legal ANZ is responsible for this policy and it will be reviewed on an annual basis.

It was last reviewed on 13 April 2023.

