

THE
P/NNACLE
FOUNDATION

ABN 81 127 662 604

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1 INTRODUCTION

- 1.1 The Pinnacle Foundation is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.
- 1.2 The Pinnacle Foundation recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct.
- 1.3 This Whistleblower Policy has been developed so that people can raise concerns regarding situations where they believe that The Pinnacle Foundation or anybody connected with The Pinnacle Foundation has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below.

2 PURPOSE

- 2.1 This Policy aims to:
 - (a) encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct
 - (b) provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation
 - (c) enable The Pinnacle Foundation to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information
 - (d) ensure that any Reportable Conduct is identified and dealt with appropriately
 - (e) ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported; and
 - (f) help to ensure that The Pinnacle Foundation maintains the highest standards of ethical behaviour and integrity.

3 SCOPE

3.1 This Policy applies to:

Employees	Directors	Officers	Contractors (including employees of contractors)	Volunteers	Suppliers	Consultants
✓	✓	✓	✓	✓	✓	✓

Within this policy all these people are represented by the term "The Pinnacle Family".

- 3.2 Although they are under no obligation to do so, any associate, family member or dependant of any person in the above groups of people may also speak up by making a report. If they do choose to speak up in line with this Policy, we will extend to them the relevant rights and protections under this Policy.

4 PRINCIPLES

- 4.1 *Speak up and report it!* – We encourage The Pinnacle Family at The Pinnacle Foundation to report any concerns in line with our policies and procedures.
- 4.2 *Our expectations of The Pinnacle Family* – The Pinnacle Foundation expects The Pinnacle Family to act honestly and ethically, and to make any report on reasonable grounds.
- 4.3 *Our responsibility to whistleblowers* – Our obligations to The Pinnacle Family are spelled out in this policy, but in particular in section 6 'Protection'.
- 4.4 *Confidentiality and consent* – The Pinnacle Foundation will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While The Pinnacle Foundation encourages whistleblowers to identify yourself to the CEO & Managing Director, you may opt to report your concerns anonymously.

5 REPORTABLE CONDUCT

- 5.1 *Who can make a report?*
- 5.1.1 A whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with The Pinnacle Foundation, and wishes to avail themselves of protection against reprisal for having made the report.
- 5.1.2 A whistleblower may be a current or former member of The Pinnacle Family at The Pinnacle Foundation.
- 5.2 *What is Reportable Conduct?*
- 5.2.1 A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to:
- (a) The Pinnacle Foundation; or
 - (b) A related body corporate of The Pinnacle Foundation.
- 5.2.2 Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:
- (a) dishonest

- (b) corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits)
- (c) fraudulent
- (d) illegal (including theft, drug sale or use, violence or threatened violence, or property damage)
- (e) in breach of regulation, internal policy or code (such as our Code of Conduct)
- (f) improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower
- (g) a serious impropriety or an improper state of affairs or circumstances
- (h) endangering health or safety
- (i) damaging or substantially risking damage to the environment
- (j) a serious mismanagement of The Pinnacle Foundation's resources
- (k) detrimental to The Pinnacle Foundation's financial position or reputation
- (l) maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives); or
- (m) concealing reportable conduct.

5.2.3 Reportable Conduct usually relates to the conduct of employees, volunteers or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

5.3 *What is not Reportable Conduct?*

5.3.1 While everybody is encouraged to speak up and report any concerns to The Pinnacle Foundation, not all types of conduct are intended to be covered by this Policy or by the protections under the Corporations Act 2001 (Cth). This Policy does not apply to personal work-related grievances (see 5.3.2, 5.3.3 and 5.3.4), unless the grievance includes victimisation due to whistleblowing.

5.3.2 Personal work-related grievances are those that relate to the discloser's current or former employment with The Pinnacle Foundation that might have implications for the discloser personally but do not:

- (a) Have any other significant implications for The Pinnacle Foundation (or another entity); or
- (b) Relate to any conduct or alleged conduct about a disclosable matter (as set out in 5.2.2).

5.3.3 Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

5.3.4 However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

5.4 *What information do I need to make a report?*

5.4.1 To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct.

5.4.2 For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. The types of information which will help The Pinnacle Foundation to investigate your report are:

- (a) dates
- (b) times
- (c) locations
- (d) name of person(s) involved
- (e) possible witnesses to the events; and
- (f) evidence of the events (e.g. documents, emails).

5.4.3 In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

5.5 *How can I make a report?*

5.5.1 You are encouraged to make any report to:

- (a) the CEO & Managing Director; or
- (b) if the report pertains to the CEO & Managing Director, the Chair, Deputy Chair, or the Company Secretary.

5.5.2 The law also provides for reports to be made to other persons including directors of The Pinnacle Foundation, specified regulators (including ASIC and APRA) and members of The Pinnacle Foundation's audit team. The law also provides for emergency disclosures and public interest disclosures (e.g. to Members of Parliament or journalists) by following a special process set out in legislation. For further information on making a report under these laws, please contact the Company Secretary.

- 5.5.3 The Pinnacle Foundation will also protect individuals who have made a report in connection with The Pinnacle Foundation to a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections.
- 5.5.4 While The Pinnacle Foundation encourages you to identify yourself when making a report, you may opt to report your concerns anonymously, such as by adopting a pseudonym.

6 PROTECTION

- 6.1 *How will I be protected if I speak up about Reportable Conduct?*
- 6.1.1 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, The Pinnacle Foundation will support and protect you and anyone else assisting in the investigation.
- 6.1.2 The Pinnacle Foundation will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:
- (a) retaliation, dismissal, suspension, demotion, or termination of your role
 - (b) bullying, harassment, threats or intimidation
 - (c) discrimination, subject to current or future bias, or derogatory treatment
 - (d) harm or injury
 - (e) damage or threats to your property, business, financial position or reputation
 - (f) revealing your identity as a whistleblower without your consent or contrary to law; or
 - (g) threatening to carry out any of the above actions.
- 6.1.3 This protection applies regardless of whether any concerns raised in a report are found to be true, if you are acting honestly and ethically and made the report on reasonable grounds.
- 6.1.4 This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.
- 6.1.5 Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.
- 6.1.6 If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to one of the people listed in 5.5.1 or 5.5.2. Your concerns

of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.

6.1.7 You may also be entitled to the following legal protections for making a report:

- (a) protection from civil, criminal or administrative legal action
- (b) protection from having to give evidence in legal proceedings; and/or
- (c) compensation or other legal remedy.

6.2 *How will The Pinnacle Foundation ensure confidentiality?*

6.2.1 A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. The Pinnacle Foundation will do all it can to protect confidentiality.

6.2.2 However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. The Pinnacle Foundation will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely and restricting access to the staff investigating your report.

6.2.3 You may choose to report your concerns anonymously. However, if you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:

- (a) you consent in writing to the disclosure
- (b) the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP)
- (c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice
- (d) the disclosure is authorised under the Corporations Act 2001 (Cth); and/or
- (e) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

6.2.4 It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. The Pinnacle Foundation may take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

6.3 *False reports or disclosures*

- 6.3.1 Whistleblowing reports must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.
- 6.3.2 The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

7 HANDLING AND INVESTIGATING A DISCLOSURE

- 7.1.1 Upon receiving a potential whistleblowing report, The Pinnacle Foundation will assess the disclosure to:
- (a) assess the report of Reportable Conduct
 - (b) determine whether it qualifies for protection
 - (c) consider whether there are any conflicts of interest prior to investigating
 - (d) determine whether external authorities need to be notified
 - (e) determine whether and how to investigate; and
 - (f) appoint a whistleblowing investigator if appropriate.
- 7.1.2 If an investigation is deemed necessary, it will be conducted fairly, objectively and in a timely manner. The investigation process will vary depending on the nature of the Reportable Conduct and the amount of information provided.
- 7.1.3 Whistleblower investigators are responsible for:
- (a) Investigating reports in accordance with this Policy
 - (b) Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters
 - (c) Gathering evidence and taking steps to protect or preserve evidence
 - (d) Making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report
 - (e) Keeping comprehensive records about the investigation
 - (f) Making recommendations about how to implement the strategy in relation to how reported misconduct can be stopped, prevented and/or mitigated in future
 - (g) Reporting back to the CEO & Managing Director, Chair or Board on the progress of their investigation; and

- (h) Complying with the directions of the CEO & Managing Director, Chair or Board in relation to any further follow up, and reporting action and requirements, including the implementation of any recommendations.
- 7.14 Any individuals who are accused of misconduct in a report (a respondent) will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken.
- 7.15 The Pinnacle Foundation may need to speak with a whistleblower as part of an investigation. If the identity of the whistleblower is known, The Pinnacle Foundation will endeavour to keep them informed about the status of an investigation.
- 7.16 If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, the individual who reported the Reportable Conduct will be notified at the earliest possible opportunity.
- 7.17 Where possible and appropriate, having regard to The Pinnacle Foundation's privacy and confidentiality obligations, the whistleblower will be informed of the outcome of any investigation into their concerns.
- 7.18 The Pinnacle Foundation will endeavour to provide the discloser with regular updates.
- 7.19 The Pinnacle Foundation may not be able to investigate a disclosure if it is unable to contact the discloser.

8 MONITORING AND ASSURANCE

- 8.1 This Policy will be available to The Pinnacle Family on the Foundation's website and by request from the CEO & Managing Director.
- 8.2 To ensure effective protection under the Policy, the Audit & Risk Committee of the Board will monitor and review this Policy annually.

THE P/NNACLE FOUNDATION

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