	<b>COOK MEDICAL MANAGEMENT SYSTEM (CMMS) DOCUMENT</b>	
	<b>Title:</b>	Whistleblower Appendix for Australia

D00582216-Rev001

## 1.0 Appendix


Header	Sub Header	Requirement
Scope	Law	<i>Corporations Act 2001 (Cth) (Corporations Act)</i>
	<b>What are the requirements for a disclosure to be protected under the Corporations Act?</b>	For a complaint to be a protected disclosure under the Corporations Act and under this policy, it must meet three criteria: <ul style="list-style-type: none"> <li>(a) It must be about a Disclosable Matter;</li> <li>(b) It must be made by an eligible Whistleblower; and</li> <li>(c) The complaint must be made to an Eligible Recipient</li> </ul>
	<b>What are the violations? (a “Disclosable Matter”)</b>	<p>A “Disclosable Matter” is where a Whistleblower has reasonable grounds to suspect:</p> <ul style="list-style-type: none"> <li>(a) Misconduct, which includes fraud, negligence, theft, money laundering, financial irregularities, breach of trust and breach of duty, breach of regulatory requirements;</li> <li>(b) An improper state of affairs or circumstances;</li> <li>(c) A contravention of the Corporations Act and certain other pieces of Commonwealth legislation (<b>Relevant Legislation</b> – see definitions);</li> <li>(d) An offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or</li> <li>(e) A danger to the public (e.g., serious health, security or environmental risks) or the financial system,</li> </ul> <p>In relation to the Company or a related body corporate of the Company.</p> <p>A Disclosable Matter does not include a Personal Work-Related Grievances, unless it concerns victimization or threatened victimization of a Whistleblower. Please refer to the Cook Australia Grievance Policy in relation to Personal Work-Related Grievances.</p> <p>A Whistleblower will not be penalized if the information turns out to be incorrect. However, they must not make a report they know is not true or is misleading. Where it is found that they knowingly made a false report, this may be a breach of the Cook Group Global Code of Conduct and will be considered a serious matter that may result in disciplinary action.</p>

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	<b>Who is protected? Who is an eligible “Whistleblower”?</b>	<p>To qualify for whistleblowers protection, a complainant must be:</p> <ul style="list-style-type: none"> <li>(a) An Officer of the Company (for example, a director);</li> <li>(b) An employee of the Company (including full time/part-time, casual, fixed term or temporary employees, interns or secondees);</li> <li>(c) An individual who supplies services or goods to the Company, whether paid or unpaid (e.g., current and former contractors, consultants, service providers and business partners);</li> <li>(d) An employee of a person that supplies goods or services to the Company (whether paid or unpaid);</li> <li>(e) An individual who is an Associate of the Company;</li> <li>(f) A relative or dependent of an individual referred to in paragraphs (a) to (e) above.</li> </ul> <p>A Whistleblower may choose to remain anonymous and still receive protection under the Corporations Act.</p> <p>It is unlawful under the Corporations Act for any person to victimize, take any detrimental action or retaliation against a Whistleblower because they raised a Whistleblower concern or because they believe or suspect they have made, or propose to raise, a Whistleblower concern.</p>
	<b>Who should a complaint be made to? (“Eligible Recipients”)</b>	<p>For a Whistleblower to qualify for protection, the complaint must be raised with an Eligible Recipient which means:</p> <ul style="list-style-type: none"> <li>(a) An officer of the Company (for example, the CEO);</li> <li>(b) A senior manager (for example, a director);</li> <li>(c) The Human Resources Manager;</li> <li>(d) The <a href="#">Cook E&amp;C Helpline</a>;</li> <li>(e) An internal or external auditor or tax agent of the Company.</li> </ul> <p>A whistleblowing concern can be raised verbally or in writing (including by email or by post).</p>

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	<b>Anonymous reporting and Confidentiality</b>	<p>All information received by a Whistleblower will be treated confidentially and sensitively.</p> <p>The Company recognizes that Whistleblowers may not feel comfortable identifying themselves when raising concerns under this Policy. A Whistleblower may choose to remain anonymous or place restrictions on who is informed about their complaint. A Whistleblower may use an anonymous email address or adopt a pseudonym name for the purpose of their complaint.</p> <p>The Company will keep the identity of a Whistleblower who has raised concerns under this Policy confidential and not disclose their identity, or information that is likely to lead to their identification to a third party, except where:</p> <ul style="list-style-type: none"> <li>(a) The Whistleblower consents to the disclosure;</li> <li>(b) The disclosure is made to ASIC, APRA, a member of the Australian Federal Police, the Commissioner of Taxation (if tax-related);</li> <li>(c) The disclosure is made to a Commonwealth authority, or a State or Territory authority, for the purpose of assisting the authority in the performance of its functions or duties;</li> <li>(d) The disclosure is made to a legal practitioner for the purposes of the Company obtaining legal advice or representation in relation to the operation of the Whistleblower laws in the Corporations Act; or</li> <li>(e) Where the disclosure is otherwise required or permitted by law.</li> </ul> <p>Information contained within a Whistleblower complaint under this Policy will only be disclosed if:</p> <ul style="list-style-type: none"> <li>(a) The disclosure does not include the Whistleblower's identity (unless an exception above applies); and</li> <li>(b) It is reasonably necessary for investigating the complaint; and</li> <li>(c) All reasonable steps are taken to reduce the risk that the Whistleblower will be identified from the information.</li> </ul> <p>Outside of these exceptions, it is illegal for the person to identify a Whistleblower or disclose information that is likely to lead to the identification of the Whistleblower. If a Whistleblower has concerns about a breach of confidentiality, they should contact the Chief Ethics and Compliance Officer or the <a href="#">E&amp;C Helpline</a>.</p> <p>The Company may be limited in their ability to undertake a full and detailed investigation if a Whistleblower does not agree to disclosing their identity or if they are unable to contact the Whistleblower to clarify the complaint.</p> <p>A Whistleblower should also be aware that in some instances, due to the nature of a complaint and despite the best efforts of the Company, it may be that a Whistleblower's identity will be able to be determined (for example, because they are the only person with particular knowledge or involvement in a matter).</p>

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<b>Timeline for acknowledgement by Cook of receipt of whistleblowing concern</b>		Any complaint will be acknowledged within seven calendar days.
<b>Details of the Competent Authority for external reporting</b>		<p>There are various External Eligible Recipients which can receive a Whistleblowing complaint, however the Company encourages disclosures internally as above as it needs to be aware of and address wrongdoing as early as possible.</p> <p>A Whistleblower complaint may also be made to a Journalist or a Parliamentarian in certain limited circumstances, including where there is a substantial and imminent danger to health and safety or to the natural environment. Independent legal advice is strongly recommended prior to proceeding with this type of disclosure due to the complexity of criteria.</p>
<b>Support for Whistleblowers and Employees responding to a whistleblower complaint</b>		<p>Employees (or an immediate family member), may access the Company's confidential Employee Assistance Program (EAP). Access EAP by calling them directly on 1800 818 728.</p> <p>Employees named in a Whistleblower complaint will be:</p> <ul style="list-style-type: none"> <li>(a) Treated fairly;</li> <li>(b) Provided with the allegations against them; and</li> <li>(c) Given an opportunity to respond;</li> </ul> <p>Prior to any decisions being made in relation to whether any allegations against them are substantiated.</p>
<b>External Resources</b>		<p><i>Corporations Act 2001</i> (Cth)  <a href="https://asic.gov.au/about-asic/asic-investigation-and-enforcement/whistleblowing/">https://asic.gov.au/about-asic/asic-investigation-and-enforcement/whistleblowing/</a></p>
<b>Additional Definitions</b>		<p><b>Associate</b> has the meaning in the <i>Corporations Act</i>.</p> <p><b>External Eligible Recipients</b> means the Australian Securities and Investment Commission (ASIC), the Australian Prudential Regulation Authority (APRA) and the Commissioner of Taxation (in relation to tax affairs).</p> <p><b>Personal Work-Related Grievance</b> means a grievance that relates to an employee's current or former employment and has implications for the Company or a related body corporate of the Company.</p> <p><b>Relevant Legislation</b> means the <i>Corporations Act</i>, <i>Australian Securities and Investments Commission Act 2001</i> (Cth), <i>Banking Act 1959</i> (Cth), <i>the Financial Sector (Collection of Data) Act 2001</i> (Cth), <i>Insurance Act 1973</i> (Cth), <i>Life Insurance Act 1995</i> (Cth), <i>National Consumer Credit Protection Act 2009</i> (Cth), <i>Superannuation Industry (Supervision) Act 1993</i> (Cth), or an instrument made under any of these Acts.</p>
<b>Policy availability</b>		This policy will be available on the <a href="#">Cook Medical Australia website</a> .

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