

## Breach Reporting Policy

### 1. Purpose

The purpose of this policy is to outline ASA Funds Management Limited's (ACN 079 538 499) (**ASAFM**) obligations to report breaches or likely breaches of certain laws and the escalation process to be followed when a breach or likely breach has been identified.

The objective of this policy (together with the ASA Breach Reporting Protocols) is to ensure:

- prompt resolution of breaches;
- timely reporting of breaches, where required;
- identification and rectification of failures or weaknesses in procedures and controls in order to prevent similar occurrences; and
- appropriate processes to ensure the proper reporting of 'Reportable Situations' where required.

### 2. Policy Application

This policy applies to all directors, officers, senior managers or other employees of ASA Real Estate Partners Pty Ltd (ACN 673 633 755), ASAFM and any of their controlled or related entities (together, **ASA Group** or **ASA**), and any other employee of or consultant to an ASA Entity as designated by the Board of ASAFM (**ASA Staff**).

### 3. Policy

#### 3.1 What is an actual or potential breach?

Compliance breaches occur in the event of non-compliance (whether through error or omission) with legal, regulatory, AFSL and other obligations. Such a breach will occur where there is any contravention or non-compliance with any of the following:

- legislation that applies to the ASA Group such as the *Corporations Act 2001* (Cth) (**Corporations Act**), *Competition and Consumer Act 2010* (Cth), *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) and the *Privacy Act 1988* (Cth)
- ASAFM's Australian Financial Services Licence (**AFSL**) conditions;
- ASA Fund Constitutions;
- ASA Fund Compliance Plans;
- ASA's policies and procedures;
- contractual obligations (such as key service provider agreements, other services agreements and debt facility agreements).

Any actual or likely such contravention or non-compliance with such obligations is considered a potential 'breach' for the purposes of this policy.

Compliance breaches can be identified from a number of sources, including but not limited to:

- while undertaking usual business activities;

- while investigating a tenant, securityholder or service provider enquiry or complaint;
- during compliance monitoring activities;
- from a whistleblower or a complainant;
- while administering the ASA Group's internal dispute resolution processes;
- during an internal or external audit; or
- during a regulatory investigation by ASIC.

As an Australian financial services licensee, ASAFM is required to (among other things) comply with the following financial services law set out in the Corporations Act which include, but are not limited to:

- doing all things necessary to ensure that the financial services covered by its AFSL are provided efficiently, honestly and fairly;
- having adequate resources to provide financial services covered by its AFSL and to carry out supervisory arrangements;
- being competent to provide the financial services covered by its AFSL;
- ensuring its representatives (if any) are adequately trained and are competent to provide those financial services;
- taking reasonable steps to ensure its representatives (if any) comply with applicable financial services laws;
- having a dispute resolution system in place for retail clients;
- having adequate risk management systems; and
- having compensation arrangements in place for retail clients.

ASAFM is required to report certain breaches or likely breaches of those obligations, where they amount to a Reportable Situation, to ASIC. The process set out in ASA's Breach Reporting Protocols sets out guidance to assess whether a breach is a Reportable Situation.

### **3.2 Responsibilities of ASA Staff**

All ASA Staff must:

- be proactive in preventing compliance failures, which includes being familiar with, and ensuring they comply with, ASA's policies and procedures; and
- participate in any incident or breach related investigations, discussions or rectification initiatives as requested by Compliance.

If any ASA Staff member believes that there may be a potential breach, they must immediately deal with such a potential breach in accordance with ASA's Breach Reporting Protocols. If in doubt as to whether any incident or circumstance needs to be reported, ASA Staff must report their concerns and not wait until rectification steps have been agreed upon or undertaken.

## **4. Compliance with Policy**

All ASA Staff are responsible for ensuring they understand and comply with this policy. Training sessions (including updates by email) will be provided as required or when significant changes are made to this policy.

Any breaches of this policy must be reported to Compliance immediately. If it is determined that a breach has occurred and was intentional, reckless or grossly negligent, executive management and ASA reserve the right to take disciplinary action which may include dismissal of an ASA Staff member.

## **5. Questions**

If any ASA Staff member has any questions about the subject matter or requirements of this policy, that person should contact Compliance in the first instance.

## **6. Policy Review**

This policy will be reviewed at least every two years or more regularly if there are changes to the legal or regulatory framework which applies to the policy to ensure it is working effectively and updated appropriately. Any changes will be communicated to ASA Staff and/or posted on ASA's intranet site and/or website (as deemed appropriate).

## **7. Policy Approval**

This policy was approved by the Board of ASAFM on 28 July 2024.