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## WHISTLEBLOWER POLICY



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# 1. INTRODUCTION

## 1.1 Definitions

Employees	All staff, contractors, consultants and temporary workers of the Pacific Energy group of companies (Group).
Whistleblower	Any person making an allegation of a Reportable Matter
WPO	Whistleblower Protection Officer
WIO	Whistleblower Investigations Officer
CEO	Chief Executive Officer
Compliance Officer	CEO

## 1.2 Purpose

The Group is committed to the protection of individuals who disclose information about illegal or improper conduct occurring within the Group. This policy has been adopted to provide a safe and confidential environment where such concerns can be raised by whistleblowers without fear of reprisal or detrimental treatment.

This policy sets out:

- who is entitled to protection as a whistleblower under this policy;
- the protections whistleblowers are entitled to under this policy; and
- how disclosures made by whistleblowers in accordance with this policy will be handled by the Group.

## 2. SCOPE

This Policy applies to:

- all employees of the Group, whether full-time, part-time or casual, at any level of seniority and wherever employed; and
- employees or principals of organisations which have a commercial relationship with the Group as customers, suppliers, consultants, advisers, agents or otherwise.

This Policy supplements any other policies applicable to the Group.

## 3. RESPONSIBILITY

### 3.1 Policy Compliance and Review

The Group CEO is the Compliance Officer for the Group and is responsible for the overall administration of this Policy. The Compliance Officer will monitor the implementation of this Policy and will review on an ongoing basis the Policy's suitability and effectiveness.

### 3.2 To Report

The Group relies on its employees to help maintain and grow its culture of honest and ethical behavior. It is therefore expected that any employee who becomes aware of such conduct will make a report.

## 4. WHO IS ELIGIBLE FOR WHISTLEBLOWER PROTECTION UNDER THIS POLICY?

To be treated as a whistleblower under this policy you must:

- be one of the individuals set out in section 4.2.1;
- disclose information regarding the type of matters set out in section 4.2; and
- disclose that information to one of the persons set out in section 6.0.

This policy also protects those who are entitled to whistleblower protection under the Australian whistleblower laws (see section 10 of this policy).

### 4.1 Who May Make a Disclosure

Disclosures can be made by a current or former:

- officer or employee of the Group;
- contractor or supplier of goods and services to the Group, or their current and former employees;
- associate (as defined by the *Corporations Act 2001* (Cth)) of the Group; or
- any individual who is a relative, spouse or dependent (or the dependent of a spouse) of any of the above persons.

However, a whistleblower may choose to make their disclosure anonymously and remain anonymous over the course of the investigation and after the investigation is finalised. They may also decide not to answer questions that they feel could reveal their identity at any time, including during follow-up conversations. In these circumstances, the protections under the policy still apply. If a disclosure is made anonymously, the whistleblower should provide sufficient information to allow the matter to be properly investigated.

## 4.2 Reportable Matters

Reportable Matters under the policy is information that:

- concerns misconduct or an improper state of affairs or circumstances in relation to any entity within the Group; or
- indicates that any entity in the Group or one of its officers or employees has engaged in conduct that:
  - i) constitutes an offence against the Corporations Act 2001 (Cth), ASIC Act, Banking Act 1959, Financial Sector (Collection of Data) Act 2001, Insurance Act 1973, Superannuation Industry (Supervision) Act 1993, and any instrument made under these Acts;
  - ii) constitutes an offence against Commonwealth legislation that is punishable by imprisonment for 12 months or more;
  - iii) represents a danger to the public or the financial system; or
  - iv) is prescribed by regulation.

Reportable matters can also be in relation to the tax affairs of an entity in the Group if the discloser considers that this information may assist the Group to perform functions or duties in relation to its tax affairs.

Examples of conduct that may be a Reportable Matter include conduct that breaches any legal or regulatory requirement or conduct that while not involving a contravention of a particular law, is a breach of the Group's Code of Conduct or any other Group Policy. Examples of Reportable Matters include:

- fraud;
- negligence;
- breach of duty or trust;
- default;
- criminal offences;
- failure to comply with any legal obligation;
- unfair or unethical dealing with a customer, supplier or agent of the Group;
- corrupt conduct;
- human rights abuses;
- risk to the health or safety of any person;
- unethical conduct; or
- any deliberate concealment relating to the above.

Please note that personal work-related grievances are excluded from this Policy and will be handled under the Grievance and Disputes Policy.

This Policy extends to serious wrongdoing that occurs before or after the commencement of this Policy, and is not limited to the above examples.

## 5. RESOURCES

The Board of the Group, through the Audit and Risk Committee, governs and is responsible for the ultimate decision-making power regarding reports and investigations under this Policy.

### 5.1 Whistleblower Protection Officers

The Group has appointed Whistleblower Protection Officers (WPO) who will safeguard the interests of an employee making reports under this Policy and will ensure the integrity of the reporting mechanism.

The WPO will refer any reports that require further investigation to the Whistleblower Investigation Officer (WIO).

The WPO reports directly to the CEO and the Audit and Risk Committee.

### 5.2 Whistleblower Investigations Officer

The Group has also appointed a WIO who will carry out or supervise the investigation of reports made under this Policy. The WIO also has access to independent advisers as and when required.

The current WIO is the John Stamopoulos.

## 6. MAKING A REPORT

A disclosure can be made to the Group's WPO's:

- John Stamopoulos (CFO)
- Mandy Macaskill (HR Manager)

The WPO's may be contacted:

- via email at [whistleblowing@pacificenergy.com.au](mailto:whistleblowing@pacificenergy.com.au);
- in person; or
- via post – Private & Confidential, The Whistleblower Protection Officers, PO Box 5, Kingsway, WA 6065.

In making a disclosure under this Policy, employees must act in good faith on a genuine belief that there has been wrongdoing, and not for any malicious purpose. Where it is determined that a disclosure is made by an employee falsely or for a malicious purpose, the Group reserves the right to take disciplinary action against the disclosing employee.

Employees disclosing wrongdoing will be protected and the investigation will be conducted in accordance with the principles of fairness and natural justice.

## 7. CONFIDENTIALITY AND PRIVACY

Subject to section 7.1, the identity of a whistleblower (or information that is likely to lead to their identity becoming known) must be kept confidential unless the whistleblower has consented to the disclosure.

### 7.1 Permitted Exceptions

The identity of a whistleblower (or information that is likely to lead to their identity becoming known) may be disclosed without the whistleblower's consent if the disclosure is made to:

- an inhouse or external lawyer for the purpose of obtaining legal advice or legal representation in relation to the operation of the Australian whistleblower laws;
- the Australian Federal Police;
- the Australian Securities and Investments Commission;
- the Australian Prudential Regulatory Authority; or
- the Australian Commissioner of Taxation if the disclosure concerns the Group's tax affairs or the tax affairs of an associate of the Group.

### 7.2 Provision of Whistleblower Information to a Court or Tribunal

No person at the Group may disclose or produce to a court or tribunal any information or documents which discloses the identity of a whistleblower (or information likely to lead their identity becoming known) without seeking the advice of the CEO.

## 8. PROHIBITION AGAINST VICTIMISATION

No person at the Group may cause or threaten any detriment to any person for a reason which includes that they or any other person:

- is or proposes to be a whistleblower; or
- is suspected or believed to be, or could be a, a whistleblower.

"detriment" includes (but is not limited to):

- dismissal;
- injury of an employee in their employment;
- alteration of an employee's position or duties to their disadvantage;
- discrimination, harassment or intimidation;
- harm or injury including psychological harm;
- damage to property, reputation or business of financial position;
- taking action against a whistleblower to enforce a right (for example, a breach of confidentiality) or subjecting them to any liability or action simply because they have made a disclosure.

However, a whistleblower may be held liable for any personal misconduct revealed by their disclosure or an investigation following a disclosure.

## 9. INVESTIGATION

Where a report is made under this Policy, the WIO will investigate the report. Where the WIO deems necessary, an external investigator may be used to conduct an investigation, either in conjunction with the WIO or independently. The WIO may also use an external expert to assist with an investigation. All investigations will be conducted in a fair and independent manner and all reasonable efforts will be made to preserve confidentiality of an investigation.

The WIO is required to:

- act impartially and document the disclosure;
- conduct all interviews; and
- report on the results of the investigation and any recommendations.

All investigations will be carried out as quickly as is practicable.

To avoid jeopardizing an investigation, an employee who has made a report under this Policy is required to keep confidential the fact that a report has been made (subject to any legal requirements).

## 10. HOW THIS POLICY INTERACTS WITH AUSTRALIAN WHISTLEBLOWER LAWS

By making a disclosure in accordance with this policy, you may be afforded protection under Australian whistleblower laws.

While this policy principally deals with internal disclosures of information, Australian whistleblower laws also protect some types of disclosure made to external parties (such as to legal representatives, the Australian Securities and Investments Commission (ASIC), to the Australian Commissioner of Taxation, members of parliament or journalists). Any person who is a whistleblower under Australian whistleblower laws must be treated in accordance with, and is entitled to, protections afforded by, this policy.

For more information about these laws, see the information available on the ASIC website and the ATO website.

## 11. POLICY

### 11.1 Breach of this Policy

Failure to comply with the principles of this policy could result in appropriate disciplinary actions, including termination. Additionally, individuals may be subject to loss of the Group access and privileges.

### 11.2 Policy Review

The CEO will monitor the effectiveness and review the implementation of this policy, considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible.



All employees are responsible for the success of this policy and should ensure they use it to disclose any suspected wrongdoing.

Employees are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Company Secretary.

This policy will be reviewed annually by 20 December.

### **11.3 Dissemination of Policy**

A copy of this policy will be provided to each employee upon commencement of employment and additional copies will be made available upon request.

A handwritten signature in blue ink, appearing to read 'Jamie Cullen', with a small horizontal line extending from the end.

Jamie Cullen  
Group CEO

7 October 2020

## 12. POLICY VERSION CONTROL

Date	Author/Department	Version Number	Change Summary
31/10/2019	M Macaskill	1.0	Original
29/11/2019	J Cullen	1.0	Approved
24/02/2020	M Macaskill	2.0	Reviewed
24/02/2020	J Cullen	2.0	Approved
07/10/2020	M Macaskill	3.0	Reviewed
07/10/2020	J Cullen	3.0	Approved