

  	WHISTLEBLOWER POLICY – NEW ZEALAND	Prepared by:	KTC
		Approved by:	Steve Clarke
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Purpose

The ASKIN Group is committed to the highest standards of conduct and ethical behaviour in all of our business activities, and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and strong corporate governance. Workplace participants (such as current or former employees, secondees, contractors, individuals concerned in management (e.g. board members) or volunteers) would often be the first to realise that there is something seriously wrong within a business. However, they may be reluctant to express their concerns as they feel that speaking up would be disloyal to their colleagues or to the business, or because they're afraid of repercussions. Creating an environment where people feel safe to speak up underpins the ASKIN Group culture.

This policy complies with the requirements of the Protected Disclosures Act 2000 (the Act) which has the objectives of promoting the public interest by:

1. facilitating the disclosure and timely investigation of matters of serious wrongdoing in or by an organisation; and
2. protecting the people who make disclosures of serious wrongdoing in an organisation.

This policy applies to the New Zealand workplace participants of the ASKIN Group meaning Askin Group Holdings Pty Limited and each of its related bodies corporate (which, for the avoidance of doubt, includes the Bondor NZ and XFLAM businesses).

Policy

Making a Protected Disclosure

You may make a protected disclosure if you:

- believe on reasonable grounds that there is, or has been, serious wrongdoing (see 'Definitions') in or by the ASKIN Group; and
- disclose information about that in accordance with the Act (e.g. discloses in accordance with the procedure outlined below and to an appropriate authority (see 'Definitions')); and
- do not disclose it in bad faith.

Making a Protected Disclosure

A disclosure about serious wrongdoing must be made to the internal protected disclosure officer:

- Steve McMillan
- Group Chief Financial Officer
- stephen.mcmillan@askin.net.au
- +61 408 398 959

If you believe this person to be involved in the serious wrongdoing, the disclosure should be made to the Group Chief Executive Officer.

If you believe that this person is involved in the wrongdoing, disclosure may be made to an appropriate authority.

The disclosure may be made in writing by letter or email, or by telephone, or in person.

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If no investigation or action is taken on a disclosure, you may make the disclosure direct to a Minister of the Crown. This does not limit your ability to disclose to an Ombudsman as an appropriate authority at any time.

At the time of making the disclosure, you must disclose your identity and the identity of the person(s) whom you believe to be involved in the serious wrongdoing, and must specify the nature of the wrongdoing.

Investigation

The person to whom the disclosure is made may either undertake an investigation of the alleged serious wrongdoing, or appoint another person to undertake that investigation. The person who undertakes the investigation must be unbiased and impartial. Before referring a protected disclosure, the receiver will consult you about this.

During the investigation, your identity must be kept confidential if at all possible, unless you have agreed to have your identity revealed, or there are reasonable grounds to believe this is essential for the purposes of effective investigation, or to prevent serious risk to public health or safety or the environment, or to comply with the principles of natural justice.

Decisions may be made only when all the parties (involved or alleged to be involved in any serious wrongdoing) have been given an opportunity to be heard. They must be given reasonable notice of any interview; advised that they may be represented at the interview; and given a reasonable opportunity and period of time to respond to the allegation.

The person who investigates the allegation must produce a written report which sets out the nature of the allegation, any responses to it, any supporting evidence, and an assessment of the allegation with recommendations.

Protections

A workplace participant who suffers retaliatory action or less favourable treatment from the ASKIN Group as a result of making a disclosure in terms of this Policy and the Act may bring a personal grievance complaint under the Employment Relations Act 2000.

A workplace participant who makes a disclosure in terms of this Policy and the Act is immune from any civil, criminal or disciplinary proceedings as a result of a disclosure, and protected from discrimination under the Human Rights Act 1993.

A workplace participant is not protected, however, if the information disclosed is protected by legal privilege or where the workplace participant knowingly makes a false allegation or otherwise acts in bad faith.

Definitions

Under the Act, “*serious wrongdoing*” includes any serious wrongdoing of any of the following types:

- an unlawful, corrupt, or irregular use of funds or resources of a public sector organisation; or
- an act, omission, or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
- an act, omission or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences and the right to a fair trial; or

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- an act, omission, or course of conduct that constitutes an offence; or
- an act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

“*Appropriate authority*” includes the head of every public sector organisation; a private sector body which comprises members of a particular profession or calling and which has the power to discipline members; and the persons or bodies listed in section 3(1)(a) of the Act (for example, depending on the nature of the concerns, the Commissioner of Police, the Controller and Auditor-General, the Director of the Serious Fraud Office, and an Ombudsman). It does not include a Minister of the Crown or a member of Parliament.

Where can I find further information?

Further information regarding protected disclosures can be found on www.employment.govt.nz and the Ombudsman’s website.

Other Matters

This policy does not form part of any contract of employment or engagement between the ASKIN Group (or any member of it) and any workplace participant. Any reference to obligations or requirements on the ASKIN Group does not, and is not intended to, give rise to any contractual obligations binding on the ASKIN Group.

The ASKIN Group may amend, vary or replace this policy at any time.