

Department: People & Culture	<b>TOMAGO MANAGEMENT SYSTEM</b>	Document No: SAP No.: 150000000131
Approver's Title: Head of People and Culture	<b>WHISTLEBLOWER POLICY</b>	Original date: 07/01/2020
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# WHISTLEBLOWER POLICY

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## 1. PURPOSE

Tomago Aluminium Company Pty Limited (The Company) is committed to fostering a culture where our people feel safe to speak about matters that are of concern. Speaking up helps The Company identify and address matters of concern and improve how The Company does business.

This policy provides guidance on how you can safely, confidentially and without fear of retaliation, make reports about any information that you reasonably suspect concerns, misconduct, or an improper state of affairs or circumstances involving The Company.

This policy is designed to comply with the Australian Whistleblowing Legislation, which comprises of the whistleblowing provisions contained in the Corporations Act 2001 (Cth) and Tax Administrations Act 1953 (Cth).

This policy is not incorporated into and does not form part of any contract between The Company and any person or entity, and is not contractually binding on The Company and may be varied, replaced or terminated from time to time at The Company's discretion.

## 2. SCOPE

This policy applies to any **Eligible Whistleblower**.

Under the Australian Whistleblowing Legislation, a person is an **Eligible Whistleblower** if they are, or have been:

- an employee of The Company, including permanent (full-time or part-time), fixed-term or a casual employee;
- an officer of The Company, including any board member;
- an individual involved in supplying services or goods to The Company, including suppliers, contractors, consultants, volunteers, work experience students, interns, or graduates;
- an employee of a supplier of services or goods to The Company;
- an individual who is an associate of The Company (this includes directors of a related body corporate of The Company); or
- a spouse (including a de facto spouse), child, relative or dependant of an individual listed above.

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### 3. REFERENCES

- Corporations Act 2001 (Cth)
- Tax Administrations Act 1953 (Cth)

### 4. PROCEDURE

#### 4.1 WHEN WILL I BE PROTECTED UNDER AUSTRALIAN WHISTLEBLOWING LEGISLATION?

In order to obtain protection under Australian Whistleblowing Legislation, you must meet all of the following criteria:

- you must be an **Eligible Whistleblower** (see Section 2 above);
- you must have a reasonable basis to suspect that misconduct or an improper state of affairs or circumstances has occurred in connection with The Company (**Reportable Conduct**) (see Section 4.2 below); and
- you must make any disclosure or report regarding **Reportable Conduct** to an **Eligible Recipient** or another person authorised under the Australian Whistleblowing Legislation to receive reports (see Section 4.3 below).

The only exception to the need to meet all of the above criteria in order to be protected under Australian Whistleblower Legislation is where you disclose **Reportable Conduct** to a lawyer in the course of obtaining legal advice or representation about the application of the Australian Whistleblowing Legislation.

Importantly, provided that you reasonably believe or suspect your disclosure of **Reportable Conduct** to be true, you will be protected under the Australian Whistleblower Legislation even if your report turns out to be incorrect. However, as stated in Section 4.2 below, if you deliberately make a report that you believe to be false, you will not be protected, and this may give rise to disciplinary action against you.

#### 4.2 WHAT IS REPORTABLE CONDUCT AND WHEN SHOULD I VOICE CONCERNS?

If you become aware, or have reasonable grounds to suspect, that **Reportable Conduct** in the form of misconduct or an improper state of affairs or circumstances connected to The Company has occurred, you are strongly

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encouraged to promptly voice your concerns by using one of the reporting methods described in Section 4.3 below.

Reportable Conduct of the nature described immediately above includes, for example:

- dishonesty;
- fraudulent activity or theft;
- corrupt behaviour such as accepting or offering a bribe or improperly taking advantage of an employment position;
- illegal activities such as sexual assault or any type of physical assault, making false statements to external parties, misreporting financial information or selling illegal drugs;
- a serious or systemic breach of internal policy, including the Code of Conduct, or failing to disclose conflicts of interest;
- unlawful, corrupt or unethical use of The Company's funds;
- improper or misleading accounting, financial or tax reporting practices;
- conduct that is oppressive, discriminatory or grossly negligent;
- unsafe work practices;
- a serious risk to the health & safety of any person at the workplace;
- a serious risk to the public health, public safety or the environment; or
- conduct which may cause financial loss to The Company, damage its reputation or be otherwise detrimental to The Company's interests.

By raising your concerns, you give The Company the opportunity to address instances of potential misconduct that may cause harm to people, to the reputation, or the success of The Company. You also help The Company to continue nurturing a safe, inclusive, and respectful working environment throughout the organisation.

This policy does not protect you if you deliberately make false reports. You should never make a report about another person or event that you know or believe to be false. Doing so is against our values and Code of Conduct, and may give rise to disciplinary action against you.

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### What is **not** Reportable Conduct?

While it is important to understand what **Reportable Conduct** is under the Australian Whistleblower Legislation, it is also important to understand what **Reportable Conduct** is **not**.

Personal work-related grievances are generally not classified as **Reportable Conduct**. These are grievances relating to your employment, for example, about:

- remuneration;
- performance reviews or performance management;
- transfers, promotions, demotions;
- disciplinary action or performance management;
- industrial disputes;
- grievances about employment entitlements or enterprise agreement negotiations; or
- interpersonal conflict between you and another employee.

Personal work-related grievances tend to have implications for you personally, but do not have any other significant or broader implications for The Company.

To raise a personal work-related grievance under The Company's grievance process, refer to The Company's Complaints Handling Procedure (DMS 150000000118).

### **4.3 HOW DO I VOICE MY CONCERNS?**

Any concerns you have in relation to **Reportable Conduct** can be provided to the following authorised **Eligible Recipients**:

#### External Reporting

**Stopline** is the confidential external agency assisting The Company with the handling of whistleblower reports under this policy. You can contact Stopline confidentially by one or more of the following methods:

- log a report on the Stopline website at: <https://tomago.stoplinereport.com/>

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- call the Stopline Hotline on 1300 30 45 50
- email the Stopline team directly at: [makeareport@stopline.com.au](mailto:makeareport@stopline.com.au)
- through the post to Tomago Aluminium c/o Stopline, PO Box 403, Diamond Creek, VIC 3089

### Internal Reporting

You can also make a report to any of the following internal **Eligible Recipients** of The Company:

- a director, company secretary or other officer of The Company
- a senior leader of The Company (Chief Executive Officer, Head of People & Culture, or equivalent level and above)
- an internal or external auditor (including a member of an audit team conducting an audit) or actuary of The Company
- in respect of tax-related reports, a person registered under Australian law as a tax agent or Business Activity Statement ('BAS') agent who provides tax agent services or BAS services to The Company

You can make a report to any of the **Eligible Recipients** listed above in person, by phone, by email or by letter, and their details are available on the The Company's intranet.

### Other persons/authorities to whom a disclosure about Reportable Conduct may be made

You can also make a report about **Reportable Conduct** to the Australian Securities and Investments Commission ("ASIC"), the Australian Prudential Regulatory Authority ("APRA"), or (for tax-related matters) to the Commissioner of Taxation.

Furthermore, a "public interest" or "emergency disclosure" can be made to a journalist or a parliamentarian. To make a "public interest" or "emergency disclosure", the disclosure must have previously been made to ASIC, APRA or a prescribed body and written notice provided to the body to which the disclosure was made. In the case of a "public interest disclosure", 90 days must have passed since the previous disclosure. It is important for you to understand the criteria for making a "public interest" or "emergency disclosure" and The

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Company recommend you seek independent legal advice, at your own cost, before you do so.

#### **4.4 WHAT INFORMATION SHOULD I PROVIDE WHEN I MAKE A REPORT ABOUT REPORTABLE CONDUCT?**

When you make your report to an **Eligible Recipient**, you should provide as much information about the **Reportable Conduct** as you can. To that end, The Company encourages you to provide the background, context, history and reason for the concern; the dates, places and, if possible, names of those involved; and any documents that may be relevant to the situation. If you do not have all these details, do not let this hold you back from raising your concerns and providing additional details later.

##### Can I report a concern anonymously?

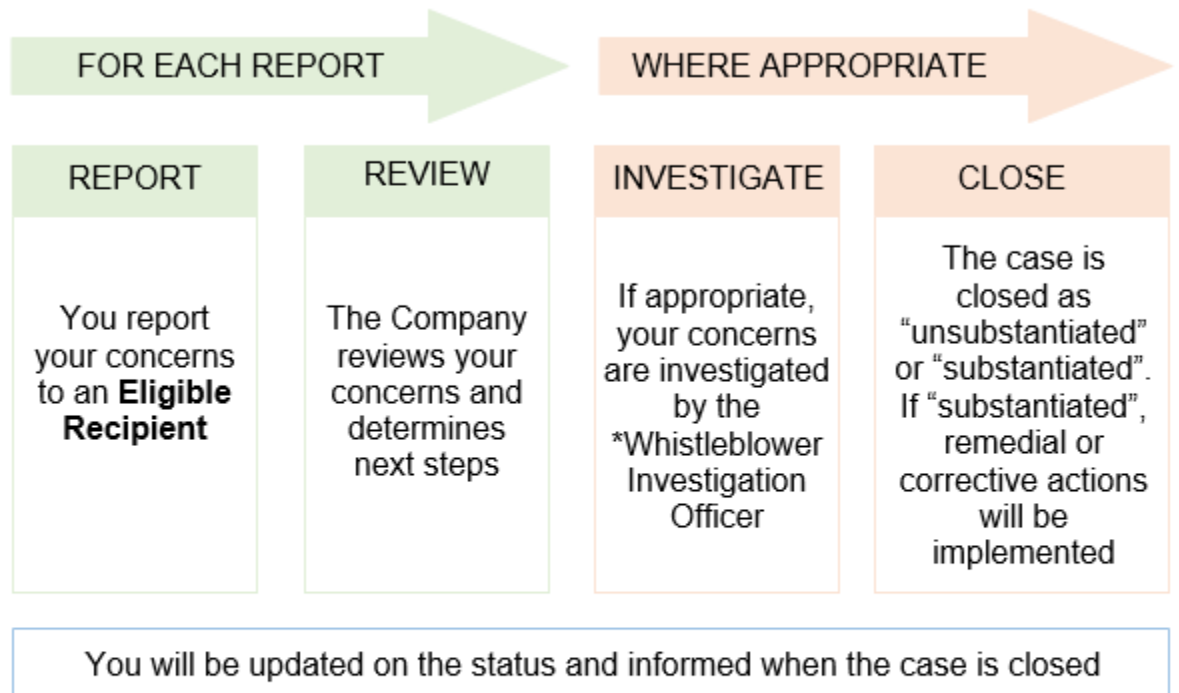
You can report a concern anonymously and still qualify for whistleblower protection under this policy. You can remain anonymous after you've raised your concern, including throughout and after any investigation into your concern. The Company respects your decision to be anonymous, and you may refuse to answer questions throughout the process that could reveal your identity.

Whilst you can report anonymously, please be aware that remaining anonymous may limit The Company's ability to investigate or manage your concern.

#### **4.5 WHAT HAPPENS AFTER I MAKE A REPORT ABOUT REPORTABLE CONDUCT?**

The following diagram sets out the key steps that will occur when you make your report under this policy.

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\*Whistleblower Investigation Officer (WIO) is a neutral party assigned by The Company to investigate disclosures under Australian whistleblower legislation. Depending on the nature of the disclosure, the WIO may be an internal (e.g., Company representative) or external party.

Upon receipt of a report made under this policy, The Company will take appropriate steps to respond to the report, including:

- if possible, providing you with an acknowledgement when your report has been received;
- review and assess the report, including determining whether the report should be investigated;
- if appropriate, allocate the report for investigation and appoint an investigator, who may be internal or external to The Company;
- provide you with appropriate progress updates, as necessary, subject to legal, privacy, and confidentiality considerations; and
- maintaining appropriate oversight and governance, including (where appropriate) reporting to The Company's Board.

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To avoid jeopardising an investigation, if you have made a report under this policy, you must keep confidential the fact that a report has been made.

#### What happens during an investigation?

If it is decided that the matter will be investigated, the Whistleblower Investigation Officer (**WIO**) will conduct or commission an investigation with the support of internal or external resources as they determine is appropriate.

The investigation may be conducted by an internal or external investigator.

Investigations will be conducted objectively and impartially. The Company will seek to conduct the investigation as quickly as the circumstances allow. As part of an investigation, any person who has been adversely mentioned in a report will usually be given an opportunity to respond to allegations against them.

The **WIO** will update you on the progress of the investigation if you can be contacted.

Matters that are not deemed as **Reportable Conduct** may be investigated as per The Company's Complaint Handling Procedure as referenced in this policy and/or other relevant policies.

## **4.6 HOW WILL TAC PROTECT ME IF I RAISE CONCERNS?**

If you are an **Eligible Whistleblower**, and you make a report about **Reportable Conduct** to an **Eligible Recipient** under this policy, The Company will provide you with the following protections:

### **4.6.1 Confidentiality**

The Company will make every reasonable effort to ensure your identity is confidential, regardless of whether you choose to make the report anonymously, unless you consent to your identity being disclosed. That means that the information you provide will only be shared where necessary for the purposes outlined, and measures to protect your identity will be put in place, as appropriate in the circumstances.

Once you have made your report, The Company will seek your consent to disclose your identity.

If you consent to the disclosure of your identity, The Company may disclose your identity whenever The Company, at its discretion, considers it appropriate to disclose your identity.

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If you do not consent to your identity being disclosed, The Company will seek to take all reasonable steps to protect your identity, including by, for example, implementing the following measures:

- all personal information or reference that could be used to identify you will be redacted from your report;
- you will be referred to in a gender-neutral context;
- not making any attempt to identify you, where you provide your report anonymously;
- your report will be handled and investigated by appropriately experienced staff;
- access to all information relating to your report will be limited to those directly involved in managing and investigating the report;
- communications and documents relating to any investigation of your report will not be sent to an email address or to a printer that can be accessed by other staff;
- all paper and electronic documents and other materials relating to your report will be stored securely; and
- each person who is involved in handling and investigating your report will be reminded about the need to preserve the confidentiality of your identity.

You must appreciate that if you make an anonymous complaint or refuse to consent to The Company disclosing your identity, this may limit the extent to which The Company can respond to and investigate the report made by you.

If your report is anonymous and you made the report with **Stoptline**, you will be provided with a unique number and password to get back in touch with **Stoptline** if required.

Generally, and as stated above, your identity will only be disclosed by The Company with your consent. However, in some cases, The Company may disclose your identity without your consent to the following bodies or people:

- a lawyer for the purposes of obtaining legal advice or legal representation; or
- ASIC, APRA, the Australian Federal Police or another prescribed body, or (for tax-related matters) the Commissioner of Taxation.

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#### 4.6.2 Protection against Detrimental Conduct and Retaliation

The Company strictly prohibits and does not tolerate detrimental conduct or retaliation in response to an individual holding or reporting a concern under this policy. Detrimental conduct or retaliation occurs when a person causes or threatens to cause detriment to you or someone else because the person believes or suspects that you (or someone else) made, or could make a report under this policy, and the belief or suspicion is the reason, or part of the reason, for the detrimental conduct or retaliation.

Detrimental conduct or retaliation includes threats, intimidation, humiliation, bullying, harassment, discrimination, harm, including psychological harm, injury, dismissal or a negative impact on your position, change in duties or damage to reputation.

Protection against detrimental conduct or retaliation also applies to individuals conducting, assisting or participating in an investigation under this policy.

The Company will take all reasonable steps to protect you from detrimental conduct or retaliation by providing you with details of available support services, such as the Employee Assistance Program (**EAP**), and engaging with People & Culture representatives if there are concerns about your health and wellbeing.

It is important you understand that reasonable actions taken in relation to the performance of your duties, including disciplinary and performance management processes, will not normally be considered detrimental conduct or retaliation.

If you know or suspect that retaliation or detrimental conduct has occurred or is occurring, you should report it in accordance with this policy.

#### 4.6.3 Legal protections

The table below sets out the legal protections that apply under the *Corporations Act 2001 (Cth)*.

Statutory Protection	Description
<b>Protection from detrimental conduct</b>	<p>Anyone who is proven to have engaged in detrimental conduct (as described at 4.6.2 above) may be guilty of an offence and may be liable for damages.</p> <p>In that case, you (or any other employee or person) can seek compensation and other</p>

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remedies through the courts if you suffer loss, damage or injury because of detrimental conduct (as described at 4.6.2 above) and if The Company failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

**Your confidentiality will be protected**

A person commits an offence if they obtain your identity or information likely to lead to your identification ("Confidential Information") directly or indirectly because of your report and they disclose that information, unless:

- you consent to the disclosure of the Confidential Information
- a disclosure of information likely to lead to your identity is reasonably necessary for the effective investigation of the matter and all reasonable steps are taken to reduce the risk of your identification
- your Confidential Information is disclosed to ASIC, APRA, the AFP or a person or body prescribed by regulation or (for tax- related matters) is reported to the Commissioner of Taxation
- your Confidential Information is disclosed to a lawyer for the purpose of obtaining legal advice or representation

**You will be protected from some types of liability**

For example:

- any legal action for breach of an employment contract, duty of confidentiality or another contractual obligation for making the disclosure
- attempted prosecution for unlawfully releasing information, or other use of the disclosure in a prosecution
- disciplinary action for making the disclosure that you believe to be true

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These legal protections do not grant you immunity from liability if you are found to have participated in any misconduct that you report.

#### **4.6.4 Support of persons implicated**

No action will be taken against employees or officers of The Company who are implicated in a report until an investigation has determined whether any allegations against them are substantiated.

However, an employee or officer who is implicated may be temporary stood down without loss of pay whilst an investigation is in progress. Where an investigation finds that the allegations are unsubstantiated, then the employee or officer may be reinstated on full duties.

Examples of support for individuals implicated in a report include:

- reports and investigations will be handled confidentially, to the extent practicable and appropriate in the circumstances;
- conduct investigations under this policy fairly and objectively;
- to the extent practicable, an employee or officer who is the subject of a report will be advised about the subject matter of the report and provided with an opportunity to respond to allegations against the person; and
- a person who is the subject of a report will have access to The Company's **EAP** service.

#### **4.7 MORE INFORMATION & ACCESSING THIS POLICY**

This policy is available on the The Company's Document Management System (DMS), and on The Company's internal intranet and public website.

For questions or more information about this policy, please contact **Stopline** (see methods in Section 4.3) or your People & Culture partner.