

1. Purpose

The Chamber of Minerals and Energy (CME) is committed to the highest standards of conduct and ethical behaviour in all our business activities and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance. CME encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving CME. A person who reports matters of this nature is defined as a Whistleblower.

The *Corporations Act 2001* provides legal protections and measures so that those persons who report concerns may do so confidentially and without fear of intimidation, disadvantage, or retaliation.

This policy is designed to:

- Advise who is protected/covered under legislation and the Policy i.e., who is an eligible whistleblower;
- Provide guidance as to how and whom to appropriately report concerns to, or lodge a disclosable conduct report;
- Detail how disclosures will be handled and/or investigated; and
- Provide information as to how whistleblowers will be protected, supported and can express their concerns safely and without detriment.

2. Summary of Policy Terminology

For the purpose of understanding and transparency, the key Policy terminology is summarised below:

Word/Term	Definition
Whistleblower	A person who discloses unethical, illegal, fraudulent or undesirable information internally within an organisation, or to an external third party
Eligible Whistleblower	A person who qualifies for protection under legislation and the Policy when making a disclosable conduct report
Eligible Recipient	A person or agency who is eligible to receive a disclosable conduct report from an eligible whistleblower
Disclosable Conduct	Any unethical, illegal, fraudulent or undesirable activities involving CME
Detrimental Conduct	Any conduct that could cause a whistleblower disadvantage or harm because of making a disclosable conduct report

3. Policy Application

This Policy applies to the following:

- Current and former CME board members and employees (including casual and fixed term employees);
- Current and former contractors, consultants, suppliers and service providers; and
- Relatives, dependents, or spouses of any of the above.

This Policy will be accessible internally as well as the external website.

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4. Disclosable Conduct

Disclosable Conduct is defined as a suspected breach of the *Fair Work Act 2009*, the *Competition and Consumer Act 2010*, or a criminal offence.

Examples of disclosable conduct include:

- Dishonest, fraudulent or corrupt behaviour, including bribery;
- Illegal activity such as theft, violence, criminal damage to property;
- A breach of the Competition and Consumer laws, breach of the Privacy laws or other breaches of State or Federal law;
- Abuse of authority or conflict of interest;
- Unlawful financial profit/loss to CME;
- Destruction to CME's reputation or interests; and
- Serious misconduct.

Disclosable conduct does not include personal work-related grievances. Such grievances should be raised in accordance with the *CME's Complaint and Grievance Policy (HR11)*. In some circumstances, a personal work-related grievance may amount to reportable conduct under this Policy, such as where the grievance relates to conduct that has been taken against a person because they made a report under this Policy.

Concerns should be raised as soon as practical with the people responsible for handling such matters, as outlined in the below table. It is not acceptable to turn a blind eye and ignore undesirable behaviour and activity. Raising matters early and to the right people allows them to be addressed and resolved effectively. Reports can be made to the eligible recipients either in person, via telephone, email or anonymous communication. Information such as dates, times, location, individuals involved, other witnesses, physical evidence (e.g., documents, images) and any other general information may be useful in assisting the recipient in determining the best course of action.

Eligible whistleblowers must have reasonable grounds for making a report to an eligible recipient. Reasonable grounds means that a reasonable person would also suspect the information or activity indicates misconduct or a breach of the law. They must not make a report that they know is untrue or misleading and should it be found that they deliberately or knowingly made a false report, disciplinary action may occur which could include termination of employment.

5. Eligible Recipients

Any eligible whistleblower is encouraged to raise concerns or make a disclosable conduct report through any of the following recipients:

Position	Name	Contact Details
Chief Executive	Paul Everingham	0400 909 830 p.everingham@cmewa.com
Director – Policy and Advocacy	Rob Carruthers	0415 979 310 r.carruthers@cmewa.com
Director – Communications and Campaigns	Rosalie Cobai	0437 156 127 r.cobai@cmewa.com
Manager – Human Resources	Catarina Forzatti	0428 494 381 c.forzatti@cmewa.com

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President	Fiona Hick	fiona.hick@woodside.com.au
Vice President	Felicity Hughes	felicity.hughes@newmont.com
Vice President	Bill Beament	bill@venturexresources.com

A report can be made to any of the other members on CME's Advisory Board.

Training will be provided to eligible recipients to ensure they know and are kept informed of current whistleblower legislation and how to respond accordingly when receiving a disclosable conduct report.

As stated above, eligible whistleblowers are encouraged to raise issues within CME, however, should they not feel comfortable in raising the concern internally, they can contact any of the below external agencies:

Agency	Contact Details
Australian Securities and Investment Commission (ASIC)	1300 300 630 https://asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/
Fair Work Commission (FWC)	1300 799 675

6. Investigating Disclosable Conduct

The eligible recipient will determine the appropriate course of action and whether the matter raised warrants a formal investigation. If the report is made internally, the matter will be referred to one of the eligible recipients listed above, or to an independent/external investigator to investigate the matter as soon as reasonably practical. If the report involves one of these recipients, the individual assigned to lead the investigation will ensure appropriate discretion. CME assures that investigations will be conducted in a fair and objective manner and confidentiality of parties will be maintained.

Relevant parties will be interviewed and provided with the opportunity to respond to allegations. Eligible whistleblowers will be provided feedback on the timeline and progress of the investigation. A report summarising the findings and evidence of the investigation will be provided to management by the assigned investigator, who will subsequently decide appropriate course of action.

Depending on legal and confidentiality constraints, the eligible whistleblower will be notified of the outcome of the investigation. Should the discloser not be satisfied with the outcome, they are entitled to escalate the matter through the Chief Executive.

Should the matter be raised with any of the above external agencies rather than internally, they will allocate the disclosure to an authorised official to investigate the concerns where it is appropriate, and within their regulatory responsibilities. The authorised official will also investigate any allegations of confidentiality breaches and if any detrimental conduct occurs as a result of making a disclosure.

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7. Protection and Support for Eligible Whistleblowers

CME is committed to ensuring that whistleblowers are provided support and protection from reprisal or personal or financial disadvantage because of making a report. Eligible whistleblowers are not required to share their identity should they not feel comfortable in doing so and have the same protections under the *Corporations Act 2001*.

CME will not tolerate any detrimental conduct aimed at those who have made a disclosable conduct report or those who potentially could make or are suspected of making.

Detrimental conduct can include:

- Dismissal;
- Disciplinary action;
- Unwarranted changes to position, position duties or demotion;
- Discrimination and harassment;
- Damage to property;
- Damage to reputation;
- Threats or physical and emotional harm; and
- Any other unfavourable treatment.

Should a person be subjected to detrimental treatment as a result of making a report under this Policy, they can contact any of the above eligible recipients or alternatively, ASIC or the FWC for investigation.

The *Corporations Act 2001* also protects a whistleblower against certain legal actions relating to making a disclosable conduct report including:

- Criminal prosecution;
- Civil litigation such as a breach of an employment contract or duty of confidentiality; and
- Administrative action including disciplinary action.

CME will also ensure the eligible whistleblower is supported by monitoring and managing the people and environment in which the conduct is allegedly occurring, and temporarily altering working arrangements or places of work if required. CME employees and their immediate families can also access the Employee Assistance Program (BSS) on 1800 30 30 90.

Criminal offences and civil penalties may occur if a person causes or threatens to cause detriment to a whistleblower or breaches a whistleblower's confidentiality.

8. Obligations

All CME Employees are required to adhere to this Policy.

Where there is a question about how this Policy or CME's *Code of Conduct (HR01)* should be applied, advice should be sought from CME management or HR.

9. Breaches of this Policy

Failure to comply with this Policy may result in CME, its Directors, management and employees facing civil or criminal liability, including substantial fines and penalties.

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Violation of the law or this Policy may also result in disciplinary action up to and including termination of employment as outlined in CME's *Unsatisfactory Performance and Discipline Policy (HR13)*.

Disciplinary action may also be taken against any employee who directly approves of or has knowledge of violations of the law or this Policy.

10. Policy Review

This Policy shall be reviewed by CME at least every two (2) years or as necessary to ensure compliance with legislative requirements.

11. Related Documentation

HR01	Code of Conduct
HR11	Complaint and Grievance Policy
HR13	Unsatisfactory Performance and Discipline Policy

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