

# Whistleblower Policy

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## 1. PURPOSE

Consistent with Senex's value of "*integrity in everything we do*", Senex is committed to upholding the highest standards of integrity, fairness and ethical conduct.

This Whistleblower Policy (**Policy**) has been adopted to (among other things) provide:

- a safe and confidential approach to the reporting of improper conduct;
- a way of identifying wrong-doing, and transparency around how issues are dealt with appropriately and in a timely way.

Senex also recognises its legislative obligations to provide an effective whistleblower protection program, including under the *Corporations Act 2001* (as amended by the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019*).

This Policy should be read in conjunction with the Code of Conduct.

## 2. SCOPE

The Policy applies to:

- Senex and all subsidiary and affiliate entities over which it exercises control; and
- Senex's current and past employees (including those on permanent, part time, fixed term or temporary, intern or secondment basis), managers, officers, contractors, suppliers (including employees of suppliers), and associates, and these people's relatives, dependants, spouses, or dependants of a spouse.

## 3. DEFINITIONS

**Potential Misconduct** means any suspected or actual misconduct or improper state of affairs or circumstances in relation to Senex. For further information, please see **Attachment 1**.

Examples of Potential Misconduct may include but are not limited to:

- breach of laws or regulations;
- breach of Senex's Code of Conduct or other Senex policies;
- criminal activity;
- bribery or corruption;
- conduct endangering health and safety or causing damage to the environment;
- dishonest or unethical behaviour;
- conflicts of interest;
- anti-competitive behaviour;
- financial fraud or mismanagement;
- insider trading;
- unauthorised use of Senex's confidential information;
- modern slavery;
- conduct likely to damage the financial position or reputation of Senex;
- information that indicates a significant risk to public safety or stability of, or confidence in, the financial system;
- deliberate concealment of any of the above.

Potential Misconduct does not, generally, include personal work-related grievances as described below in part 3 of Section 4. However, if you are unsure if something is Potential Misconduct, ask the Senex Legal Team.

The Policy also refers to a number of key people, whose roles and responsibilities are defined as follows:

<b>Term</b>	<b>Meaning</b>	<b>Role and Responsibilities</b>
<b><i>Discloser</i></b>	The person reporting Potential Misconduct under this Policy.	
<b><i>Recipient</i></b>	Those persons who receive a disclosure that qualify for protection, being: <ul style="list-style-type: none"> <li>• Company Secretary</li> <li>• Head of Risk</li> <li>• Whistleblower Protection Officer</li> <li>• A member of Senex’s Executive Committee</li> <li>• External Auditor to Senex</li> <li>• A representative of the Deloitte Whistleblower Service</li> </ul>	<ul style="list-style-type: none"> <li>• The role of the Recipient is to ensure that the information which a Discloser discloses is heard by Senex and that proper follow-up occurs, as well as to ensure the Discloser feels supported and protected.</li> <li>• Recipients will refer the report to the Whistleblower Investigations Officer as soon as possible to oversee Senex’s response.</li> </ul>
<b><i>Whistleblower Investigations Officer (WIO)</i></b>	The Company Secretary or delegate (such as Legal Manager or Assistant Company Secretary).	<ul style="list-style-type: none"> <li>• If a report made under this Policy is formally investigated, the WIO will carry out or supervise the investigation.</li> <li>• The WIO will report to the Board any investigation outcomes.</li> <li>• The WPO and WIO act independently of each other and the responsibilities of these roles do not reside with one person.</li> </ul>
<b><i>Whistleblower Protection Officer (WPO)</i></b>	Executive General Manager or delegate (such as a Senior HR Manager)	<ul style="list-style-type: none"> <li>• The WPO will safeguard the interests of Disclosers reporting under the Policy and will ensure the integrity of the reporting mechanism.</li> <li>• The WPO acts as the contact point for communication with the Discloser after reporting.</li> <li>• The WPO will explain confidentiality processes in place to protect the Discloser’s confidential identity.</li> </ul>

#### **4. RAISING CONCERNS AT SENEX**

Senex is committed to a supportive workplace environment and you are encouraged to raise concerns that you may have regarding conduct occurring at Senex or in relation to Senex.

There are various ways in which concerns can be raised depending on your circumstances and the level of seriousness of the issue. For example, your concerns may be able to be addressed informally, through discussions with your manager or by talking to the HR team.

However, in some cases, you may be more comfortable making a formal report and Senex has adopted this Policy to help you with that process. Set out below are the three main ways in which you may choose to raise your concerns.

## 1. Speaking to your manager / informally raising concerns

Senex encourages you to informally raise issues with your manager or another trusted person within the business.

**Note:** *informally raising concerns outside of this Policy and/or raising them in a way which does not otherwise meet legislative requirements, may limit the protections to which you are entitled under the law, which are summarised in **Attachment 1**.*

## 2. Formally reporting Potential Misconduct under this Policy

Where you have concerns about Potential Misconduct at Senex and you are not comfortable raising your concerns informally (as outlined above), you are encouraged to formally report it under this Policy. This means telling a Recipient if you have reasonable grounds to suspect that Potential Misconduct has occurred or is occurring in relation to Senex.

Refer to Section 5 of this Policy on how to formally raise a concern.

Provided such disclosures meet certain legislative requirements (including being made by an 'eligible whistleblower' in relation to a relevant entity to an eligible recipient on a disclosable matter), then it will be a protected disclosure and you will have certain protections under the law (**Disclosure**). As noted above, these protections may not be available in the case of an informal disclosure or a personal work-related grievance as per paragraphs 1 above and 3 below.

## 3. Personal work-related grievances

'Personal work-related grievances' should be raised directly with HR team, as such grievances are not within the scope of this Policy (subject to some exceptions, see **Attachment 1**). Personal work-related grievances are issues in relation to a Discloser's current or former employment that have implications for them personally (i.e. matters solely related to their personal employment).

Examples of 'personal work-related grievances' include:

- a conflict between you and another employee;
- a decision relating to a promotion impacting you; or
- a decision relating to the termination of your employment.

However, in some cases personal work-related grievances may be covered by this Policy. See further information in **Attachment 1**.

## 5. HOW TO RAISE A FORMAL CONCERN AT SENEX

If you wish to raise a formal concern you are encouraged to firstly report the matter internally to a Recipient. Contact details for the Recipients can be accessed on the Senex intranet.

An alternative is to make a report using Senex's independently operated whistleblower service (**Deloitte Whistleblower Service**). Details for that service can be accessed [here](#) and contact details are as follows:

Contact method	Details
Phone	1800 173 918
Email	<a href="mailto:whistleblower@deloitte.com.au">whistleblower@deloitte.com.au</a>
Website	<a href="https://australia.deloitte-halo.com/whistleblower/website/SenexEnergy">https://australia.deloitte-halo.com/whistleblower/website/SenexEnergy</a>

You should provide as much information as possible, including details of the Potential Misconduct, people involved, dates, locations and any evidence that may exist.

## 6. RAISING A CONCERN ANONYMOUSLY

You can make an anonymous Disclosure if you do not want to reveal your identity. Such Disclosures will still be protected under the relevant legislation (provided all other criteria are met). You may choose to remain anonymous while making a Disclosure, throughout any investigation and after the investigation is finalised. You are also not obliged to answer questions if you feel doing so could reveal your identity during follow-up conversations. You may also choose to adopt a pseudonym for the Disclosure.

While you are encouraged to provide your name when providing a Disclosure to the Deloitte Whistleblower Service because it will make it easier for Senex to address your Disclosure (for example, the context in which you may have observed the Potential Misconduct is likely to be useful information), you are not required to do so.

If you do not provide your name, Senex will assess your Disclosure in the same way as if you had revealed your identity, and any investigation will be conducted appropriately in the circumstances. However, please be aware that an investigation may not be possible unless sufficient information is provided. You will still be entitled to protections under the law if a protected disclosure is made, as described in **Attachment 1**.

The identity of and information received from a Discloser will be held in confidence. More information on protecting your identity is in Section 8.

## 7. WHAT HAPPENS FOLLOWING A DISCLOSURE

When a Disclosure is made, the following steps must be followed except where, in the opinion of the WIO, it would be inappropriate or unreasonable in the circumstances to do so.

**Acknowledgement**

- Recipient to:
  - acknowledge receipt of the Disclosure (where possible)
  - provide the information to a WIO as soon as practicable (keeping in mind confidentiality obligations)

**Access Disclosure**

- WIO to:
  - assess and consider the Disclosure, including whether it falls within the scope of this Policy or otherwise qualifies for protection
  - determine an appropriate response, including if a formal in-depth investigation is required, and if so:
    - the nature and scope of investigation
    - who will lead the investigation (someone with no personal interest in the matter)
    - any technical, financial or legal advice, if required
    - where possible, proposed time frames
  - assess the risk of detriment to the Discloser and identify and implement steps to minimise the risk of detriment

**Investigation  
(if required)**

- Investigations are to be conducted in a thorough, objective and fair manner
- Persons to whom the Disclosure relates will be informed and will be given a chance to respond (unless there are confidentiality or other reasons not to do so)
- All persons to which this Policy applies must cooperate fully with any investigations

**Keeping Informed**

- Recipients will keep in contact with Disclosers (which may be via the WPO) until the matter is resolved by Senex
- Subject to below comments, Disclosers will be told:
  - how Senex has decided to respond to their disclosure;
  - if an investigation will be conducted (this may not be until after an investigation has been concluded)
- Note: it may not always be appropriate or possible (eg if the Disclosure was anonymous) to provide Disclosers with the above information.

**Outcome**

- Results of any investigation will be recorded in writing in a formal internal report that will be confidential and is the property of Senex
- Disclosers will generally be informed of any investigation outcome, unless it is inappropriate or not possible to do so
- The persons to whom the Disclosure relates may also be informed of the findings of any investigation
- A Discloser and other persons the subject of an investigation are not entitled to the report
- The outcome of any investigation and a summary of Disclosures will be reported to the Board or its delegated subcommittee

Note:

- where an investigation identifies a breach of law, Senex's Code of Conduct or other internal policies or procedures, appropriate disciplinary action may be taken. This may include but is not limited to terminating or suspending the employment or engagement of the person(s) involved in the misconduct;
- in some circumstances, Disclosures made may also be subject to statutory reporting requirements and processes, or a matter may need to be reported to the police, ASIC or another agency or authority. This Policy does not negate a statutory requirement or process, or customary processes under law.

## 8. LEGAL PROTECTION OF DISCLOSERS

Senex is committed to protecting and respecting the rights of a Discloser under this Policy. This section outlines how Senex will assist in protecting Disclosers (in addition to legislative protections as summarised in **Attachment 1**).

### Protecting your identity

It is a priority to protect Disclosers. Each person performing a function under this Policy in relation to a Disclosure must take all reasonable steps to reduce the risk that a Discloser will be identified.

If you make a Disclosure, your identity (and information about the Disclosure that reveal your identity) must not be disclosed (and it is unlawful to do so) unless:

- you give your consent for Senex to disclose that information;
- the disclosure is allowed or required by law (for example, disclosure by Senex to a lawyer to get legal advice relating to the law on whistleblowing); or
- in the case of information likely to identify you, it is reasonably necessary to disclose the information for the purposes of an investigation, but all reasonable steps are taken to prevent someone from working out your identity; or
- it is disclosed to:
  - 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 Senex's tax affairs or the tax affairs of an associate of Senex.

### Protecting you from detriment

Senex will not tolerate any detrimental conduct to any person who:

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

including conduct against that person's colleagues, employer (if a contractor) or relatives.

Examples of detrimental conduct include the following:

- discrimination, detriment or damage to a person's reputation;
- harassment, intimidation or retaliation;
- a demotion or dismissal; or
- threats of any of the above.

Any person involved in detrimental conduct may be subject to disciplinary action (including but not limited to termination of employment or engagement). In some circumstances, such conduct may also be a criminal offence.

If you are concerned that you may be, are being, or have been subject to detrimental conduct as a result of an actual or proposed Disclosure, you should immediately report this matter to a WPO.



## **Other protections**

Senex is committed to making sure that a Discloser does not suffer detriment. The protections offered are as required by law, and may, depending on the circumstances, include:

- monitoring and managing the behaviour of other employees;
- relocating employees to a different group or revising reporting lines;
- offering you a leave of absence or flexible workplace arrangements while a matter is investigated.
- compensation and other remedies, through the courts, if you suffer loss or injury because of a Disclosure or Senex failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

A Discloser who is a current employee may access Senex's Employee Assistance Program, information of which is available on the Senex intranet.

Protections apply not only to internal Disclosures (eg to Recipients), but may also extend to Disclosures to legal practitioners, regulatory and other external bodies, and public interest and emergency disclosures made in accordance with relevant laws.

See also **Attachment 1**.

## **9. FALSE OR MISLEADING DISCLOSURES**

When you make a Disclosure, you will be expected to have reasonable grounds to suspect the information you are disclosing is true, but you will not be penalised under the relevant laws if the information turns out to be incorrect.

However, you must not make a Disclosure that you know is not true or is misleading. Where it is found that a Discloser has knowingly made a false Disclosure, this may be a breach of Senex's Code of Conduct and will be considered a serious matter that may result in disciplinary action. There may also be legal consequences if you make a knowingly false Disclosure.

## **10. RECORD KEEPING**

When Disclosures are recorded the record will be kept in confidence.

As a Discloser, you are encouraged to feel supported and safe in providing information, and to consent to the limited sharing within Senex of your identity. This will assist Senex to protect and support you in relation to your Disclosure and facilitate Senex in investigating, reporting and taking action arising as a result of your Disclosure.

The record of the Disclosure is confidential and can only be accessed by Recipients and a WIO, who will use that information to determine the appropriate response to Disclosures made and to inform any investigation.

All information, documents, records and reports relating to a Disclosure (including, subject to the terms of this Policy, the Discloser's identity) and any associated investigation will be confidentially stored and retained in an appropriate and secure manner.

## **11. REPORTING AND REVIEW OF THIS POLICY**

The Board will within a reasonable timeframe receive a summary of Disclosures which did not require investigation under this Policy. The summary provided to the Board will not identify individual Disclosers.

Disclosures the subject of an investigation will be reported to the Board in accordance with section 7 of this Policy.

Recipients and the WIO must consider if a Disclosure or information that arises in responding to a Disclosure triggers processes in Senex’s Disclosure and Communications Policy. If so, that information must be dealt with by the Recipients, the Whistleblower Investigation Officer and Senex in accordance with the Disclosure and Communications Policy.

Senex is committed to monitoring the effectiveness of this Policy, its processes and procedures. Consequently, this Policy is to be reviewed periodically.

**12. AVAILABILITY OF THIS POLICY AND TRAINING**

Senex intends that employees (including new employees) are informed about, have access to, and understand this Policy. Training will be provided to Recipients or those who otherwise have a role under this Policy, including in relation to how to respond to Disclosures.

A copy of this Policy will also be available on the Senex website and intranet.

Persons to whom this Policy applies may (without necessarily making a Disclosure) also contact the Senex Legal Team for information about this Policy including:

- how this Policy works;
- what the Policy covers; and
- how a Disclosure might be handled.

**13. AUTHORITY**

This Policy was approved and adopted by the directors on 18 December 2019 and most recently amended by the Directors on 25 November 2021.



David Pegg  
Company Secretary  
**Senex Energy Limited**

**DOCUMENT HISTORY**

This is a Board approved document.

Revision date	Comments
18 December 2019	Adopted (approved) (replaced previous Whistleblower Policy and Whistleblower Standard)
25 November 2021	Updated (approved)

## **ATTACHMENT 1: PROTECTIONS PROVIDED BY AUSTRALIAN LAW**

Please note that this is a high level summary of some aspects of the applicable law as at the date of this Policy. You should seek independent legal advice specific to your personal circumstances regarding matters the subject of this Policy, including any actual or potential Disclosures.

### **1. WHEN LEGISLATIVE PROTECTIONS MAY APPLY**

Under Australian law, legislative protections for Disclosures are available to certain persons (including current and former employees and suppliers, and their relatives and dependants) who make a "protected disclosure" to certain people.

Senex encourages you to make Disclosures to a Recipient. Provided the Disclosure falls within the protected disclosures under the relevant legislation, you will have the same protections if you make the Disclosure to certain other persons also. Details of those persons to whom a "protected disclosure" can be made are set out below in section 2.

Protections and remedies available to those who make a "protected disclosure" are set out in section 3 to this Attachment. If you make a "protected disclosure" that does not comply with the Policy but otherwise meets legislative requirements, you will still be entitled to the legal protections under applicable Australian law.

### **2. PROTECTED DISCLOSURES**

To be a "protected disclosure", information must relate to "disclosable matters" and be made to "eligible" persons or organisations. Examples of this type of information and recipients are outlined in the following table:

<b>Information reported or disclosed</b>	<b>Recipient of disclosed information</b>
<ul style="list-style-type: none"> <li>• Information about misconduct, or an improper state of affairs or circumstances in relation to Senex or a related body corporate.</li> <li>• Information that Senex or any officer or employee of Senex has engaged in conduct that:               <ul style="list-style-type: none"> <li>○ contravenes or constitutes an offence against certain legislation (e.g. the Corporations Act);</li> <li>○ represents a danger to the public or the financial system; or</li> <li>○ constitutes an offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• A person authorised by Senex to receive protected disclosures – i.e. Recipients under this Policy.</li> <li>• An officer or senior manager of Senex or of a related body corporate.</li> <li>• An auditor, or a member of an audit team conducting an audit, of Senex or of a related body corporate.</li> <li>• An actuary of Senex or of a related body corporate.</li> <li>• Regulatory bodies eg ASIC or APRA.</li> <li>• A legal practitioner in some cases.</li> </ul>
<p>Note that "personal work-related grievances" are not protected disclosures under the law, subject to the exceptions referred to below.</p>	
<p>Information that may assist the Commissioner of Taxation to perform his or her functions or duties under a taxation law in relation to Senex.</p>	<ul style="list-style-type: none"> <li>• Commissioner of Taxation.</li> </ul>

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Information about misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of Senex or an associate of Senex, which the employee considers may assist the eligible recipient to perform functions or duties in relation to the tax affairs of Senex or the associate.

- An auditor or a member of an audit team conducting an audit of Senex or the associate.
- A registered tax agent or BAS agent who provides tax services or BAS services to Senex or the associate.
- A director, secretary or senior manager of Senex or the associate.
- An employee or officer of Senex, or a related body corporate of Senex, who has functions or duties that relate to the tax affairs of Senex or the associate.

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The law also protects certain disclosures made in "emergency" and "public interest" situations, in which case disclosures can be made to additional recipients.

### **Personal work-related grievances**

Protection for disclosures about personal work-related grievances are only available under the law in limited circumstances. A disclosure of a personal work-related grievance will remain protected if, in summary:

- it concerns detriment to you because you have or may be considering making a Disclosure; or
- it is made to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the law about whistleblowers.

Under the law, a grievance is not a 'personal work related grievance' if it:

- has significant implications for an entity regulated under the law (e.g. Senex) that do not relate to the Discloser;
- concerns conduct, or alleged conduct, in contravention of specified corporate and financial services laws, or that constitutes an offence punishable by 12 months or more imprisonment under any other Commonwealth laws;
- concerns conduct that represents a danger to the public or financial system; or
- concerns conduct prescribed by the regulations.

### **3. SPECIFIC PROTECTIONS AND REMEDIES**

The law provides protections if you make a "protected disclosure", including that:

- Compensation and other remedies may be available, through the courts if you suffer loss, damage or injury because of a disclosure; and Senex failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct;
- you are not subject to any civil, criminal or administrative liability for making the disclosure;
- no contractual or other remedy may be enforced or exercised against on you the basis of the disclosure; and
- in some circumstances (e.g. if the disclosure has been made to a regulator), the information you provide is not admissible in evidence against you in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.

Additional legislative protections and remedies may also be available.