

Snowy Hydro Limited

Whistleblower Policy

Contents

1. Purpose	2
2. Who does this Policy apply to?	2
3. What matters does this Policy cover?	3
4. Who Can Receive A Disclosure	4
5. How To Make A Disclosure	5
6. Legal Protections For Disclosers	5
7. Support And Practical Protection For Disclosers	6
8. Handling And Investigating A Disclosure	6
9. Ensuring Fair Treatment Of Individuals Mentioned In A Disclosure	8
10. Ensuring The Policy Is Easily Accessible	8
Endorsement	8
Appendix 1 - Eligible Whistleblowers	9
Appendix 2 - Disclosable Matters	10
Appendix 3 - Eligible Recipients	12
Appendix 4 - Legal Protections	14

Whistleblower Policy

1. Purpose

Snowy Hydro's values reflect our commitment to providing a safe working environment, with a culture of ethical conduct. We encourage people to speak up when those values may be compromised. This whistleblower policy and framework enables such behaviour to be reported through a fair and objective process, without fear of repercussions.

This policy sets out the process for reporting potential misconduct, how investigations will be performed and the protections available to whistleblowers, in order to:

- encourage disclosures of potential misconduct, and ensure such conduct is appropriately investigated and addressed;
- clarify the protections and support available to whistleblowers, ensuring they do not suffer detriment as a result of a disclosure; and
- provide transparency and confidence in the framework for investigating disclosures.

This policy reflects Snowy Hydro's framework for appropriately handling whistleblower disclosures covered by the following legislative regimes which contain whistleblower protections.

- Corporations Act 2001;
- Public Interest Disclosure Act 2013 (only for Snowy Hydro Limited); and
- Taxation Administration Act 1953.

This Policy does not form part of any terms of employment or engagement for Snowy Hydro employees or contractors. Subject to its obligations under relevant legislation, Snowy Hydro may change, apply or withdraw this Policy in its discretion.

2. Who does this Policy apply to?

This policy covers Snowy Hydro Limited, including Snowy Hydro Limited, Red Energy, LUMO Energy and Direct Connect Australia.

The following individuals may qualify for whistleblower protections.

- Current and former employees, contractors, and suppliers; and
- Relatives and dependents of those listed above.

In order to qualify, they must report information about a Disclosable Matter, directly to an Eligible Recipient or other bodies prescribed by relevant legislation/regulation. These requirements, including explanations of various terms, are covered in further detail in subsequent sections and appendices to this policy.

Refer to [Appendix 1 - Eligible Whistleblowers](#) for further information.

Whistleblower Policy

3. What matters does this Policy cover?

Employees and stakeholders are encouraged to report any type of potential misconduct.

Snowy Hydro has comprehensive policies in place concerning appropriate workplace conduct and encourages team members to access these internal policy processes in the first instance when seeking to address or report issues of potential misconduct.

There are no restrictions on the topics able to be escalated through the whistleblower service, particularly if other avenues have been exhausted. However, it is important to note that whistleblower protections only apply where the discloser has reasonable grounds to suspect potential misconduct, or an improper state of affairs or circumstances relating to a Disclosable Matter.

The scope of Disclosable Matters is intentionally broad, such that there is no exhaustive list of topics. However, the following list of examples has been provided as an indication of what might be included.

- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- fraud, money laundering or misappropriation of funds;
- offering or accepting a bribe;
- financial and/or tax irregularities;
- failure to comply with, or breach of, legal or regulatory requirements;
- danger to health and safety;
- danger to the environment;
- modern slavery;
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or is planning to make, a disclosure.

Please note that such conduct does not need to contravene a particular law, for example information that indicates a significant risk to public safety or the stability of, or confidence in, the financial system is also a Disclosable Matter.

Disclosures relating to personal work-related grievances are excluded from the protections, unless they also include other Disclosable Matters. For the avoidance of doubt, these complaints can be raised through the whistleblower process but may not be eligible for the legislative protections.

Disclosers who have some information leading to a suspicion, but not all the details, are encouraged to report their concerns rather than waiting or investigating themselves. A whistleblower can still qualify for protection even if their disclosure turns out to be incorrect. Deliberate false reporting is of course discouraged, is not eligible for protections, and may result in disciplinary action.

Refer to [Policy Appendix 2 - Disclosable Matters](#) for further information.

Whistleblower Policy

4. Who Can Receive A Disclosure

Disclosures must be made directly to an Eligible Recipient listed below to be able to qualify for protection as a whistleblower.

- StopLine, an independent service provider engaged to accept confidential reports.
 - Online via the portal <https://snowyhydro.stoplinereport.com/>;
 - Email to snowyhydro@stopline.com.au; or
 - Phone available 24/7 at the free call number 1300 304 550 (within Australia) or +61 3 9811 3275 (from overseas) with reverse charges available.
 - Post to Attention: Snowy Hydro, c/o StopLine, PO Box 403, Diamond Creek, VIC, 3089, Australia.
- Snowy Hydro's authorised internal Whistleblower Reporting Officers who can be contacted via email at disclosures@snowyhydro.com.au;
- authorised officers for the purposes of a public interest disclosure;
- a member of the executive;
- the company secretary;
- a director;
- internal auditors, external auditors, actuaries;
- registered tax agents or BAS agents (in relation to tax issues);
- a legal practitioner for the purposes of obtaining legal advice or legal representation; or
- regulatory bodies such as ASIC, APRA, the ATO or others prescribed by regulation.

In order to identify and address misconduct as early as possible, disclosers are encouraged to contact the internal eligible recipients in the first instance. In certain limited circumstances, and subject to very specific rules and protocols, a public interest disclosure or emergency disclosure can be made to a journalist or parliamentarian. It is important to understand the criteria for making such a disclosure, and a discloser should contact an independent legal adviser before doing so.

Refer to [Appendix 3 - Eligible Recipients](#) for further information.

Please contact a Whistleblower Protection Officer or an independent legal adviser if you have any questions or wish to obtain additional information.

Whistleblower Policy

5. How To Make A Disclosure

Contact details for the StopLine service and other eligible recipients have been provided in the previous section.

Disclosers can choose to remain anonymous throughout, including while making a disclosure, over the course of the investigation and after the investigation is finalised. The whistleblower is under no obligation to participate in the investigation process after the initial disclosure, including answering any questions which could reveal their identity. However, maintaining ongoing communication is beneficial to be able to ask follow up questions and provide feedback. Consider the use of the StopLine portal, private phone numbers, anonymous email addresses, pseudonyms or other methods to facilitate such communication anonymously.

Anonymous disclosures are eligible for the same protections and will be handled in the same way, but this can limit the ability to investigate and offer support to the whistleblower. In practice, it may also be possible to guess a discloser's identity based on the circumstances of the case.

What information should be provided?

As much information as possible should be provided, including the following.

- whether or not the discloser consents to their identity being known to the investigators;
- contact details for follow up, if applicable;
- details of the alleged incident or situation, including dates, times, locations, individuals involved and witnesses present;
- whether there is an ongoing risk to safety (consider contacting law enforcement if this is the case);
- any relevant context and events both pre and post the alleged incident or situation, including the impact on individuals or the company;
- any supporting evidence such as documents, emails, messages, photos, videos;
- detail of any complaints or escalations regarding the matter via other channels.

6. Legal Protections For Disclosers

There are four key protections available to whistleblowers who meet the above criteria.

- identity protection (confidentiality);
- protection from detrimental acts or omissions;
- compensation and other remedies; and
- civil, criminal and administrative liability protection.

Refer to [Appendix 4 - Legal Protections](#) for further information.

Whistleblower Policy

7. Support And Practical Protection For Disclosers

Upon receipt of a disclosure, a risk assessment will be performed as part of the triage process, to identify risks to confidentiality being breached or detriment being suffered. Examples of measures that might be applied to protect whistleblowers have been listed below.

- investigation by trained and qualified staff, limited to the minimum number required;
- redaction of identifying information, use of code names or pseudonyms, and only including high level summaries for reporting purposes;
- storing any relevant documents in secure locations with access restrictions and password protection; and/or
- changes to the role and/or location of staff involved in the disclosure.

Snowy Hydro has appointed Whistleblower Protection Officers, responsible for ensuring the appropriate measures are applied. These Whistleblower Protection Officers can be contacted via email at: wpo@snowyhydro.com.au

It takes courage to be a whistleblower, and the process can be stressful for all involved. The confidential Employee Assistance Program (EAP) is available 24/7, free to all employees and their immediate family members, and the use of this service is strongly encouraged.

- Appointments can be made by calling AccessEAP at the free call number 1800 818 728 (within Australia) or by downloading the app; or by visiting www.accessseap.com.au.

8. Handling And Investigating A Disclosure

The following process will be followed upon receipt of a disclosure.

1) Notification

- the Eligible Recipient will notify the relevant Whistleblower Protection Officer; and Snowy Hydro will convene a Whistleblower Committee to assess the disclosure per 2) Triage.

2) Triage

- the disclosure will be assessed against the requirements of the *Corporations Act*, *Public Interest Disclosure Act* and *Taxation Administration Act* to determine whether it constitutes a disclosure under one or more of those regimes, and therefore what protections apply;
- where contactable, the whistleblower may be informed of the result of this assessment, noting that they may wish to seek independent legal advice;
- a risk assessment will be performed to identify risks to confidentiality being breached, detriment being suffered, and any actual or perceived conflict of interest involved; and
- a determination will be made as to whether a formal investigation is possible and/or required based on the nature and detail available in the disclosure.

Whistleblower Policy

3) Investigation

- an appropriate, independent, internal or external investigator will be appointed based on the outcome of the risk assessment;
- the investigation will be conducted including review of documentation and interviews with relevant individuals, where appropriate, to establish the facts of the matter;
- where contactable, the whistleblower will be provided with regular updates, though the frequency and timeframe may vary based on the circumstances of the case; and
- relevant measures noted above will be applied throughout the investigation to protect the whistleblower.

4) Outcome

- upon completion of the investigation a report will be prepared, including whether the allegations were substantiated, partially substantiated, or not substantiated;
- action will be taken, if required, based on the recommendations of the investigation report;
- where contactable, the whistleblower will be informed that an outcome has been reached, depending on the circumstances of the case it may or may not be appropriate to share the report or detail of the outcome; and
- the number of cases and high level summaries of topics and outcomes will be reported to the Board on a regular basis.

5) Monitoring

- particularly where the risk assessment has identified the potential for detriment, measures will be put in place after conclusion of the investigation to ensure the ongoing protection of the whistleblower.

If the disclosure constitutes a Public Interest Disclosure, additional notifications to the Commonwealth Ombudsman may be required at various stages of the process.

Whistleblower Policy

9. Ensuring Fair Treatment Of Individuals Mentioned In A Disclosure

Employees who are mentioned in a disclosure, whether that be the whistleblower, the subject of any allegations, witnesses to the events or anyone else involved, will be treated fairly based on the evidence available. The following mechanisms may apply to ensure this is the case.

- disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;
- each disclosure will be assessed and may be the subject of an investigation;
- the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported;
- when an investigation needs to be undertaken, the process will be objective, fair and independent;
- actual or perceived conflicts of interest will be considered during the risk assessment, and may result in the appointment of external investigators;
- an employee who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness, and will be offered the right of reply prior to any adverse findings against them or actions being taken; and
- where appropriate, an employee who is the subject of a disclosure will be provided with regular updates, though the frequency and timeframe may vary based on the circumstances of the case; and
- as noted previously, any employee may contact the EAP and additional support may be offered depending on things such as the Potential Misconduct and people involved.

10. Ensuring The Policy Is Easily Accessible

This policy will be published externally on Snowy Hydro's website, and internally on the staff intranet. Information will be posted on notice boards at sites and included in relevant induction and training sessions.

The policy and supporting processes will be reviewed by management at least every two years. Regular reporting to the Board on the number of cases and high level summaries of topics and outcomes, will allow the Board to monitor the effectiveness of the policy.

Dennis Barnes
Managing Director and Chief Executive Officer
Snowy Hydro Limited

Whistleblower Policy

Appendix 1 - Eligible Whistleblowers

The following individuals are defined as eligible whistleblowers per the *Corporations Act*.

- an officer or employee (current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers, and directors);
- a supplier of services or goods to the entity (whether paid or unpaid), including their employees (current and former contractors, consultants, service providers and business partners);
- an associate of the entity; and
- a relative, dependant or spouse of the above (relatives, dependants or spouse of current and former employees, contractors, consultants, service providers, suppliers and business partners).

Note that the *Taxation Administration Act* is predominantly the same except contains a narrower definition of relatives.

The following individuals with a relationship to Snowy Hydro as a prescribed authority are able to make public interest disclosures, as public officials per the *Public Interest Disclosure Act*.

- a principal officer;
- a member of staff;
- an individual who is employed or performs duties;
- a statutory officeholder, other than an individual covered by the above;
- an individual who is a contracted service provider; and
- an individual who is an officer or employee of a contracted service provider, and who provides services for the purposes of that contract.

Please note that the *Public Interest Disclosure Act* only applies to Snowy Hydro, and does not apply to Red Energy, LUMO Energy and Direct Connect Australia (or any other subsidiary of Snowy Hydro).

Whistleblower Policy

Appendix 2 - Disclosable Matters

Per the *Corporations Act*, if the discloser has reasonable grounds to suspect that the information indicates those entities (including their employees or officers) have engaged in the conduct below, it may be considered a disclosable matter.

- constitutes an offence against, or a contravention of, a provision of any of the following;
 - the Corporations Act;
 - the Australian Securities and Investments Commission Act 2001;
 - the Banking Act 1959;
 - the Financial Sector (Collection of Data) Act 2001;
 - the Insurance Act 1973;
 - the Life Insurance Act 1995;
 - the National Consumer Credit Protection Act 2009;
 - the SIS Act; or
 - an instrument made under any of the above.
- constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- represents a danger to the public or the financial system; or
- is prescribed by regulation.

The following matters are defined as disclosable conduct per the *Public Interest Disclosure Act*.

- conduct that contravenes a law of the Commonwealth, a State or a Territory;
- conduct in a foreign country that contravenes a law that is in force in the foreign country;
- conduct that perverts, or is engaged in for the purpose of perverting, or attempting to pervert, the course of justice, or involves, or is engaged in for the purpose of, corruption of any other kind;
- conduct that constitutes maladministration, including conduct that is based, in whole or in part, on improper motives, or is unreasonable, unjust or oppressive, or is negligent;
- conduct that is an abuse of public trust;
- conduct that is fabrication, falsification, plagiarism, or deception, in relation to proposing scientific research, carrying out scientific research, reporting the results of scientific research, or misconduct relating to scientific analysis, scientific evaluation or the giving of scientific advice;
- conduct that results in the wastage of relevant money (within the meaning of the *Public Governance, Performance and Accountability Act 2013*), or relevant property (within the meaning of that Act), or money of a prescribed authority, or property of a prescribed authority;
- conduct that unreasonably results in a danger to the health or safety of one or more persons, or unreasonably results in, or increases, a risk of danger to the health or safety of one or more persons;
- conduct that results in a danger to the environment, or results in, or increases, a risk of danger to the environment; and
- conduct of a kind prescribed by the PID rules.

Whistleblower Policy

The following matters are defined as disclosures qualifying for protection per the *Taxation Administration Act*.

- the discloser has reasonable grounds to suspect that the information indicates misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of the entity or an associate (within the meaning of section 318 of the *Income Tax Assessment Act 1936*) of the entity; and
- the discloser considers that the information may assist the eligible recipient to perform functions or duties in relation to the tax affairs of the entity or an associate (within the meaning of section 318 of the *Income Tax Assessment Act 1936*) of the entity.

Personal work-related grievances and excluded matters

Disclosures that do not relate to the matters above or that relate solely to personal work-related grievances are not considered Disclosable Matters per the *Corporations Act* and do not qualify for the protections provided under this Policy.

Personal work-related grievances are grievances about something in relation to a Discloser's current or former employment or engagement that has implications for them personally. Examples of personal work-related grievances include the following:

- an interpersonal conflict between the discloser and another employee;
- a decision that does not involve a breach of workplace laws;
- a decision about the engagement, transfer or promotion of the discloser;
- a decision about the terms and conditions of engagement of the discloser; or
- a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

Snowy Hydro has comprehensive policies in place that enable reporting and resolution of personal work-related grievances. These include the Snowy Hydro Limited Code of Conduct and associated procedures concerning workplace behaviours, conduct and issue resolution.

While we encourage people to access these policy processes in the first instance, complaints of this type can also be raised through the whistleblower processes. As noted above, the legislative protections may not apply and the complaint may be managed in accordance with the relevant Snowy Hydro policy.

Whistleblower Policy

Appendix 3 - Eligible Recipients

The following individuals are defined as Eligible Recipients per the *Corporations Act*.

- authorised officers for the purposes of a public interest disclosure;
- a member of the executive;
- the company secretary;
- a director;
- internal auditors, external auditors, actuaries;
- registered tax agents or BAS agents (in relation to tax issues);

Disclosures can also be made to a legal practitioner for the purposes of obtaining legal advice or legal representation, to [ASIC](#), [APRA](#), the [ATO](#) or others prescribed by regulation, or in certain circumstances listed below, to a journalist or parliamentarian, and still be eligible for protection.

A 'public interest disclosure' can be made to a journalist or parliamentarian per the rules below.

- at least 90 days have passed since the discloser made the disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation;
- the discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure;
- the discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest; and
- before making the public interest disclosure, the discloser has given written notice to the body to which the previous disclosure was made that includes sufficient information to identify the previous disclosure, and states that the discloser intends to make a public interest disclosure.

An 'emergency disclosure' can be made to a journalist or parliamentarian, per the rules below.

- the discloser has previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation;
- the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
- before making the emergency disclosure, the discloser has given written notice to the body to which the previous disclosure was made that includes sufficient information to identify the previous disclosure, and states that the discloser intends to make an emergency disclosure; and
- the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

Whistleblower Policy

The following individuals are defined as authorised officers, eligible to receive disclosures per the *Public Interest Disclosure Act*.

- the principal officer of the agency; and
- a public official who belongs to the agency, and is appointed, in writing, by the principal officer of the agency as an authorised officer for the purposes of the Act.

Snowy Hydro's authorised officers are the Whistleblower Reporting Officers, and Whistleblower Protection Officers within this policy.

Reporting Officers

Snowy Hydro's authorised Whistleblower Reporting Officers can be contacted via email at: disclosures@snowyhydro.com.au.

Protection Officers

Snowy Hydro's authorised Whistleblower Protection Officers can be contacted via email at: wpo@snowyhydro.com.au.

The following individuals are defined as Eligible Recipients per the *Taxation Administration Act*.

- an auditor, or a member of an audit team conducting an audit, of the entity;
- a registered tax agent or BAS agent (within the meaning of the *Tax Agent Services Act 2009*) who provides tax agent services (within the meaning of that Act) or BAS services (within the meaning of that Act) to the entity;
- a person authorised by the entity to receive disclosures that may qualify for protection;
- a director, secretary or senior manager (within the meaning of the *Corporations Act*) of the body corporate; and
- any other employee or officer (within the meaning of the *Corporations Act*) of the body corporate who has functions or duties that relate to the tax affairs of the body corporate.

Whistleblower Policy

Appendix 4 - Legal Protections

The following legal protections apply to whistleblower disclosures per the *Corporations Act*. Similar protections apply per the *Public Interest Disclosure Act* and the *Taxation Administration Act*, and whistleblowers are encouraged to seek independent legal advice specific to their circumstances, if required.

Identity Protection (Confidentiality)

A person cannot disclose the identity of a discloser or information that is likely to lead to the identification of the discloser (which they have obtained directly or indirectly because the discloser made a disclosure that qualifies for protection), except if they disclose the identity of the discloser with their consent or to the following.

- ASIC, APRA, or a member of the Australian Federal Police (within the meaning of the *Australian Federal Police Act 1979*);
- a legal practitioner (for the purposes of obtaining legal advice or legal representation about the whistleblower provisions in the *Corporations Act*); or
- a person or body prescribed by regulations.

A person can disclose the information contained in a disclosure with or without the discloser's consent in the following circumstances.

- the information does not include the discloser's identity;
- the entity has taken all reasonable steps to reduce the risk that the discloser will be identified from the information; and
- it is reasonably necessary for investigating the issues raised in the disclosure.

It is illegal to identify a discloser, or disclose information that is likely to lead to the identification of the discloser, outside the exceptions listed above. If you believe a breach of confidentiality has occurred, you can raise a complaint with any of the eligible recipients, or with a regulator such as ASIC, APRA, or the ATO for investigation.

Protection From Detrimental Acts Or Omissions

A person cannot engage in conduct that causes detriment to a discloser (or another person), in relation to a disclosure, in the following circumstances.

- the person believes or suspects that the discloser (or another person) made, may have made, proposes to make or could make a disclosure that qualifies for protection; and
- the belief or suspicion is the reason, or part of the reason, for the conduct.

In addition, a person cannot make a threat to cause detriment to a discloser (or another person) in relation to a disclosure. A threat may be express or implied, or conditional or unconditional. A discloser (or another person) who has been threatened in relation to a disclosure does not have to actually fear that the threat will be carried out.

Detrimental conduct includes the following.

- dismissal of an employee;
- injury of an employee in his or her employment;

Whistleblower Policy

- alteration of an employee's position or duties to his or her disadvantage;
- discrimination between an employee and other employees of the same employer;
- harassment or intimidation of a person;
- harm or injury to a person, including psychological harm;
- damage to a person's property;
- damage to a person's reputation;
- damage to a person's business or financial position; or
- any other damage to a person.

Examples of actions that are not detrimental conduct include the following.

- administrative action that is reasonable for the purpose of protecting a discloser from detriment (moving a discloser who has made a disclosure about their immediate work area to another office to prevent them from detriment); and
- managing a discloser's unsatisfactory work performance, if the action is in line with the entity's performance management framework.

Compensation And Other Remedies

A discloser (or any other employee or person) can seek compensation and other remedies through the courts in the following circumstances.

- they suffer loss, damage or injury because of a disclosure; and
- the entity failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

Civil, Criminal And Administrative Liability Protection

A discloser is protected from any of the following in relation to their disclosure.

- civil liability (any legal action against the discloser for breach of an employment contract, duty of confidentiality or another contractual obligation);
- criminal liability (attempted prosecution of the discloser for unlawfully releasing information, or other use of the disclosure against the discloser in a prosecution (other than for making a false disclosure)); and
- administrative liability (disciplinary action for making the disclosure).

These protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.