

Snowy Hydro Limited

Whistleblower Procedure

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1. Introduction

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. The purpose of this Procedure is to:

- encourage disclosures of integrity-related wrongdoing, and ensure such conduct is dealt with appropriately;
- clarify the protections and support available to whistleblowers, ensuring they do not suffer detriment as a result of a disclosure; and
- provide transparency around Snowy Hydro's framework for receiving, handling and investigating disclosures.

This Procedure applies to Snowy Hydro Limited and each of its subsidiaries including Red Energy, LUMO Energy and Direct Connect Australia.

This Procedure reflects Snowy Hydro's framework for appropriately handling whistleblower disclosures covered by the *Corporations Act 2001* (Cth) (**Corporations Act**) and *Taxation Administration Act 1953* (Cth) (**Taxation Act**). For public interest disclosures under the *Public Interest Disclosure Act 2013* (Cth), refer to the Public Interest Disclosure Procedure.

2. What is a whistleblower disclosure?

Not all disclosures of information to Snowy Hydro will be a "whistleblower disclosure" for the purposes of this Procedure.

A disclosure of information will only be a "whistleblower disclosure" if it meets the following three requirements;

- (a) the disclosure is made by an eligible whistleblower (see section 2.1).
- (b) the disclosure is made to an eligible recipient (see section 2.2).
- (c) the information contained in the disclosure is about a disclosable matter (see section 2.3).

If each of these requirements have been met, the discloser will have the benefit of certain protections that are detailed in section 4 below.

Protections are also available for whistleblowers to make disclosures of information outside of Snowy Hydro. These are explained in section 3.4 below.

2.1. Eligible whistleblower

The first requirement for a whistleblower disclosure is that the discloser must be an eligible whistleblower. The following individuals are eligible whistleblowers for the purposes of this Procedure:

- an officer or employee of Snowy Hydro (current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers, and directors);

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- a supplier of services or goods to Snowy Hydro (whether paid or unpaid), including their employees (e.g. current and former contractors, consultants, service providers and business partners);
- an associate of Snowy Hydro; and
- a relative, dependant or spouse of the above.

2.2. Eligible recipient

The second requirement for a whistleblower disclosure is that the disclosure must be made to an 'eligible recipient'.

The following are 'eligible recipients' in relation to disclosures to Snowy Hydro::

(a) StopLine

StopLine is an independent service provider engaged to accept confidential reports. A person can contact StopLine via the following means:

Online via the portal <https://snowyhydro.stoplinereport.com/>

Email to snowyhydro@stopline.com.au

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

(b) Whistleblower Reporting Officers

Snowy Hydro has appointed designated Whistleblower Reporting Officers (**WROs**) who are authorised to receive a whistleblower disclosure under this Procedure. The WROs can be contacted by email via disclosures@snowyhydro.com.au or directly:

Name	Email	Phone
Anshula Wilkinson General Manager - Project Excellence (Snowy 2.0)	anshula.wilkinson@snowyhydro.com.au	0498 745 154
Stephen Grant Retail Compliance Manager	stephen.grant@redenergy.com.au	03 9838 9320
Jessica Dixon Senior Corporate Lawyer	jessica.dixon@snowyhydro.com.au	0402 342 294
Rob Cavallaro Manager - Health, Safety, Capability and Services	rob.cavallaro@snowyhydro.com.au	0400 277 411
Inge Vermeulen Senior Treasury Manager	inge.vermeulen@snowyhydro.com.au	0413 894 198

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(c) Other individuals

In addition to the above, a whistleblower disclosure may also be made to any director, company secretary or member of the executive as well as internal or external auditors or actuaries.

For 'eligible recipients' outside of Snowy Hydro, see section 3.4 below.

2.3. Disclosable matters

The third requirement for a whistleblower disclosure is that the information contained in the disclosure is about a 'disclosable matter'.

Disclosable matters involve information that the discloser has reasonable grounds to suspect concerns misconduct or an improper state of affairs in relation to Snowy Hydro Limited or one of its subsidiaries.

Misconduct is defined to include fraud, negligence, default, breach of trust and breach of duty.

The phrase improper state of affairs is intentionally broad and not limited by definition but will include conduct that:

- constitutes an offence against, or a contravention of, a provision of the *Corporations Act 2001*, *Australian Securities and Investment Commission Act 2001*, *Banking Act 1959*, *Financial Accountability Regime Act 2023*, *Financial Sector (Collection of Data) Act 2001*, *Insurance Act 1973*, *Life Insurance Act 1995*, *National Consumer Credit Protection Act 2009*, *Superannuation Industry (Supervision) Act 1993*;
- constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
- represents a danger to the public or the financial system.

Some examples of 'disclosable matters' would be illegal conduct (such as theft, dealing in, or use of illicit drugs, violence or threatened violence and criminal damage against property), money laundering or misappropriation of funds, offering or accepting a bribe, financial and/or tax irregularities and modern slavery.

Whistleblowers 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.

2.4. Personal work-related grievances

Disclosures that do not relate to the matters set out in section 2.3 above or that relate solely to personal work-related grievances are not considered 'disclosable matters' and do not qualify for the protections provided under this Procedure.

Personal work-related grievances are grievances about something in relation to a person'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 employees;
- a decision that does not involve a breach of workplace laws;

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- a decision about the engagement, transfer or promotion of a person;
- a decision about the terms and conditions of engagement of a person; or
- a decision to suspend or terminate the engagement of a person, or otherwise to discipline a person.

However, a personal work-related grievance may still qualify for protection under this Procedure if:

- it also includes information about a 'disclosable matter' (known as a 'mixed report');
- Snowy Hydro (or one of its subsidiaries) has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the whistleblower's personal circumstances; or
- the whistleblower suffers from or is threatened with detriment for making a disclosure.

Snowy Hydro has separate procedures for reporting grievances relating solely to personal work-related conduct, namely the Snowy Hydro Limited Code of Conduct and QP22-47 Workplace Behaviour and Equal Opportunity.

3. Making a whistleblower disclosure

3.1. How to make a disclosure to Snowy Hydro

There are various internal and external options for making disclosures to Snowy Hydro and its subsidiaries. These are detailed above in section 2.2.

A disclosure may be made anonymously or openly, and may be made orally or in writing. Section 3.3 below contains more information about anonymous disclosures. The whistleblower does not need to state or intend that they are doing so under this Procedure for the requirements of this Procedure to apply.

Individuals should note that making a whistleblower disclosure does not entitle them to protection from the consequences of their own wrongdoing. Additionally, a person who knowingly makes a false or misleading disclosure will not have any protections under this Procedure.

If a whistleblower would like to seek additional information before formally making a disclosure they can contact any of Snowy Hydro's 'eligible recipients' (see section 2.2) or engage an independent legal advisor (more on this in section 3.4 below).

3.2. What information should be provided?

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

- whether or not the whistleblower 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,

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individuals involved and witnesses present;

- 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.

3.3. Anonymous disclosures

Whistleblowers can choose to remain anonymous, including while making a disclosure, over the course of the investigation and after the investigation is finalised. The whistleblower can refuse to answer any questions which they feel 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.

3.4. Disclosures outside of Snowy Hydro

Section 2.2 above sets out the 'eligible recipients' for a disclosure made to Snowy Hydro. It is also possible for a whistleblower to make a disclosure outside of Snowy Hydro and still qualify for protection. Disclosures can 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.

A disclosure can be made to a journalist or parliamentarian in the following circumstances:

- at least 90 days have passed since the whistleblower made the disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation;
- the whistleblower does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure;
- the whistleblower 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 whistleblower 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 whistleblower intends to make a public interest disclosure.

An 'emergency disclosure' can be made to a journalist or parliamentarian in the following circumstances:

- the whistleblower has previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation;
- the whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more

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persons or to the natural environment;

- before making the emergency disclosure, the whistleblower 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 whistleblower 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.

Given the specific requirements listed above, a whistleblower should contact an independent legal adviser before making a public interest disclosure or an emergency disclosure.

4. Legal protection for disclosers

There are four key protections available to whistleblowers who meet the three criteria explained in section 2 of this Procedure. Those four protections are

- (a) identity protection (confidentiality) (see section 4.1 below);
- (b) protection from detrimental acts or omissions (see section 4.2 below);
- (c) compensation and other remedies (see section 4.3 below); and
- (d) civil, criminal and administrative liability protection (see section 4.4 below).

4.1. Identity protection (confidentiality)

For protected whistleblower disclosures, Snowy Hydro and its subsidiaries have a legal obligation to protect the confidentiality of a discloser's identity. It is illegal to identify a whistleblower, or disclose information that is likely to lead to the identification of the whistleblower, unless the identity is disclosed:

- to ASIC, APRA, or a member of the Australian Federal Police;
- to a legal practitioner for the purposes of obtaining legal advice or legal representation about the whistleblower provisions in the Corporations Act;
- to a person or body prescribed by regulations; or
- with the consent of the discloser.

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

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

If a whistleblower believes a breach of confidentiality has occurred, they can raise a complaint with any of the eligible recipients, or with a regulator such as ASIC, APRA, or the ATO for investigation.

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4.2. Protection from detrimental acts or omissions

A person cannot engage in conduct that causes detriment to a whistleblower (or another person), in relation to a protected disclosure, if:

- the person believes or suspects that the whistleblower (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 whistleblower (or another person) in relation to a disclosure. A threat may be express or implied, or conditional or unconditional. A whistleblower (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 is defined to include the following:

- dismissal of an employee;
- injury of an employee in his or her employment;
- 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 whistleblower from detriment (moving a whistleblower who has made a disclosure about their immediate work area to another office to prevent them from detriment); and
- managing a whistleblower's unsatisfactory work performance, if the action is in line with the entity's performance management framework.

If a whistleblower believes they have suffered detriment, they can raise a complaint with any of the eligible recipients or with a regulator such as ASIC, APRA, or the ATO for investigation. They may also wish to seek independent legal advice.

4.3. Compensation and other remedies

A whistleblower (or any other employee or person) can seek compensation and other remedies through the courts if they suffer loss, damage or injury because of a disclosure

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and the entity failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

4.4. Civil, criminal and administrative liability protection

A whistleblower is protected from any of the following in relation to their disclosure:

- civil liability (any legal action against the whistleblower for breach of an employment contract, duty of confidentiality or another contractual obligation);
- criminal liability (attempted prosecution of the whistleblower for unlawfully releasing information, or other use of the disclosure against the whistleblower 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 whistleblower has engaged in that is revealed in their disclosure.

5. Support and practical protection for whistleblowers

To support disclosers and protect disclosers from detriment, Snowy Hydro and its subsidiaries will:

- a) limit access to information relating to a disclosure to those directly involved in managing and investigating the disclosure;
- b) where possible, contact the discloser to help identify if there are any aspects of the disclosure that could inadvertently identify them;
- c) store all paper and electronic documents and other materials in secure locations with access restrictions and/or password protection;
- d) ensure that any investigations will be handled by qualified personnel; and
- e) consider permanent or interim changes to the role and/or location of staff involved in the disclosure.

It takes courage to be a whistleblower, and the process can be stressful for all involved. Snowy Hydro's 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 Workplace Options at the free call number 1800 730 931 (within Australia), by downloading the iConnectYou app, or by visiting <https://global.helpwhereyouare.com/>.

6. Handling and investigating a disclosure

6.1. Handling a disclosure

Once a disclosure has been received by an eligible recipient, the eligible recipient will convene a Whistleblower Committee. The role of the Whistleblower Committee will be to make a recommendation to the Policy Owner as to;

- a) whether or not the disclosure qualifies for protection;
- b) whether or not a formal investigation is required; and, if so:
- c) the nature and scope of the investigation;
- d) the person(s) that should lead the investigation (internal or external) giving

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- consideration to any actual or perceived conflicts of interest;;
- e) the nature of any technical, financial or legal advice that may be required to support the investigation; and
- f) the timeframe for the investigation.

The Whistleblower Committee will consist of the eligible recipient and a Deputy General Counsel from the Snowy Hydro legal team.

A determination by the Policy Owner as to the matters in (a) to (f) above will be based on the nature and detail available in the disclosure. Not all disclosures may be referred to investigation. For example, a disclosure may not be able to be investigated by Snowy Hydro or its subsidiaries if it is not possible to contact the discloser (e.g. because a disclosure is made anonymously and the discloser has refused to provide, or has not provided, a means of contact).

Snowy Hydro will ensure that appropriate records and documentation are kept, and securely stored, for all steps in the handling and investigation of disclosures. Where contactable, the whistleblower may be informed of the result of this assessment, noting that they may wish to seek independent legal advice.

6.2. Investigating a disclosure and ensuring fair treatment of individuals mentioned in a disclosure

Where the Policy Owner determines that an investigation is necessary, an appropriate, independent, internal or external investigator will be appointed.

The objective of the investigation will be to determine whether or not there is enough evidence to substantiate or refute the matters reported and the process will be objective, fair and confidential.

The type and form of investigation will depend on the subject matter of the disclosure. An investigation will be concluded as soon as reasonably practicable, noting that more complex matters will generally require a longer investigation period.

Upon completion of the investigation, a report will be prepared, including whether the allegations were substantiated, partially substantiated, or not substantiated. Appropriate action will be taken, if required, based on the recommendations of the investigation report.

Where contactable, the whistleblower will be provided with regular updates and informed once an outcome has been reached, though the frequency and timeframe may vary based on the circumstances of the case. Depending on the circumstances of the case, it may or may not be appropriate to share the report or detail of the outcome with the whistleblower.

Employees of Snowy Hydro and its subsidiaries who are mentioned in a disclosure will be treated fairly. 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. As noted previously, any employee may contact the EAP (details in section 5 above) and additional support may be offered depending on the circumstances.

7. Monitoring and evaluation

The Procedure and supporting processes will be periodically reviewed by management.

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Snowy Hydro will provide periodic reports to the Board on the number of cases and high level summaries of topics and outcomes to monitor the effectiveness of the processes set out under this Procedure.

8. Accessibility of Procedure

This Procedure will be published externally on Snowy Hydro's website, and internally on the staff intranet.

9. Further information and resources

- [Corporations Act 2001 \(Cth\)](#)
- [Taxation Administration Act 1953 \(Cth\)](#)
- [Australian Securities and Investment Commission \(ASIC\)](#)
- [Australian Prudential Regulation Authority \(APRA\)](#)
- Whistleblower and Public Interest Disclosure Policy
- Public Interest Disclosure Procedure
- National Anti-Corruption Commission Referral Procedure
- Snowy Hydro Code of Conduct
- QP22-47 Workplace Behaviour and Equal Opportunity