

Whistleblower Policy

Viva Energy Group Limited (ACN 626 661 032)

Approved by the Board on 18 February 2020

1. VIVA ENERGY'S COMMITMENT

This Policy documents the commitment of Viva Energy to the highest standards of conduct and ethical behaviour in all of its business activities, and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance, including maintaining an open working environment in which Staff Members observe high standards of business and personal ethics in the conduct of their duties and responsibilities.

The purpose of this Policy is to encourage all Eligible Persons to raise any concerns and report instances of illegal, fraudulent, unethical or socially irresponsible conduct, where there are reasonable grounds to suspect such conduct, without fear of intimidation, disadvantage or reprisal.

Annexure A contains a glossary of defined terms used throughout this Policy. **Annexure B** describes protections for whistleblowers who disclose information concerning alleged misconduct or an improper state of affairs or circumstances in relation to Viva Energy in accordance with the regime under the Corporations Act 2001 (Cth) (**Corporations Act**).

2. SCOPE

Viva Energy's Code of Conduct requires all Staff Members and representatives of Viva Energy to practice honesty and integrity in fulfilling their responsibilities and to comply with all applicable laws and regulations.

This Policy details the rights of Eligible Persons to disclose information, which the Eligible Person has reasonable grounds to suspect indicates that Viva Energy, or a Staff Member has engaged in Improper Conduct, confidentially, anonymously and without the fear of reprisal or Detrimental Action. An Eligible Person may qualify for protection under this Policy even if the disclosure turns out to be incorrect, however disclosures that do not relate to Improper Conduct are not covered by this Policy because they do not qualify for protection under the Corporations Act. Such disclosures may be protected under other legislation, such as the Fair Work Act 2009 (Cth).

Improper Conduct includes:

- a breach of the Code of Conduct or other policies of Viva Energy;
- other unethical or improper conduct;
- financial malpractice, impropriety, fraud or dishonest or corrupt activity, including bribery or other activity in breach of the Viva Energy Anti-bribery and Corruption Policy;
- contravention or suspected contravention of legal or regulatory provisions (including illegal activity such as theft, drug sale or use, violence, harassment or intimidation, criminal damage to property or other breaches of state or federal law);
- conduct which involves any other kind of misconduct, or concerns an improper state of affairs or circumstances. This could include:
 - auditing non-disclosure or manipulation of any audit processes;
 - conduct which is potentially damaging to Viva Energy, Staff Members or a third party, such as unsafe work practices, environmental damage, health risks or abuse of Viva Energy's property or resources;
 - conduct which amounts to an abuse of authority;
 - conduct which may cause financial loss to Viva Energy or damage its reputation or be otherwise detrimental to Viva Energy's interests;
 - conduct which involves harassment, discrimination, victimisation or bullying; and
 - any deliberate concealment relating to the above.

Improper Conduct does not include Personal Work-Related Grievances, such as an interpersonal conflict between the discloser and another employee. However, Improper Conduct includes Reportable Personal Work-Related Grievance and legitimate disclosures of any Improper Conduct (including Reportable Personal Work-Related Grievances) made under this Policy will have the protections afforded under this Policy. Also any disclosure of information by an individual qualifies for protection under this Policy if the disclosure is made to a lawyer for the purpose of obtaining legal advice or legal representation in relation to the operation of this Policy or Whistleblower laws under the Corporations Act.

3. GUIDELINES

3.1 MAKING A DISCLOSURE

For an Eligible Person to be protected under this Policy and the Corporations Act (where applicable), an Eligible Person must have reasonable grounds to suspect the Improper Conduct and make the disclosure in one of the following ways.

An Eligible Person may report Improper Conduct directly to a Protected Disclosure Officer, which means each of:

- (a) the Chief Executive Officer;
- (b) the Executive General Manager – Legal and External Affairs, currently Lachlan Pfeiffer who can be contacted by email (lachlan.pfeiffer@vivaenergy.com.au);
- (c) an Executive General Manager;
- (d) the General Manager – People & Culture;
- (e) the Company Secretary, Director or an officer (as defined in the Corporations Act) of the Company;
- (f) Head of Internal Audit; or
- (g) such other person who is nominated by the Board from time to time.

Alternatively, anyone who does not feel comfortable making disclosures to a Protected Disclosure Officer may contact Viva Energy's independent and confidential whistleblower service (the Viva Energy Stopline) at:

- phone – 1300 30 45 50 (8am to 8pm (AEST) Monday to Friday);
- email – vivaenergy@stopline.com.au;
- web – vivaenergy.stoplinereport.com;
- fax – Viva Energy Australia c/o The Stopline +61 3 9882 4480; or
- post – Viva Energy Australia c/o The Stopline, Locked Bag 8, Hawthorn VIC 3122.

Where a disclosure is made via the Viva Energy Stopline, the details of the disclosure will be promptly provided to an appropriate Protected Disclosure Officer. Where an Eligible Person discloses their identity, the identity or information that is likely to lead to the identification of the Eligible Person will not be provided to the Protected Disclosure Officer without the Eligible Person's consent.

An Eligible Person who discloses Improper Conduct **directly** to either a Protected Disclosure Officer or the Viva Energy Stopline will qualify for protection under this Policy with respect to the disclosure.

If a potential discloser wishes to seek additional information before formally making a disclosure under this Policy, you may contact any Protected Discloser Offer or the Viva Energy Stopline; or, if you would like legal advice in relation to your rights or obligations under law you should seek advice from your own personal legal adviser. Eligible Persons will not be excluded from protections under this Policy as a result of their disclosure of any Improper Conduct to:

- (a) the Eligible Person's legal adviser for the purposes of obtaining legal advice or legal representation in relation to the operation of whistleblower laws; or
- (b) where relevant, ASIC, APRA or another Commonwealth body prescribed by regulation (refer to ASIC Information Sheet 239 How ASIC handles whistleblower reports (INFO 239));
- (c) to a journalist or parliamentarian **only if** the disclosure: (i) is in the Public Interest or the disclosure amounts to an Emergency Disclosure; and (ii) has been made to ASIC, APRA or a prescribed government / statutory body; and (iii) has been notified in writing to Viva Energy (no less than 90 days prior if the disclosure is in the Public Interest rather than being an Emergency Disclosure). *In accordance with ASIC RG 270, it is strongly recommended that before any person undertakes an Emergency Disclosure or a disclosure in the Public Interest, such person first obtain their own independent legal advice as inadvertent disclosure to a journalist, parliamentarian or anyone who is not a Protected Disclosure Officer may have serious ramifications for both the individual disclosure and Viva Energy.*

3.2 WILL DISCLOSURES BE INVESTIGATED?

The Executive General Manager – Legal and External Affairs (or a member of the Viva Energy legal team nominated by the Executive General Manager – Legal and External Affairs) will assess whether a disclosure falls

within the scope of this Policy.

Viva Energy will then consider whether it is appropriate and necessary to conduct an investigation of disclosures of Improper Conduct to which this Policy applies, and if so, will conduct an investigation as soon as possible after receipt of the disclosure. The investigation will be conducted in a timely, thorough, confidential, objective, fair and impartial manner, recognising the principles of natural justice, procedural fairness and best practice investigative techniques. Viva Energy's response to the disclosure may vary depending on the nature and content of the disclosure.

Where possible and appropriate, you will be provided with feedback regarding the investigation's outcome (subject to considerations of the privacy and confidentiality of those against whom allegations are made).

The General Manager – People & Culture, Executive General Manager – Legal and External Affairs or Head of Internal Audit (as applicable) will be responsible for determining the scope of, and resources applied to, each investigation and may appoint a person to assist in the investigation of a disclosure, subject to confidentiality requirements.

3.3 WHAT PROTECTION IS AVAILABLE?

Viva Energy is committed to confidentiality and fairness in all matters raised under this Policy.

(a) Protection against Detrimental Action

The protection of Eligible Persons who make disclosures under this Policy from Detrimental Action is of utmost importance. Viva Energy will ensure that such individuals will not be disadvantaged in their employment or dealings with Viva Energy.

Viva Energy prohibits all forms of Detrimental Action against an Eligible Person or any other person who is involved in the investigation of a disclosure to which this Policy applies (including those mentioned in a disclosure or who are the subject of a disclosure). Viva Energy will take all reasonable steps to protect you from Detrimental Action and such other measures as it considers appropriate in the event that you are found to be the subject of Detrimental Action. Such steps may include those measures set out in **Annexure C**.

Detrimental Action does not include administrative action that is reasonable to protect you from detriment. A discloser may seek independent legal advice or contact regulatory bodies, such as ASIC, APRA or the ATO, if they believe they have suffered detriment.

Any discloser who wishes to lodge a complaint that they have suffered detriment may do so by contacting any Protected Disclosure Officer or the Viva Energy Stopline. An investigation into this complaint shall be conducted as a separate matter by an officer who is not involved in the dealing with the disclosures or investigation the subject matter of the complaint. The investigation findings will be provided to the Executive General Manager – Legal and External Affairs, the Head of Internal Audit, or General Manager - People and Culture (as appropriate).

Where detrimental action has been found to have occurred to a discloser, the Executive General Manager – Legal and External Affairs, the Head of Internal Audit, or General Manager - People and Culture (as appropriate) shall arrange for an investigation of and shall address the detrimental conduct, such as by taking disciplinary action, or if deemed appropriate by Viva Energy, the discloser may be granted extended leave, other opportunities, or other remedies.

No person who is the subject matter of the complaint, disclosure or investigation shall be involved in the investigation of, reporting of or management of the complaint or disclosure or any determination of remedial or corrective measures with respect to the complaint or disclosure.

(b) Protection of your identity and confidentiality

All information provided in a disclosure will be treated confidentially. A person may not directly or indirectly disclose the identity of a discloser or disclose information that is likely to lead to the identification of the discloser. If you make a disclosure, your identity (or any information which would be likely to identify you) will only be disclosed to a third party if:

- (a) you give your consent for that information to be shared; or
- (b) the disclosure is to a lawyer for the purposes of legal advice including with respect to the whistleblower laws; or
- (c) the disclosure is allowed or required by law (for example, disclosure to a lawyer for the purpose of requesting legal advice relating to the operation of the whistleblower laws).

If it is reasonably necessary to share the information you disclose for the purposes of an investigation under this Policy, all reasonable steps will be taken to reduce the risk that you will be identified.

While Viva Energy encourages you to disclose your identity when making a disclosure (as it will make it easier for Viva Energy to investigate your disclosure) you may choose to remain anonymous (including while

making a disclosure, over the course of any investigation, and after the investigation is finalised). You may also choose to communicate using an anonymised email and/or adopt a pseudonym for the purposes of making a disclosure.

Confidentiality Measures as set out in **Annexure D** will be implemented to protect the identity and maintain confidentiality of disclosures by Eligible Persons made under this Policy.

(c) Protection of files and records

All files and records created from an investigation will be retained under strict control and unauthorised release of information to someone not involved in the investigation (other than senior managers or directors who need to know to take appropriate action, or for corporate governance purposes) without the Eligible Person's consent will be a breach of this Policy.

Eligible Persons are assured that a release of information in breach of this Policy will be regarded as a serious matter.

(d) Fairness

A Staff Member who is subjected to Detrimental Action as a result of making a disclosure under this Policy should inform a Protected Disclosure Officer in accordance with paragraph 3 of this Policy.

Viva Energy may take disciplinary action against an employee working in a Viva Energy team who makes a report that he or she knows is not true under this Policy.

(e) Compensation

An Eligible Person (or other person or employee) can seek compensation and other remedies from Viva Energy if that person is subjected to Detrimental Action by another person in connection with a disclosure and Viva Energy has failed to prevent such other person from engaging in that Detrimental Action. Viva Energy encourages disclosers to seek legal advice in this regard.

3.4 WHO RECEIVES INFORMATION RELATING TO DISCLOSURES & HOW DISCLOSURES WILL BE INVESTIGATED

All disclosures made under this Policy (not including the identity of the Eligible Person or information likely to lead to their identification) are reported to some or all of the following as appropriate: the General Manager – People and Culture, Executive General Manager – Legal and External Affairs or Head of Internal Audit. Serious or material disclosures will be considered for immediate referral to the chair of the Company's Audit and Risk Committee and Board and escalated further as required.

Upon receipt of a disclosure made to the Viva Energy Stopline or to a Protected Disclosure Officer, such disclosure shall be brought to the attention of some or all of the following as appropriate: the General Manager - People and Culture, Executive General Manager – Legal and External Affairs or Head of Internal Audit for assessment to determine whether:

- (a) it qualifies for protection under this Policy; and
- (b) a formal, in-depth investigation is required.

Viva Energy will use its best endeavours to conclude its assessment within 21 days of receipt of the disclosure. Timeframes will vary depending on the nature of the disclosure.

An investigation into a disclosure under this Policy is likely to require contacting the discloser for further information. If the discloser has not consented to be contacted or if their identity is not known this may impact on Viva Energy's ability to conduct its investigation and/or the findings of Viva Energy's investigation into the disclosure.

Furthermore, in certain circumstances, such as where ASIC, APRA or the Australian Federal Police are involved, investigations may lead to identification of the discloser to a Commonwealth, state or territory authority to help the authority in the performance of its functions or duties where it is reasonably necessary for investigating the issues raised in the disclosure.

Where the discloser has provided contact details, the discloser will be provided with regular updates as and when appropriate, if the discloser can be contacted (including through anonymous channels). The frequency and timeframe may vary depending on the nature of the disclosure.

Findings from investigations will be included in the reports compiled for the Audit and Risk Committee and the Board, in an anonymised manner.

The Board will be promptly informed of any material breaches of the Code of Conduct by a director or senior executive and any other material breaches of the Code of Conduct that call into question the culture of the Company.

Reports on the number and type of reported breaches of the Code of Conduct, together with the results of investigations conducted will be provided to:

- the Chief Executive Officer (or their delegate), the Executive General Manager – Legal and External Affairs, the Head of Internal Audit, and General Manager – People and Culture on a regular basis; and
- the Audit and Risk Committee at least every six months.

If the disclosure relates to a Staff Member of a company that is not fully owned by Viva Energy, a report will be made to the directors of that company.

These reports will, on a “no names basis”, provide a summary of disclosure and investigation reports, identify any patterns of conduct and make recommendations.

3.5 MAINTAINING FAIRNESS IN INVESTIGATIONS

The following measures and/or mechanisms for ensuring fair treatment of individuals mentioned in a disclosure (where applicable) shall apply in all investigations:

- 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;
- 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 prior to any actions being taken—for example, if the disclosure will be the subject of an investigation; and
- an employee who is the subject of a disclosure may contact Viva Energy’s support services:

AccessEAP Level 8, 75 Castlereagh Street, Sydney 2000 NSW Phone: 1800 81 87 28 / 02 8247 9191, www.accesseap.com.au.

3.6 TRAINING

Training on this Policy forms part of the induction process for all relevant Staff Members. This will include training for Staff Members in relation to their rights and obligations under this Policy, and training for officers and senior managers and the Protected Disclosure Officer who may receive whistleblower reports, including how to respond to such reports.

4. POLICY AMENDMENT, REVIEW AND PUBLICATION

This Policy cannot be amended without approval from the Board.

This Policy and related procedures will be reviewed from time to time to check if whistleblower reports were appropriately recorded, investigated and responded to and ensure that this Policy and related procedures remain effective and meet best practice standards and the needs of Viva Energy.

This Policy will be made available on the Viva Energy website.

ANNEXURE A – DEFINITIONS

Audit and Risk Committee means the Company's audit and risk committee.

Board means the board of directors of the Company or the board of directors of any of its subsidiaries.

Chief Executive Officer or CEO means the Chief Executive Officer of the Company.

Company means Viva Energy Group Limited.

Company Secretary means the Company Secretary of the Company.

Detrimental Action means any actual or threatened action, including dismissal, injury of an employee in his or her employment, alteration of an employee's position or duties to his or her disadvantage, demotion, harassment or intimidation, discrimination, harm or injury to a person (including psychological harm), damage to a person's property, reputation, business or financial position, disciplinary action, bias, threats or other unfavourable treatment or damage to a person, including but not limited to any civil liability (any legal action against the discloser for breach of an employment contract, duty of confidentiality or another contractual obligation), criminal liability (eg 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)) or any administrative liability (eg disciplinary action for making the disclosure) connected with making a disclosure of Improper Conduct.

Eligible Person means an individual who is, or has been, one of the following:

- (a) Staff Member;
- (b) consultant, supplier, service provider (or their employee or subcontractor);
- (c) an associate of Viva Energy;
- (d) a licensee (or its authorised representative or their employee); or
- (e) a broker; or
- (f) an auditor conducting an audit for the purpose of the *Corporations Act 2001* (Cth),

of, or working with, Viva Energy, or a relative or dependent of one of the above (or of their spouse).

Emergency Disclosure is the disclosure of information to a journalist or parliamentarian, where:

- (a) the discloser has previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation;
- (b) 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;
- (c) before making the emergency disclosure, the discloser has given written notice to Viva Energy that:
 - (i) includes sufficient information to identify the previous disclosure; and
 - (ii) 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.

Executive General Manager means a person occupying the position of Executive General Manager of a business unit within the Company.

Head of Internal Audit means the Company's Head of Internal Audit.

Improper Conduct has the meaning given to it in Article 2 of this Policy.

Personal Work-Related Grievance means a grievance about any matter in relation to the discloser's employment, or former employment, having implications for the discloser personally. However Personal Work-Related Grievance does not include any grievance which:

- (a) concerns Improper Conduct; or
- (b) concerns victimisation, or alleged victimisation, of the discloser due to the disclosure, or alleged disclosure, of Improper Conduct; or
- (c) is an Reportable Personal Work-Related Grievance; or
- (d) has any **other** significant implications for Viva Energy or any other entity that does not relate to the discloser.

Some examples of Personal Work-Related Grievance are grievances which are solely related to:

- (a) an interpersonal conflict between the discloser and another employee;

- (b) a decision that does not involve a breach of workplace laws;
- (c) a decision about the engagement, transfer or promotion of the discloser;
- (d) a decision about the terms and conditions of engagement of the discloser; or
- (e) a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

Policy means this policy.

Public Interest disclosure or a disclosure being in the 'Public Interest' is the disclosure of information to a journalist or a parliamentarian, where:

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

Protected Disclosure Officer means each of:

- (a) the Chief Executive Officer;
- (b) the Executive General Manager – Legal and External Affairs, currently Lachlan Pfeiffer who can be contacted by email (lachlan.pfeiffer@vivaenergy.com.au);
- (c) an Executive General Manager;
- (d) the General Manager – People and Culture;
- (e) the Company Secretary, Director or an officer of the Company;
- (f) Head of Internal Audit; or
- (g) such other person who is nominated by the Board from time to time.

Reportable Personal Work-Related Grievance means a personal work related grievance where:

- (a) it includes information about misconduct that would or could otherwise constitute Improper Conduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report);
- (b) Viva Energy 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 Eligible Person's personal circumstances; or
- (c) the Eligible Person suffers from or is threatened with detriment for making a disclosure.

Seconded means an individual who is seconded temporarily to Viva Energy but who is not employed by Viva Energy.

Staff Member means an officer, an employee, or a contractor or Seconded, to Viva Energy.

Viva Energy means the Company and its directly and indirectly controlled subsidiaries.

Annexure B

Protections under the Corporations Act

The *Corporations Act 2001* extends protections to whistleblower reports alleging misconduct, or an improper state of affairs or circumstances, in relation to Viva Energy where a discloser has reasonable grounds to suspect that Viva Energy or an officer or employee of Viva Energy has engaged in conduct that:

- a) constitutes an offence against, or a contravention of, a provision of any of the following;¹
 - 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 *Superannuation Industry (Supervision) Act 1993*;
 - an instrument made under an Act referred to above
- b) constitutes an offence against, or a contravention of, any other Commonwealth law that is punishable by imprisonment for a period of 12 months or more;
- c) represents a danger to the public or the financial system.

The Corporations Act does not extend protections to whistleblower reports concerning a personal work-related grievance, such as an interpersonal conflict between the discloser and another employee.²

An individual is an "eligible whistleblower"³ under the Corporations Act regime if the individual is, or has been:

- a) an officer of Viva Energy;
- b) an employee of Viva Energy;
- c) an individual who supplies services or goods to Viva Energy or an employee of a person who supplies goods or services to Viva Energy;
- d) an individual who is an associate of Viva Energy;
- e) a relative, dependent or dependent of the spouse of any individual referred to in (a) to (d) above.

To qualify for protection under the Corporations Act regime, the disclosure must be made to:

- a) a Protected Disclosure Officer of Viva Energy;
- b) an officer or senior manager of Viva Energy;
- c) Viva Energy's external auditor (or a member of that audit team) (The Group's current external auditor is PWC);
- d) an actuary of Viva Energy;
- e) the Australian Securities and Investments Commission (**ASIC**) or the Australian Prudential Regulation Authority (APRA);
- f) a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act.

There is no requirement for a discloser to identify himself or herself in order for a disclosure to qualify for protection under the Corporations Act regime.

If the above conditions are satisfied, the Corporations Act provides the following protections:

- a) the discloser is not subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure;
- b) no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the person on the basis of the disclosure;
- c) where the disclosure qualifies for protection by reason of;
 - being made to ASIC, APRA or the Australian Federal Police (AFP);⁴ or
 - is a public interest disclosure or emergency disclosure,⁵then the information disclosed will not be admissible in evidence against the discloser in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.⁶
- d) anyone who causes or threatens to cause detriment to a whistleblower or another person in the belief or suspicion that a report has been made, or may have been made, proposes to or could be made, may be guilty of an offence and may be liable for damages;
- e) a whistleblower's identity cannot be disclosed to a court or tribunal except where considered necessary;
- f) the person receiving the report commits an offence if they disclose the substance of the report or the whistleblower's identity, without the whistleblower's consent, to anyone except ASIC, APRA, the AFP or a lawyer for the purpose of obtaining legal advice or representation in relation to the report.

¹ See *Corporations Act* section 1317AA(5)(c)

² See *Corporations Act* section 1317AADA(1)

³ See *Corporations Act* section 1317AAA

⁴ See *Corporations Act* section 1317AA(1)

⁵ See *Corporations Act* section 1317AAD

⁶ This does not preclude a discloser from being subject to any civil, criminal or administrative liability for conduct of the person that is revealed by the disclosure.

ANNEXURE C

Measures to Prevent Detrimental Action

The following measures and mechanisms for protecting disclosers from detrimental acts or omissions (where applicable) shall apply. The relevant Protected Disclosure Officers (excluding any who may be subject of the disclosure) shall:

- a) assess the risk of detriment against a discloser and other persons (e.g. other staff who might be suspected to have made a disclosure) as soon as possible after receiving a disclosure;
- b) identify and implement (without delay) appropriate strategies (and modification of such strategies as appropriate as the investigation progresses) to help the discloser:
 - i. minimise and manage stress, time or performance impacts or other challenges resulting from the disclosure or investigation;
 - ii. minimise detriment against a discloser and other persons;

For example, the discloser could be allowed to perform their duties from another location, reassign the discloser to another role at the same level, or other modifications to the discloser's workplace or the way they perform their work duties could be made if deemed appropriate and necessary;

- c) inform the discloser of its available support services. Currently being: AccessEAP Level 8, 75 Castlereagh Street, Sydney 2000 NSW Phone: 1800 81 87 28 / 02 8247 9191, www.accessseap.com.au; and
- d) inform relevant management so that they aware of their responsibilities to maintain the confidentiality of a disclosure, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a discloser.

Relevant management who do not undertake their responsibilities to maintain the confidentiality of a disclosure, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a discloser may be subject upon investigation to mandatory further training and/or disciplinary action.

ANNEXURE D

Confidentiality Measures

Confidentiality Measures as set out below will be implemented to protect the identity and maintain confidentiality of disclosures by Eligible Persons made under this Policy.

Measures and/or mechanisms for protecting the confidentiality of a discloser's identity

The following measures and/or mechanisms for protecting the confidentiality of a discloser's identity (where applicable) shall be implemented to reduce the risk that the discloser will be identified from the information contained in a disclosure:

- (a) all personal information or reference to the discloser witnessing an event will be redacted;
- (b) the discloser will be referred to in a gender-neutral context;
- (c) where possible, the discloser will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them; and
- (d) disclosures will be handled and investigated by qualified staff being the relevant Protected Disclosure Officers and their expressly nominated Staff assisting with the investigation or provision of legal advice.

Secure record-keeping and information-sharing processes:

- (a) all paper and electronic documents and other materials relating to disclosures will be stored securely;
- (b) access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- (c) only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser;
- (d) communications and documents relating to the investigation of a disclosure will not to be sent to an email address or to a printer that can be accessed by other staff; and
- (e) each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence.