

# ADDENDUM TO OUR SPEAK UP POLICY: AUSTRALIAN WHISTLEBLOWERS



Sandfire

## 1 Purpose

This Addendum supplements Sandfire's Speak Up Policy and provides additional information required by Australian whistleblower protection laws, namely the Australian Corporations Act 2001 (Cth) and Taxation Administration Act 1953 (Cth). These laws provide protections for individuals, referred to in this Addendum as **Eligible Whistleblowers**, who make an **Eligible Report** to an **Eligible Recipient**. Each of these terms are explained below.

## 2 Who is an Eligible Whistleblower?

An Eligible Whistleblower is a person or entity who is a:

- current or former employee, director, officer or associate of Sandfire;
- current or former supplier of goods or services to Sandfire (including employees of suppliers);
- current or former volunteer or work experience student;
- dependent or relative of any of the above.

## 3 What is an Eligible Report?

To be an Eligible Report, the report must meet all the following criteria:

- There must be a connection to Australia. This could be because the report relates to something that happened in Australia or because the Eligible Whistleblower is in Australia.
- The report must be based on a reasonable suspicion of illegal, unethical, or improper conduct relating to a Sandfire entity, officer or employee.
  - "Reasonable suspicion" means that the Eligible Whistleblower must have a reasonable basis to suspect that the information they are reporting is true. A person will not be penalised if the report turns out to be incorrect however a person who knowingly makes a false report will not be protected and may face disciplinary action.
  - Examples of illegal, unethical, or improper conduct include (but are not limited to) fraud, criminal offences, bribery, theft, breach of duty, breach of a legal obligation, retaliation against someone who has made a whistleblower report, concealment of these sorts of conduct.
  - The report must not be about a personal work grievance. However, a report about a personal work grievance may qualify for protection if it is about retaliation for making a whistleblower report or includes information about illegal, unethical, or improper conduct.
    - Examples of personal work grievances that of themselves will not qualify for protection include interpersonal conflict, disciplinary matters or decisions about promotion or transfer.
    - Sandfire encourages reports relating to personal work grievances to be raised through leadership, with your People team or through our EthicsLine service.

## 4 Who is an Eligible Recipient?

### 4.1 EthicsLine

Sandfire encourages all Eligible Reports to be made via our EthicsLine. Please refer to our Speak Up Policy.

## 4.2 Internal to Sandfire

Eligible Reports can be made directly to Sandfire's internal Eligible Recipients:

- Sandfire's Asset Presidents.
- A member of Sandfire's Executive Leadership Team.
- A member of Sandfire's Board of Directors.
- A member of Sandfire's Senior Leadership Team designated by the title "Head Of".
- The Whistleblower Protection Officer<sup>1</sup>.
- The Business Conduct Officer<sup>2</sup>.

Training will be provided to all of Sandfire's internal Eligible Recipients so they know what to do if they receive an Eligible Report.

## 4.3 External to Sandfire

Eligible Reports can be made to the following Eligible Recipients who are external to Sandfire:

### **Sandfire's internal or external auditor**

- Sandfire's external auditor is Deloitte

### **Sandfire's registered tax agent or BAS agent**

- If the Eligible Report relates to Sandfire's tax affairs it can be reported to Sandfire's tax agent MKT Taxation Advisors.

### **Regulators**

Eligible Reports can be made to the following regulators:

- The Australian Securities and Investment Commission (ASIC).
- The Australian Prudential Regulation Authority (APRA).
- The Commissioner of Taxation (if the Eligible Report relates to Sandfire's tax affairs).

### **Member of Parliament or a journalist**

An Eligible Report can be made to a member of Parliament or a journalist where the Eligible Report is in the public interest or relates to an emergency.

Australia's Whistleblower laws sets out specific requirements that must be met before an Eligible Whistleblower will be protected in making a public interest or emergency disclosure and Sandfire recommends that anyone who is considering making a public interest or emergency disclosure should seek their own independent legal advice about doing so. Disclosures to a lawyer to obtain legal advice about protections available under Australian whistleblower laws are protected.

## 5 Protection and Support

### 5.1 Identity protection (confidentiality)

It is illegal for anyone to disclose the identity of an Eligible Whistleblower or any information that is likely to lead to an Eligible Whistleblower being identified, unless:

- The Eligible Whistleblower consents.
- It is not possible to investigate the Eligible Report without disclosing information that might identify the Eligible Whistleblower (but all reasonable steps must be taken to protect their identity).
- It is necessary to obtain legal advice about the Eligible Report or the whistleblower protections.

Sandfire needs to disclose the information to the Australian Federal Police, ASIC, APRA or if the Eligible Report relates to a tax matter, the Australian Taxation Office.

<sup>1</sup>The role of Whistleblower Protection Officer at Sandfire is held by the Chief People Officer.

<sup>2</sup>The role of Business Conduct Officer at Sandfire is held by the Head of Legal & Compliance.

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Sandfire has processes and procedures in place to protect identity confidentiality including secure record keeping and strict information sharing processes.

An Eligible Whistleblower who is concerned that their identity protection has been compromised is encouraged to immediately report this to one of the Eligible Recipients set out in section 2.2 of this Addendum.

## 5.2 Protection from retaliation

Retaliation against an Eligible Whistleblower is illegal and Sandfire will not tolerate any form of actual or threatened retaliation against someone based on a belief that person has made or may make an Eligible Report. An Eligible Whistleblower who experiences retaliation may be entitled to claim compensation and other remedies.

Conduct that constitutes retaliation may include dismissal, demotion or termination of employment, threats, bullying or intimidation, discrimination, injury or harm. Conduct that will not constitute retaliation includes reasonable administrative action taken for the purpose of protecting an Eligible Whistleblower and managing unsatisfactory work performance.

An Eligible Whistleblower who experiences retaliation is encouraged to immediately report this to one of the Eligible Recipients set out in section 2.2 of this Addendum.

## 5.3 Protection from liability

Under the Australian Whistleblower laws an Eligible Whistleblower may also be entitled to additional legal protections such as protection from legal action and protection from damages for making a report. Sandfire recommends that independent legal advice is sought by an Eligible Whistleblower wishing to understand what additional legal protections may be available to them. Disclosures to a lawyer to obtain legal advice about protections available under Australian whistleblower laws are protected.

The additional protections will not provide immunity for any misconduct engaged in by an Eligible Whistleblower that is revealed in their Eligible Disclosure.

## 5.4 Support

Sandfire's Speak Up Policy outlines how Sandfire protects and supports those who raise a business conduct concern.

Where possible and necessary, Sandfire's Whistleblower Protection Officer will assess whether additional support should be provided to an Eligible Whistleblower.

For Sandfire employees, and their relatives, the Employee Assistance Program also provides free, confidential support.

An Eligible Whistleblower who would like more information about how to make an Eligible Report is encouraged to contact Sandfire's Business Conduct Officer, and may also choose to seek independent legal advice.

## 6 Investigation of Eligible Reports

Sandfire will handle investigation of Eligible Reports as set out in the table below and in accordance with Sandfire's *Incident Notification and Investigation Group Standard*. At all stages the identity of the Eligible Whistleblower will be protected as required, unless they have consented otherwise.

It may not be possible to investigate if the Eligible Whistleblower chooses to remain anonymous and cannot be contacted.

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<b>Step 1</b>	<p>The Eligible Recipient will provide the information to the Business Conduct Officer as soon as practicable.</p>
<b>Step 2</b>	<p>The Business Conduct Officer will determine whether the report is an Eligible Report and therefore covered by this Addendum and whether a formal investigation is required.</p> <p>If an investigation is required, the Business Conduct Officer will determine whether the investigation should be conducted internally or externally and will appoint an investigator with no personal interest in the matter.</p> <p>The Business Conduct Officer may consider an external investigator is appropriate to ensure fairness and independence or because specialist skills or expertise are required.</p>
<b>Step 3</b>	<p>The investigator will conduct the investigation in a timely, objective and fair manner. Records and documents relating to the investigation will be securely retained.</p> <p>Most investigations will involve the collection of information including documents and interviews with relevant people. Provided there are no restrictions on doing so, any employee who is mentioned in the Eligible Report will be given an opportunity to respond to any allegations against them.</p> <p>If the Eligible Whistleblower can be contacted (including through anonymous channels), and subject to any legal, confidentiality or commercial restrictions, the Business Conduct Officer will provide the Eligible Whistleblower with regular updates on the status of the investigation.</p>
<b>Step 4</b>	<p>The outcome of the investigation will be reported to Sandfire's Board and if appropriate it will be shared with the Eligible Whistleblower and any persons affected by the outcome.</p> <p>There may be circumstances where it is not appropriate to provide details of the outcome to the Eligible Whistleblower.</p>

### 7 Availability of this Addendum

All Sandfire employees receive regular training and communication on the **Speak Up Policy**, which is available on Sandfire's website.